I DON’T OFTEN QUOTE Bob Dylan in a professional setting, but it’s time to “start swimmin’ or you'll sink like a stone, for the times they are a-changin’.”

As your professional organization, our goal at LLAGNY is to help you navigate the terrain ahead. Fundamental changes in the economy, politics, and technology present new challenges and new opportunities for us all. Our education, student relations, government relations, and pro bono committees are leading the way and racing ahead of the curve for us all. Meanwhile our other committees continue to maintain the fundamental strengths contributing to the operation of our organization.

The changing economy has made it more difficult for many firms to generate business and has already resulted in some “right sizing,” and has put a premium on competitive strategy. At the same time, the most recent pass rate on the New York Bar was 91%. The changing economy also has had some effect on the finances of the academic community, i.e., endowments, etc. Likewise, state and federal court budgets are also affected, as are the finances of our vendors.

Political changes in Washington will likely result in significant changes affecting the legal landscape. New agency administration will likely lead to new regulation and judicial appointments might well change the way law is interpreted.

President’s Message continued on p.2
President’s Message continued from p.1

The technological challenges ahead are not new, but they always present a new challenge and require constant vigilance. Technological advances are more appealing as the economy is in decline. Digitization makes more sense when budgets are being reduced and physical space is reallocated. Accordingly, we need to be on top of issues such as licensing, preservation, authentication, and copyright compliance. We also need to use our influence to shape policy, either by ourselves, or in conjunction with other groups such as our parent organization AALL.

An aggressive and well-reasoned approach by LLAGNY will propel our community through the times ahead.

On a lighter note, the Fall Soiree was pretty cool and awesome. In fact, some people fitting that description were said to be in attendance, and you can’t beat the cost for admission — free. Going forward, we are cognizant that the cost of these events is a factor in our members’ decision-making process on whether to attend, so we will do all that we can to be the cost of the Winter and Spring meetings as reasonable as possible without sacrificing the quality of our events.

At the same time, we are also working to be most cost-effective and productive in our committees which keep the lights on and the engine running, the unsung heroes in volunteers, corporate support, advertising, membership, union list, placement and archives. And of course, where would we be without Law Lines.

I am looking forward to some great education programs, parties, and Bridge The Gap. It’s all a lot of fun. If you are not already involved in LLAGNY, get involved. We’ll all be better for it.

Have a great winter season and new year.

Jeff
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University of Denver Law Librarian Fellowship Program

The University of Denver Library and Information Science Program is proud to announce a new specialization in law librarianship. Beginning Fall Quarter 2009, LIS will be adding a rotation of courses specifically created to educate law librarians. Students completing the program will earn a Master’s of Library and Information Science (MLIS) degree with a law specialization.

In conjunction with the new curriculum, LIS is launching the University of Denver Law Librarian Fellowship Program. Thanks in part to a grant from the Institute of Museum and Library Services, LIS is offering up to ten full-tuition fellowships for study beginning September 7, 2009. Fellows must be full-time students and are expected to complete the program within the two-year fellowship window.

In addition to coursework, Fellows will gain valuable practical experience through a partnership with the Westminster Law Library. During their first year (Fall Quarter 2009, Winter Quarter 2009, & Spring Quarter 2010) Fellows will spend six hours per week at Westminster working with the library’s librarians and staff. During their second year (Summer Quarter 2010, Fall Quarter 2010, Winter Quarter 2010, and Spring Quarter 2011) Fellows will spend twelve hours per week at the library.

Located near the heart of Denver, the LIS program is designed for the working professional. Classes are offered once a week, with sessions generally from 4 p.m. to 6:25 p.m. and 7 p.m. to 9:25 p.m. Students in the LIS program come from a variety of backgrounds and bring with them a host of professional and personal experiences.

To apply, students must complete an online application to the Morgridge College of Education, Supplemental LIS Admissions Materials, and the Law Librarian Fellowship Application. Application information is available on the College of Education website at: http://www.du.edu/education/calls/admission.html.

The application deadline is December 1, 2008.

For more information, please contact Chris Hudson, Project Coordinator, Law Librarian Fellowship Program, University of Denver Morgridge College of Education Library and Information Science Program, JMAC Building, 2450 S. Vine St., Denver, CO 80208. (303) 871-6683. Chris.Hudson@du.edu
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Bill Jackets Revisited
William H. Manz, St. John’s Law Library

The recent addition of governors’ bill jackets from 2002–06 in pdf format to the New York State Library’s free online digital collections inevitably raises the question of its impact on the role of the New York Legislative Service. Founded during the 1930s, NYLS, is a longtime provider of both New York State and New York City bill jackets. It holds the complete microform collection of state bill jackets, and provides them at a discount to members, while the cost to non-subscribers is $100 per chapter, plus a $35 daily access fee and copying charges of 60 cents per page.

As is well known, bill jackets contain the most-cited sources of New York State legislative history: memoranda, and correspondence from state officials and constituents. Westlaw had previously provided access to bill jacket memoranda in its NY-LEGIS and NY-LEGIS-OLD databases as part of the online version of McKinney’s Session Laws. Since late 2004, they have also been provided in two other Westlaw databases, NY-LH and NY-LH-REP. The most recently added Westlaw database, NY-LH-BILLJACKET, which provides entire comments of the jackets, currently covers the 219th Legislature (1996) through the 229th Legislature (2006). The LexisNexis NYLH file’s comprehensive coverage of memoranda starts with the 2005 Legislative Session, but there is also limited material from the 2003 Legislative Session.

Legislative memoranda are also available online through the Bill Drafting Commission’s subscription service, the Legislative Retrieval System, and at the Commission’s public Web site (current legislature only).

The choice of a source for obtaining bill jacket materials should be guided by the depth of the research required. Those needing more than the basics should be aware that the bill jackets provided by the Legislative Service often contain many items not found in the official bill jackets provided by the State Library or Westlaw. For example the jacket for Chapter 1 of 2006, requiring the registration of sex offenders, available on Westlaw or at the State Library Web site contains only a copy of the sponsor’s memo and a copy of the bill. The version provided by the NYLS also contains a legislative chronology, voting records, the governor’s press release announcing the bill signing, several press releases from Assembly Speaker Sheldon Silver relating to the bill, a press release from the minority leader, and two articles from the New York Times.

In addition to providing additional useful material, the NYLS bill jacket also performs a valuable service in noting the availability of reports, hearings and debate transcripts. Researching their
availability is almost always a major waste of time and effort because although legislative debates are officially recorded, a study by the Brennan Center for Justice at N.Y.U. Law School indicates that between 1997 and 2001, there was no “debate” in the usually recognized sense of the term on 95.5% of major Assembly bills and 95.1% of major Senate bills.1 (If a debate transcript exists it may be obtained for a fee from the Legislative Service or from the Senate Office of Microfilm and Records and the Assembly Office of Public Information.)

As for reports and hearings, according the Brennan Center for Justice at N.Y.U. Law School, the Senate produced no reports on 152 major pieces of legislation between 1997 and 2001, while the Assembly produced only two on the 181 bills for which the researchers had complete data.2 Similarly, the legislature holds hearings, but does so only rarely with regard to specific legislation. Hence, the Brennan Center reports that between 1997 and 2001 both the Senate and Assembly held only one hearing each on major bills.3

For the a legislative history of older New York enactments, the Legislative Service is the obvious choice, but they should also be contacted by those researching recent laws, and who want more than the basic legislative material found in bill jackets available online.

1  Id. at 23.
3  Id.
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“So we keep subscribing to additional BNA services as the years go by. We started with four or five, and as the office has grown into more practice areas—well, I can’t even name all the BNA services we have at this point!”
LLAGNY would like to welcome the following new or returning members:

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<thead>
<tr>
<th>Member Name</th>
<th>Firm</th>
<th>Title</th>
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<tr>
<td>Joanne Camejo</td>
<td>Loeb &amp; Loeb, LLP</td>
<td>Head Librarian</td>
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<tr>
<td>Catherine Desmarattes</td>
<td>McDermott Will &amp; Emery, LLP</td>
<td>Library Assistant</td>
</tr>
<tr>
<td>Sharon Hinds</td>
<td>Seyfarth Shaw, LLP</td>
<td>Assistant Librarian</td>
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<tr>
<td>Cynthia Hiris</td>
<td>Cleary, Gottlieb, Steen &amp; Hamilton, LLP</td>
<td>Information Specialist – Tax</td>
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<td>Mary Hunter</td>
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<td>Student</td>
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<td>Thomas Keating</td>
<td>Cravath, Swaine &amp; Moore, LLP</td>
<td>News Information Specialist</td>
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<td>Nancy Macomber</td>
<td>CUNY Law School Library</td>
<td>Head of Technical Services</td>
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<td>Ann Sherman</td>
<td>Fried, Frank, Harris, Shriver &amp; Jacobson, LLP</td>
<td>Information Specialist</td>
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<td>Abigail Tilden</td>
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<td>Tom Wesley</td>
<td>Shearman &amp; Sterling, LLP</td>
<td>Electronic Services Librarian</td>
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<td>Alanna White</td>
<td>Crowell &amp; Moring</td>
<td>Assistant Director, Research Services</td>
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Member News: Professional Activities
Posted October 08, 2008  By Sarah Mauldin

Eric M. Kaufman, head of research services for Stroock & Stroock & Lavan, LLP in New York City, was unanimously elected to the Board of Directors of New York Legislative Service (NYLS) on October 7, 2008. NYLS is a not-for-profit corporation that provides reports, research, and publications on New York State and New York City legislative and regulatory activity and is the only source for "complete legislative histories."
LLAGNY Fall Soiree & New Members Reception
Thursday, October 23rd, 2008, 6-9 p.m.
Tribeca Grand Hotel
Photos taken by Anthony Burgalassi, Katten Muchin Rosenman

Caren Rabinowitz & Sarah Tinkler, Katten Muchin Rosenman
Natasha Grant (New Member), Reed Smith
Emily Moog (New Member), Carter, Ledyard

John Fitzgerald & Paulette Toth, Kirkland & Ellis

Nancy Macomber, CUNY Law School
Errol Adams (New Member) NYC Civil Court

Melissa Bradley, Dialog (Sponsor of Fall Soiree event)
Isaac Kim (New member), Columbia U.
Sadys Espitia, Curtis, Mallet-Prevost, Colt & Mosle

Many thanks to Anthony for years of excellent Law Lines photographs!
Anna Blaine (New member), NY Law School

Anthony Burgalassi, Katten Muchin Rosenman
Anna Blaine (New member), NY Law School

Wayne Mareci (New member), Pratt Institute
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Introduction and Comments by David Badertscher, Principal Law Librarian, Criminal Law Library of New York City

On Thursday November 6, 2008, the Law Library Association of Greater New York (LLAGNY) presented in conjunction with the Electronic Legal Information Access and Citation Committee of the American Association of Law Libraries (AALL) a program at the New York County Lawyers Association in New York City regarding how findings of the 2007 authentication report published by AALL and its ELIAC Committee can be adopted in the State of New York.

The program consisted of a panel of representatives of AALL, its Electronic Legal Information Access and Citation (ELIAC), and two agencies of New York state government, the New York State Reporting Bureau and the Office of General Counsel of the New York State Department of State, discussing the AALL Authentication Report, published in 2007 and approaches, strategies, and challenges to adopting its findings to authenticating and otherwise validating in accordance with accepted standards for New York State primary source legal information published on the Web.

Mary Alice Baish, of course, is a superb presenter and knows the topic better than practically anyone else. What especially stands out, for me at least, is the interplay between secure authentication and electronic preservation (E-Life Cycle Management). A central flaw in the present trend, second only to the failure to clearly designate what is “official” and what is not, is the failure to secure primary source documents against bit degradation or obsolescence which can make previous versions unreadable to future generations. In a sense, the trend toward “official” on-line resources is a cop-out on the part of many states. People are comfortable getting the electronic version; so we substitute comfort and popularity for putting out the verifiable thing. Online resources are also cheaper in production as opposed to print. So, again, we cop out to present the appearance of better budgets — even though the result is shoddy workmanship.

Anita Postyn did a fine job from the local New York perspective. She brings it home, effectively making it clear that the local jurisdiction has an obligation (like its forty-nine sister states) to face the problem.

James Leary was very impressive in that he acknowledged the problem with regard to such resources as the NYCRR. Indeed, he acknowledged it with laudable candor: they have two typists to keep a huge complicated resource up to
date. It is a hard enough task in print. Placing trust in uncertain electronic resources makes it worse. At least from the Pollack summary, I was a little puzzled by Gary Spivey’s presentation. He did not appear to address the topic as it applies to your official reports. The emphasis seemed to be more simply on what his office does to produce electronic as well as print versions, but not what (if any) safeguards it envisions to ensure long-term validity of these official texts. Perhaps this reaction is unfair because, after all, one is reading a summary; but that was the impression I got.

**Summary by Ted Pollack, Senior Law Librarian, New York County Public Access Library**

On Thursday, November 6, 2008, at the historic New York County Lawyers’ Association Building in Manhattan, The Law Library Association of Greater New York (LLAGNY) and the Electronic Legal Information Access and Citation Committee of AALL (ELIAC) presented a program entitled: “Authentic Legal Information In the Digital Age: Is Online Legal Information Trustworthy?” The program was moderated by Mr. David Badertscher the Principal Law Librarian of New York Supreme Court, First Judicial District, Criminal Term Law Library. The guest speakers included Ms. Mary Alice Baish who serves as the acting Washington Affairs Representative of the American Association of Law Libraries, Ms. Anita Postyn who serves as a law librarian of the New York City Civil Court and participated in the AALL State-by-State Survey and Report on Authentication of Online Legal Resources, Mr. James Leary who serves as an attorney with the New York State Department of State, Office of Legal Counsel, and Mr. Gary Spivey who serves as the New York State Reporter.

Ms. Baish articulated AALL’s vision and core values regarding authentication of online legal materials. These include ensuring equitable and permanent public access to authentic legal information and that government information intrinsically is a valuable public good created at taxpayer expense that should be trustworthy, reliable, permanently preserved, and accessible as well as being “official” through designation by statute or rule. She discussed the AALL 2006 State Authentication Survey and the key findings of the report. She noted the trend that states are discontinuing print official resources and substituting online official sources. Examples of this include the fact that five states give official status to their online legal resources, but none are authenticated thereby undermining the trustworthiness of the resources. Moreover ten states and the District of Columbia designated as official one or more of their online primary legal resources. Furthermore, she commented that eight states present resources that have indicia of being official (i.e., “official traits”), but there is conflicting evidence as to the actual status of the resource. Lastly, Ms. Baish voiced some of AALL’s major recommendations. These include a clear statement of the official status and source of authority be given, use of the term “official” should be used carefully to avoid confusion, and that titles for print and online resources should be used consistently.

Mr. Leary spoke on behalf of New York State’s Department of State which is
charged with oversight of the Official Compilation of Codes, Rules, and Regulations. He spoke about some of the practical issues involved in governmental publication and oversight of such a massive resource (approximately 56,000 pages). These include contractual issues and updating of new regulations by a small staff of only two typists. Significantly, he mentioned the real world confusion created by a publication which has “official” in its title and where the official version is print as compared to its online version which is not official but similarly has the word official in its title. Thus, the complete unofficial, Official Compilation of Codes, Rules, and Regulations of the State of New York is now available online at: http://www.dos.state.ny.us/info/nycrr.htm. Ms. Postyn’s comments supported this real world view and were derived from her observations of the problematic and poor nature of states’ authentication of online legal resources when she assisted in the AALL’s State-by-State Survey and Report on Authentication of Online Legal Resources. Yet, Mr. Leary expressed admiration for the goals and values as set forth by Ms. Baish and expressed his hope that in the future the New York State Department of State would achieve them.

Mr. Spivey spoke on behalf of the New York Law Reporting Bureau. The Law Reporting Bureau is the New York State agency responsible for publishing the decisions of the New York courts in the Official Reports. He is a public servant whose primary responsibility is to oversee the publication of New York State official opinions and judgments of appellate and other courts. He noted the process in which the court’s submitted version must go through a rigorous review process that ultimately ends in certification prior to publication in either print or electronic format. The New York Law Reporting Bureau posts cases on its website at: http://www.courts.state.ny.us/reporter. The Internet site provides access to the New York Official Reports Service with text of all decisions published or abstracted in the Official Reports from January 1, 1995 through the latest Advance Sheet. Additionally, the Official Reports Service Archive provides the text of landmark and other notable decisions published in the Official Reports prior to January 1, 1995. Furthermore, the New York Slip Opinion Service provides access to recently released decisions prior to publication in the Official Reports, together with an electronic citation for each decision. Opinions selected for online publication only are also available. There is no charge for this service.

The panel discussion received very favorable feedback from the attending group which numbered approximately fifty information professionals. The presentation was coordinated by LLAGNY’s Education Committee which is co-chaired by Ms. Debbie Melnick, Principal Law Librarian of the New York City Civil Court Law Library and Ms. Margaret Beirne, Principal Law Librarian of the New York Supreme Court in the Bronx, working with the AALL Electronic Legal Information Access and Citation Committee and the AALL Washington Affairs Office. We would like to express our gratitude for their work and to LLAGNY in bringing this panel discussion to fruition.
Minutes of the LLAGNY Board Meeting
June 10, 2008
Mayer Brown LLP

In attendance:
Andrew Tschinkel, Jeff Cohan, Sarah Dowson, Tom Eikenbrod, Elaine Egan, Bill Mills, Kathryn McRae, Marsha Pront, Jill Gray, Pauline Webster, Karen Provost, Jeff Buckley, David Dames, Nuchine Nobari (via telephone,)
Lyonette Louis-Jacques (AALL Board Member guest).

The meeting convened at approximately 5:40 pm

1. Approval of Minutes.
Motion to approve the minutes of the May 14 meeting: (Pront)
Second: Eikenbrod.
Approved

2. President's Report
The president welcomed Lyonette Louis-Jacques, Foreign and International Law Librarian and Lecturer in Law at the University of Chicago’s D’Angelo Law Library, our distinguished AALL Board Member guest.

3. Treasurer's Report
In a brief summary of the fiscal year, the Association is breaking even. All expenses for the June Dinner have been paid, except for approximately $2,000. We received additional sponsorship support in the amount of $5,000. All sponsorship pledges for the Bridge the Gap program have been received.

4. Committee Reports
Copies of all committees’ annual reports were distributed. The president observed that he will be synthesizing these reports and submitting them for publication in Law Lines.

Membership: This committee is preparing a proposal involving the MemberClicks software solution. This will be submitted to next year’s Board. (Pront)

5. Unfinished Business
The president reported that the Special Events Committee had received 262 paid RSVP’s for the June dinner. (Ultimately, a total of 266 RSVP’s were received.) While this was a respectable response, it was somewhat lower than in recent previous years. There followed some discussion of the possible reasons for the decline in RSVP response.
Reasons advanced included the slowing of the overall economy, the higher amount charged in comparison to last year ($75 for 2008 versus $60 for 2007), the fact that this was the third consecutive time that the event was being held at the Rainbow Room, and the complete reliance on email for publicity with the elimination of a snail-mail notice. Despite this slight decline, the June Dinner remains a popular event that is not unduly costly to the Association.

Motion to reimburse treasurer Nuchine Nobari for postage and Kinko stationery in the sum of $109.20 (Pront).
Second: (Egan)
Approved

Motion to contribute $250 to the George Strait Minority Scholarship Endowment in memorial tribute to Professor Roy Mersky (Eikenbrod).
Second: (Egan)
Approved

A representative copy in paper of the “Print Version’s Weblog” was distributed. The electronic form of this communication is being sent out through an ISP retained by the Print Version. Jeff Cohan commented that, since the Print Version is a LLAGNY-sponsored activity, this communication was outside of the Association’s policy that all electronic communications go through AALLNET. However, it was pointed out that in recent times AALLNET has not had a strong record of flexibility in handling the dissemination of electronic communications. AALL’s incoming president, James Dugan, has announced that the improvement of AALLNET will be a key objective of his administration. Further discussion of the Print Version’s Weblog was tabled until next year.

6. New Business

There was no new business.

The meeting adjourned at approximately 7:00. It was followed by a festive dinner at Patsy’s Restaurant, celebrating the Board’s accomplishments and welcoming new Board members.

Respectfully submitted:
Bill Mills, Board Member
2. Treasurer's Report
We are still awaiting last year's annual report. Year end financial summary page provided by Nuchine Nobari read into record. Year end Financial summary of special events provided by Nuchine Nobari read in to record.

Nuchine transferred knowledge as to how to operate QuickBooks, and transferred custody of banking accounts, check books, and hard copy financial records.

3. Committee Reports
Discussed as available:

Education – Planning first program in conjunction with AALL on the topic of e-document authenticity

Government Relations – New York bill jackets to be posted on the internet

Law Lines – Committee chair Bill Manz bemoans lack of submissions. Karen Provost suggested, and the board agreed, that librarian spotlight feature should be restored to newsletter if possible.

Membership – developing proposal to implement member clicks software on LLAGNY website.

Nominations – Robert Genovese withdrew his name from consideration. Jeff Cohan will accept names for submission to the board.

Outreach – Andrew Tschinkel suggested Pratt as an alternative to the New York City Bar as a venue for the event and reminded the board of the preferred policy of selecting a co-chair from the host institution. Taken under advisement.

Pro Bono – Have taken President's suggestion for research activity related to probation and application of CPL 410.90 under advisement.

Special Events – discussed further in New Business

Student Relations – working with technology to create a student internship page similar to our placement page, to be administered by Committee Co-Chair Sonal Pandya.

Union List – request status of accounts payable.

4. Motions
Motion to reimburse Nuchine Nobari for transportation to New York for purposes of orienting Pauline Webster and Jeff Cohan to Quickbooks accounting procedure and to related concerns, $216.95, as per Bill Mills. Approved

Motion to reimburse Sarah Dowson for LLAGNY expenses related to mailing items to AALL convention, $72.48, as per Bill Mills. Approved.

5. New Business
Board Discussion re Special Events: Chair Tom Eikenbrod directed to pursue Harbor Lights and Soho Grand as venues for Fall Soiree. Expected cost for event should be about $6000 less than last year. Submit any contract and flyer to board for approval; only President may sign contract; check with Sarah Kagen
regarding conflicts of date; Chair Tom Eikenbrod directed to pursue Tavern on Green for Winter Event. No data concerning expected cost, but we were there last year; submit any contract and flyer to board for approval; only President may sign contract; check with Sarah Kagen regarding conflicts of date; Chair Tom Eikenbrod directed to pursue venues other than Rainbow Room for the June event.

Future Meetings of the Board
The board shall have at least four more meetings this term, either by phone conference or at Fitzpatrick, Cella, Harper & Scinto.

Leadership Training
Leadership training is to be held September 4, 2008, and directed by Immediate Past President, Andrew Tschinkel.

6. Unfinished Business
Discussion of Print Version electronic communications policy

Respectfully submitted,
Jeff Cohan, LLAGNY President

LLAGNY Board votes taken via email
September & October 2008

Friday, October 24, 2008
Vote regarding the flyer for Education Committee program on November 6th.

I move that the board approve the LLAGNY Education Committee flyer for the program on Authentic Legal Information in the Digital Age. (Gray) Second (McRae)
- Approved

Wednesday, October 22, 2008
Vote regarding expenses for the Education Committee program on November 6th.

Motion to approve travel expenses for Mr. Leary and lunch expenses for the five speakers (of the Education Committee program on November 6th). The cost between $200 and $250. (Mills)
Second (Buckley)
- Approved

Monday, October 20, 2008
Vote regarding the letter submitted by the Corporate Sponsorship Committee

Motion to approve the letter from the Corporate Sponsorship committee. (Dames)
Second (Gray)
- Approved

Thursday, October 9, 2008
Vote regarding the letter submitted by the Corporate Sponsorship Committee

I move that the board approve the 2008 letter to Corporate Sponsors. (Gray) Second (McRae)
- Approved

Monday, October 6, 2008
Vote regarding the flyer for Education Committee program on October 14th.
I move that we approve the program and the flyer in the attached email (regarding the flyer for Education Committee program on October 14). (Buckley) Second (Dames)

- Approved

**Monday, September 29, 2008**

Vote regarding the flyer for the Fall Soiree.

Motion to Approve Fall Soiree flyer with the changes that XYZ shall be changed to DIALOG Corp; the words “preferred route” shall follow listing of ACE train; the words “New Membership” shall be changed to “New Member.” (Provost) Second (Mills)

- Approved

Respectfully submitted
Sarah Kagen, LLAGNY Secretary

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