

Betwixt and Between

Of Legal Publishing, Executive Orders, and the Library of Michigan

By Jan Bissett

It's been a year of change and challenge for the legal services and legal publishing industries. Law libraries that deal with both a parent institution and legal publishers have been affected by the continued uncertainty surrounding the economy as reflected in library budgets as well as publishers' price increases and changing licensing practices. News reports of public library closures or limited hours of service are becoming commonplace.

This year's results from the annual American Bar Association Legal Technology Survey Report¹ and the AmLaw Tech's Annual Survey of Law Firm Librarians² illustrate some of the challenges faced by law libraries. Strategies being employed by law librarians and legal researchers include continued reliance on free, web-based research resources; using Google as the initial tool of choice in legal research; and doing more with less while taking advantage of vendor-provided training sessions for non-billable research.

In response, Lexis (Reed Elsevier) and Westlaw (Thomson Reuters) seek to counter the growing popularity of free, web-based legal research services with new products built on Google-like search preferences and the Microsoft connection. Recent user interfaces include WestlawNext,³ Thomson Reuters' new research platform, and the introduction of Lexis for Microsoft Office.

The free and low-cost services continue to up the ante with their improvements. The United States Government Printing Office (GPO), the largest purveyor of legal information in the country, is completing its move to an enhanced digital platform, FDsys, by year's end.⁴ FastCase has introduced ForeCite, a search tool that reveals cases most cited by your search results even if those cases haven't been included in your results.⁵ Google Scholar Legal Opinions and Journals recently added

an alerts feature.⁶ The Law.gov initiative announced its principles and signatories⁷ and is continuing to ramp up its National Inventory of Legal Materials, a voluntary effort to document legal materials available at the federal, state, and local levels.⁸

Where might all these trends and initiatives meet? And what's in it for legal researchers? A great deal more than we may realize or anticipate, it appears. A recent request for a Michigan executive order illustrates the importance of knowing how and where to access primary legal materials and the role that a national inventory may play in your access to these materials. Michigan executive orders "may reorganize agencies within the executive branch of state government, reassign functions among executive branch agencies, establish an advisory body, commission, or task force, regulate conduct within the executive branch of state government, or proclaim or end an emergency."⁹ While not heavily requested in private or academic law libraries, they may be helpful when compiling an agency or regulatory history.

Michigan executive orders have been readily available in print since 1984 with the publication of the Michigan Register¹⁰ and continue to be published in the electronic version of that title. Executive orders are also available in the print issues of Michigan Legislative Service¹¹ and Westlaw's MI-LEGIS and MI-LEGIS-OLD databases. Michigan.

gov's Office of the Governor provides executive orders and directives back to the year 2000, covering the Granholm and part of the Engler administrations.¹² Executive orders dating back to 1993 are also available electronically on the Michigan legislature website.¹³ Executive orders "that reorganize state government by transferring powers and duties from one agency to another have the force of law. They are renumbered as Executive Reorganization Orders and compiled in the Michigan Compiled Laws. They are listed in the Michigan Public and Local Acts page by year."¹⁴ An executive order index, covering 1965 through 1999, is included in the Thirty-Fourth Annual Report of the Law Revision Commission.¹⁵

But what of those executive orders (non-reorganization orders) before 1984? Of particular interest to agency and state employees, they're available from the Library of Michigan Documents Collection or the Law Library of Michigan reference collection. A search of the ANSWER catalog¹⁶ indicates holdings in the documents collection dating back to 1955.

The Law Library of Michigan maintains a reference collection of executive orders as well. Included in those collections are the two recent executive orders, 2009-36 and its amendment, 2009-43, abolishing the Department of History, Arts and Libraries and consolidating its functions with the Michigan Department of Education. The amended

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order preserves the administrative functions of the Library of Michigan and emphasizes statewide resource sharing and services administered by the state librarian and the Library of Michigan. Funding has yet to be appropriated. The Michigan Department of Education Executive Order Implementation Plan notes that the “Library will...maintain and provide on-site access to its core collections including Law, Michigan and Michigan Documents...”¹⁷

Finding elusive older legal materials such as executive orders may become more difficult as facilities housing these valuable collections lose funding and are reorganized. Where will funding come from for archiving our legal history? The study and practice of law have always required access to both the old and the new.

Keeping up to date with current legal information, research trends, and technology is easily achieved through blogs, websites, and association publications. The Law Librarian Blog,¹⁸ Three Geeks and a Law,¹⁹ Legal Research Plus,²⁰ Robert Ambrogi’s Law Sites,²¹ and beSpecific²² all offer items of interest to the legal researcher. Legal Information Alert,²³ with its 10 issues per year, provides feature articles and product reviews including an annual analysis of Lexis, Westlaw, FastCase, LoisLaw, and HeinOnline. LLRX (Law Library Resource XChange)²⁴ continues to offer law and technology news, legal research tips, and strategies of interest to the legal professional. Less easily achieved is the integration and assimilation of these old and new resources and research techniques. ■

Jan Bissett is a public services librarian with Wayne State University’s Arthur Neef Law Library and an advisory member of the State Bar Committee on Libraries, Legal Research, and Legal Publications. Thanks to Sue Adamczak and Bernadette Bartlett of the Library of Michigan for their willingness to share their expertise about Michigan executive orders and the Library of Michigan collections.

FOOTNOTES

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