



# LLAW OFFICERS AND COMMITTEES 2005/2006

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The LLAW Newsletter, official publication of the Law Librarians Association of Wisconsin, Inc., is published quarterly in Spring, Summer, Fall and Winter and distributed to all LLAW members. Dues renewal falls in June of each year. Subscription rate is \$4.00 to non-members. For membership information contact Carol Schmitt, Chair of the Membership Committee, Boardman Suhr Curry & Field LLP, 1 S. Pinckney St., Ste 410, Madison WI 53701-0927 (608/283-7514) ([cschmitt@boardmanlawfirm.com](mailto:cschmitt@boardmanlawfirm.com)). Address all inquiries or items of interest to the LLAW Newsletter Editor, Julia Jaet, Marquette University Law Library, PO BOX 3137, Milwaukee WI 53201-3137 or by e-mail to [julia.jaet@marquette.edu](mailto:julia.jaet@marquette.edu). Send contributions to Bev Butula, Davis & Kuelthau, S.C., 111 E. Kilbourn Ave, Milwaukee WI 53202 or by email to [bbutula@dkattorneys.com](mailto:bbutula@dkattorneys.com). © Law Librarians Association of Wisconsin, Inc., 2005.

## **Government Relations Committee Annual Report 2004-2005**

- ALA sponsored its annual National Library Legislative Day in Washington, DC on May 3rd-4th. Its Government Documents Round Table (GODORT) put together some materials and talking points to help the library community to communicate with members of Congress about the importance of the Federal Depository Library Program (FDLP) and the continuing need for print distribution as GPO moves to complete its transition to a more electronic program. GODORT's Legislative Day materials are at:  
<http://sunsite.berkeley.edu/GODORT/legislation/legday/legday05.html>

*Source: Mary Alice Baish*

*Associate Washington Affairs Representative*

*American Association of Law Libraries*

- GPO has announced that effective October 1, 2005, it will produce and distribute only the 50 titles on its "Essential Titles List" to depository libraries. That list does not include important materials including maps, geological information, administrative decisions and other legal materials, as well as Senate and House reports, documents, and hearings.

As a result, the ALA asked the law library community to contact their Members of Congress to tell them about GPO's proposed plan that would eliminate almost all print distribution to depository libraries beginning October 1, 2005. Urge them to support a call for an oversight hearing on the impact of the Government Printing Office's (GPO) proposed initiatives and changes to the Federal Depository Library Program and the impact on the public's permanent access to authentic government information. Read more at:

<http://www.ala.org/ala/washoff/washnews/2005ab/006jan27.htm>

- On Oct. 7, 2004, AALL issued an Action Alert opposing the September 30th mark-up of S. 2560, the "*Inducing Infringement of Copyrights Act*" (*INDUCE Act*). If enacted, this legislation would make companies and other Internet service providers (ISPs) liable if their software or technology "induces" users to violate copyright laws. AALL stated that it opposes this bill because it believes strongly that the solution is not to ban technology simply because it can be used to "induce" consumers to make illegal copies. S. 2560 outlaws technology, not bad conduct, and P2P technology is in fact used for many important legal purposes. The bill is so broadly drafted that it has many unintended consequences far beyond targeting those who infringe copyright.

*Source: Mary Alice Baish*

- On Sept. 30, 2004, AALL issued an Action Alert urging the law library community to contact their senators voicing opposition to Sen. Kyl's (R-AZ) proposed amendment to S. 2679, the "Anti-terrorism Investigative Tools Improvement Act of 2004," which contains the largest expansion of federal powers since the USA Patriot Act, with very serious consequences for civil liberties.

It would remove critical checks and balances from the government's powers in a host of areas. AALL is most concerned that it would:

- 1) weaken Americans' right to privacy in their library, medical and other personal records by eliminating the already inadequate safeguard in the USA Patriot Act of an order by a secret court (Sec. 105); and,
- 2) in criminal cases, compel federal judges to hear, in secret, government requests for permission to delete classified information from documents to be provided to the defense (Sec. 108).

- On Sept. 28, 2004, the U.S. District Court for the Southern District of New York issued a ruling in *John Doe, et al v. John Ashcroft, et al* striking down Section 505 of the Patriot Act on the grounds that it violates free speech rights under the First Amendment as well as the right to be free from unreasonable searches under the Fourth Amendment. Section 505 of the Patriot Act grants the FBI authority to issue "National Security Letters" (NSLs) ordering certain kinds of businesses to turn over sensitive customer records.

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The ACLU noted that the Patriot Act provision was worded so broadly that it could effectively be used to obtain the names of customers of websites such Amazon.com or Ebay, or a political organization's membership list, or even the names of sources that a journalist has contacted by e-mail. The government has said it will appeal Judge Marrero's decision. Accordingly, the case is likely to be before the United States Court of Appeals for the Second Circuit in early 2005.

Source: *Mary Alice Baish*

- On March 11, 2004, a brief amici curiae (friends of the court) of American Association of Law Libraries, et al. was filed with the U.S. Supreme Court in the case of *Richard B. Cheney, Vice President of the United States, et. al., v. U.S. District Court for the District of Columbia*. The amici are the American Association of Law Libraries, the American Library Association, the Association of Research Libraries, the Center for American Progress, Common Cause, the National Security Archive, People for the American Way Foundation, the Society of American Archivists, and the Special Libraries Association.

The case concerns the request by the Sierra Club and Judicial Watch for disclosure of whom, outside of the government, participated in the vice president's National Energy Policy Development Group. Vice President Cheney has refused to disclose any information about the group.

The amici joining in this brief share the conviction that broad access to government records protects values essential to representative democracy and promotes public participation in public policy. They hold that "public participation in government can be meaningful only if the people know what officials are doing, and how they are doing it. Equally, without that information the people can't hold public officials accountable for their actions."

The brief is available at <http://www.ala.org/ala/washoff/ogr/Cheneysuit.pdf>

The case status is available at <http://www.supremecourtus.gov/docket/03-475.htm>

- Introduced on 3/18/03, Assembly Bill 169-- an Act to amend 43.30 (1); and to create 43.30 (4) of the statutes; relating to: the disclosure of public library records, has been signed into law by Governor Doyle on 4/8/04 as 2003 Wisconsin Act 207. (<http://www.legis.state.wi.us/2003/data/acts/03Act207.pdf>)

Section 43.30 (4) states: Upon the request of a parent or guardian of a child who is under the age of 16, a library supported in whole or part by public funds shall disclose to the parent or guardian all library records relating to the use of the library's documents or other materials, resources, or services by that child.

The Wisconsin Library Association (WLA) supported language that would have changed the age to 14, rather than 16. The WLA position is that this should be an issue of local control. WLA has concerns about the age specified in the bill and its comprehensive application to use of materials, resources, or services, since libraries may not maintain records of patron usage of all its resources and services.

(see <http://www.wla.lib.wi.us/legis/LegislativeStatus.htm> for more info)

Source: *Heidi Yelk*

Budget / Expenditures:

DESCRIPTION	APPROPRIATED	CURRENT EXPENSES	FUND BALANCE
Stationery	\$15.00	\$0.00	\$15.00
Postage	\$10.00	\$0.00	\$10.00
Total	\$25.00	\$0.00	\$25.00

Respectfully submitted:

Tony Chan, Chair



## Membership Annual Report 2004-2005

As of May 1, 2005, the LLAW membership consists of 100 members. The breakdown by classifications is as follows:

Active	92
Associate	10
Student	4
Sustaining	4
Total Membership	110

Of the ACTIVE level members (associated with a law library):

- 16 are "government" or "court" law librarians. (Wisconsin State Law Library, Dane County Legal Research Center, Milwaukee County Legal Research Center or court)
- 31 are "academic" (UW-Madison or Marquette Law Libraries)
- 43 are "firm" law librarians.
- 1 "other" (grandfathered in for 5 years as ACTIVE)

Membership has remained steady over the last 2 years. LLAW welcomed 9 new members in 2004-2005:

Active	4 (2 -firm; 2 government)
Associate	3
Student	2

The biggest accomplishment for membership was the push to get the bylaws amended. Many personal pleas from Bonnie Shucha, Beverly Butula and the membership committee, yielded a great turn out. (The bylaws passed - proving that there truly is power in numbers!)

Overall 2004-2005 was a very successful year for LLAW membership.

Respectfully submitted,

Carol J. Schmitt, Chair

## Newsletter Committee Annual Report 2004-2005

The newsletter team (Bev Butula, Julia Jaet, and Jim Mumm) composed, edited and delivered four electronic issues of the LLAW Newsletter.

Article highlights included member reports on programs attended at the AALL Annual Meeting in Boston, including TRIALL, a report on the MAALL/MALL joint conference in Des Moines, and an interview with Peter Cannon, formerly with the Wisconsin Legislative Reference Bureau. Issues also regularly featured membership news, financial reports, meeting minutes, a recommended readings section, and an events calendar.

Color photographs were an added feature this year. Photo permissions were added to the registration form giving members three choices: LLAW has permission to use; LLAW does not have permission to use; and LLAW must contact before use.

Bev Butula attended a Newsletter Editor workshop at the AALL Annual Meeting in Boston. Sponsored by AALL Council of Newsletter Editors, and underwritten by West, the workshop included a discussion on design, layout, and issues related to electronic formats.

Thanks to everyone who contributed time and talent to the Newsletter.

Respectfully submitted,

Julia Jaet, Chair



## Public Relations Committee Annual Report 2004-2005

Connie Van der Heide, via the Wisconsin Library Association, was approached to see if LLAW would like to propose topics and provide speakers at their 2005 annual conference to be held from October 25-28th in LaCrosse, WI.

- The committee got members to offer suggestions for topics that LLAW could present at the WLA conference.
- Four members volunteered to speak on various topics: Trish Cervenka, Bonnie Shucha, Beverly Butula & Carol Schmitt.
- Connie took the topics and outlines to WLA and they asked Bev and Carol to speak on their topic.
- The title of their presentation is "Great Legal Information from your Desktop" which will be presented from 8:45 to 10 am on Friday, Oct. 28th.

The committee found members to set up/take down the LLAW materials at the 2004 AALL conference.

Respectfully submitted,

Kellee Selden-Huston, Co-Chair



## Public Relations Committee Publications Program Annual Report 2004-2005

We continue to contribute to a variety of publications regularly including the Wisconsin Law Journal, Wisconsin Lawyer, and WALA Class Action Newsletter. We have also had articles published in the Colorado Lawyer, Law Technology News, Madison Magazine, and The Verdict this year. Overall since starting the project in 2002 we have had members publish 50 articles! The full list can be found on the LLAW website at <http://www.aallnet.org/chapter/llaw/articles/>.

Carol Bannen spoke at AALL this summer. The program is D-6 "Publishing Outside the Law Library Box: Opportunities Beyond Law Library Publications".

Respectfully submitted,

Carol Bannen, Co-Chair

## Website Committee Annual Report 2004-2005

The website did not undergo many changes this past year; however, the website's content continued to grow as LLAW authors kept writing articles which were in turn added to the Bibliography page. The By-laws and Procedures Manual revisions required significant content updates as well. In addition, the Legal Links list was revised by the PALI committee.

Also, this is my last report as I will be stepping down as Website Committee Chair after three years in the position. I would like to thank everyone for their patience and assistance in the past three years.

Respectfully Submitted,

Amy Gannaway, Chair



## **AALL Annual Meeting in San Antonio, TX**

Mary Mahoney, Peterson Johnson & Murray

RiverView, River West, River Walk, River - all terms frequently used in the San Antonio conference materials last month. San Antonio, Texas in July! Picture that - hot, humid and geographically challenging to navigate between meetings.

I arrived in the heat and humidity on Friday afternoon, July 15. The airport was cool and not too crowded. As I waited for my luggage, I noticed everyone else from my flight getting theirs off of the conveyer, but mine didn't show. I then had to find the Northwest Airlines baggage claim office and put in a request that my two suitcases be located and delivered to me at my hotel. I was told that the next flight would be around midnight and I should have my belongings shortly thereafter. I had nothing planned for Friday night so that was no problem; both suitcases were delivered by a taxi driver around 1:00am.

Saturday I attended a couple of meetings in the early afternoon and enjoyed a walk along the River. A major reason I wanted to attend the annual meeting was the fact that I am a committee member and all committees meet at the convention on the Saturday. I located the room and walked in. I was proud of myself as I was on time, even after going to other buildings which seemed like the correct choices due to the naming issue of "River something". There were two others in the room, but neither was a committee member. They were members of AALL who were interested in that committee's charge - education. We chatted and waited - no other members of the committee showed up. After 30 minutes of waiting, we were getting ready to leave, when I walked another person - again not a committee member, but the AALL Board Liaison. It was her responsibility to visit several committee meetings. The challenge was that all the committees met at the same time. Finally about 10 minutes later, one other committee member did arrive - she too had been asked to visit another meeting to get input from the members and return to our committee with information. I am still unsure why no one else showed up and there was no real meeting, but I enjoyed speaking with the people that were there, and I forwarded much of the informal meeting minutes to the committee chair.

Following the non-meeting, I attended a Dutch treat dinner of University of Washington Library School (now School of Information) alums and got updated on several colleagues from around the country. The opening reception was, as always, well attended and served up desserts for everyone.

Sunday morning brought the beginning of the traditional sessions and running between meetings and the exhibit hall as well as quick visits when seeing someone in the halls. I particularly enjoyed the session concerning the use of the HBO series *Deadwood* in the teaching of Native American Law. I had just recently been introduced to that series through the magic of DVD at home. Of course, the session also included the concepts of utilizing media to educate, which has always been a technique of mine. I noticed in the seminar that although I had been watching the *Deadwood* series for entertainment, there was educational value in it which had not appeared to me prior. Mentioned throughout the episodes are several instances of treaties and other dealings between the Natives and the federal government. This session reinforced the idea that teaching can be fun and educational at the same time and methods to teaching can evolve to meet the needs of the students whether it be in a classroom or somewhere else.

Outsourcing is always on my mind, so I attended that session also. I cannot say that I learned very much at that session which I find helpful. Outsourcing of different tasks can be beneficial, but I had hoped to see and hear

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more about the actual benefits or not of such a decision. My firm has no plans to outsource at this time, but I like to be informed and ready in advance of any such possibility.

Marketing, Schmarketing! was well attended. I found it interesting that some large firms even have an actual budget for such marketing within their offices. The presenters did a fine job of showing us possible themes to use as marketing tools throughout the year. They also shared some stories of marketing gone wrong. Firm culture dictates successful marketing techniques. It is very important to make sure members of the firm know who and where the librarians are as well as what they can do.

A session on web pages provided me with the motivation needed to continue to improve and update my skills and the information provided on the firm site. I hope to spend time educating some people within the firm on the many ways and ideas I took from this session and also in speaking with others concerning web information. However, 30 Cheap Web Development Tools in 30 minutes had a different effect on me. It took well over 40 minutes to get that information and the session seemed rushed.

The Wednesday afternoon concept of short 30 minute programs was new. Although not very well attended due to many people leaving on that day, it is a great idea. Many sessions I have attended throughout the years have not needed to be 60 or 90 minutes long and occasionally failed simply because they were stretched beyond beneficial information. Virtual Reference was presented in a concise and informative manner. Benefits and problems were noted. The most amazing thing about that session is that the presenter does not have virtual reference at her work place. That information brought out a huge laugh from the audience. Keyboard Shortcuts was wonderful. It would not take more than 30 minutes to provide that information, and the handouts included everything we needed so no note-taking was necessary.

As always, I could not attend every session I had planned. It seems like many sessions offered at the same time would be good so I had to make choices. Happily, I obtained the documentation and can view/study it when I have time at a later date.

There were receptions and gatherings throughout the week. Heat and humidity were terrible, but the crowds were good. People I had not seen in years seemed to notice that I had returned to the meetings. Most people I spoke with asked where my family members were since they have attended all but 3 of the 18 annual meetings I have attended. The unofficial gathering of current and former LLAW members brought together friends and colleagues and a good time was had by many.

When I checked out of my hotel on Wednesday morning, I requested that the hotel keep my bags until I was ready to leave late Wednesday. When I went to obtain my luggage at the hotel, I was greeted by a very upset bell captain. It turns out that one of my bags was mistakenly given to another librarian and was on its way to the airport. I was surprised that such librarian had not noticed the error prior to leaving. Juan, the



Left to right: Eric Montes (San Francisco), Mary Mahoney, and Ellen Platt (Santa Clara) at Dirty Nellie's in San Antonio

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bell captain was very apologetic and afraid that I would be angry. He said that the van would bring the suitcase back as quickly as possible. I informed Juan that I was not leaving town that day as I was just moving to a different hotel and spending a few days with my daughter and her family who would be coming over from Dallas so it was no big deal. Juan was obviously surprised and pleased that I did not throw some sort of fit in the lobby. I just asked that they keep the bag when it arrived and I would go to dinner in the mean time. When I returned from dinner on the River Walk, my bag was there and I proceeded to my next destination. I spent 3 days with my daughter Sheila, her husband and my two beautiful grand daughters. We went to SeaWorld, the Children's Museum, toured the river on one of the boats and saw lots of the city. It was a wonderful trip. I hadn't seen my daughter and her family in 11 months and my youngest grand daughter was only 3 weeks old the last time I saw her.

Flying back on Sunday was an adventure. Getting out of San Antonio was no problem, but in Nashville, I learned that an airline mechanics' strike can play havoc on schedules. Just in time to load our plane to Milwaukee, we were informed that there might be a problem with the plane. A few minutes later, we were told that the autopilot wasn't working. Many passengers questioned why that would matter since we should be using real, human pilots anyway. Apparently it is a federal regulation that autopilot must be working. The gate agent indicated they would check to see if the part needed for repairs was available in Nashville. Being a hub for that airline made it seem to the passengers that it would be ok soon. Of course not. The flight was cancelled and we were informed that rather than leaving on the 2:35 flight that we were ticketed on, we must now reticket for another flight and the next one out would be at 6:30. The ticket agent was rushed with passengers trying to get on the next flight. I simply walked down to another gate and requested reticketing. Obviously, that flight would also be full so what would we do? NWA actually got another plane for us so we could all take that 6:30 flight along with the passengers already booked on the later one. We spent the day at the airport and I met several people coming to Milwaukee for the Northwestern Mutual annual meeting. I felt like a tour guide - telling them what to see and where to visit for the best trip to Milwaukee. Promoting Milwaukee as a good will ambassador! As we were ready to board that plane, we were pulled from the jet way back into the airport. The pilot came out and told the gate agent that we must wait. The air conditioner wasn't working. It was over 90° outside and a bit hotter on the jet way and inside the plane. That had to be fixed. Once that was fixed, we were on our way. Rather than landing in Milwaukee at 4:15, I got home around 10:00pm.



Left to right: Ellen Platt and Betsy Vipperman (former LLAW members), Julia Jaet, Bev Butula, Laura LaRosa, and Jim Mumm at Dirty Nellie's

Back to work on Monday, I was rejuvenated and thrilled to be a law librarian. Enthusiasm for my profession was re-established and my love of the Milwaukee area reinforced. We have great weather here!! I could not have attended this annual meeting if it had not been for the grant provided by AALL and I would like to thank all of you for allowing me to receive the funds this year.

## RECOMMEND READINGS

Cindy May, University Of Wisconsin Law Library

Alber, John. "Delivering Actionable Information to Front-Line Lawyers." LLRX (July 15, 2005)  
<http://www.llrx.com/features/actionableinfo.htm>

Allen, Jessie. "Just Words? The Effects of No-citation Rules in Federal Courts of Appeals."  
Vermont Law Review 29:555-610 (Winter 2005)

This article concentrates on the effects of no-citation rules that arise even if those rules are being used just as courts say they are, arguing that such rules dilute the power of all judicial decisions.

"Annotated Bibliography on Gender." Cardozo Women's Law Journal 11:203-240 (Fall 2004)

This annotated bibliography includes citations to law review articles on gender issues published since 2002, arranged by topic.

Bannen, Carol. "Evolving into Automation." Law Technology News 12(5):42, 48 (May 2005)

LLAW member Carol Bannen, director of information resources at Reinhart, Boerner, & Van Deuren in Milwaukee, discusses her firm's adoption of West km software.

Barker, Diane M. "Defining the Contours of the Digital Millennium Copyright Act: The Growing Body of Case Law Surrounding the DMCA." Berkeley Technology Law Journal 20:47-63 (2005)

This note explores a broad range of recent developments under the DMCA, including court decisions affecting anti-circumvention, durable goods aftermarkets, and safe harbor provisions.

Benton, Thomas H. "Stacks' Appeal." Chronicle of Higher Education (July 18, 2005)  
<http://chronicle.com/jobs/2005/07/2005071801c.htm>

The joys of real books in real library stacks.

Bepko, Arminda Bradford. "Public Availability or Practical Obscurity: The Debate Over Public Access to Court Records on the Internet." New York Law School Law Review 49:967-991 (2004/2005)

The author argues that public access to court documents should apply with equal force to documents made available by courts in print and on the Internet.

Berring, Robert C. "Deconstructing the Law Library: The Wisdom of Meredith Wilson."  
Minnesota Law Review 89:1381-1406 (May 2005)

This article seeks to deconstruct the proposition that law libraries are simply physical structures, examines the information contained in law libraries, and considers the role of law librarians in the future.

Bunker, Matthew D. "Transforming the News: Copyright and Fair Use in News-Related Contexts." Journal of the Copyright Society of the USA 52:309-327 (Spring 2005)

This article analyzes the current state of fair use law in news contexts, paying particular attention to the "transformative use" factor as expounded by the Supreme Court in *Campbell v. Acuff-Rose Music, Inc.*

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Butula, Beverly. "Statistical Web Sites by the Numbers." Wisconsin Law Journal 19(31):5A-6A (August 3, 2005)

LLAW star Bev Butula highlights quality Web sites that provide statistical data on a wide range of topics, including courts, crime, business, health, education, weather, transportation, commerce, economics, and Wisconsin demographics.

Cassidy, Suzanne L. "Judicial Selection: A Selective Bibliography." Mercer Law Review 56:1019-1033 (Spring 2005)

This selective bibliography was compiled to complement a symposium issue of Mercer Law Review. It includes cites to websites, monographs, symposia and special journal issues, journal articles published since 1998, and bibliographies.

Cheney, Kristin A. "Is an Annual Report in Your Library's Future?" Law Library Journal 97:493-515 (Summer 2005)

The author focuses on the content, structure, and dissemination of annual reports in an academic setting, but many of the observations and suggestions are equally applicable to reports produced by law firm, court, state, and county law libraries.

Conaway, Teresa L.; Mutz, Carol L.; and Ross, Joann M. "Jury Nullification: A Selective, Annotated Bibliography." Valparaiso University Law Review 39:393-443 (Winter 2004)

This annotated bibliography collects and summarizes the scholarly writing to date on jury nullification. It is organized into a section on secondary sources, which includes articles and monographs, and a section on primary sources, which includes cases and constitutional provisions.

Efroni, Zohar. "A Momentary Lapse of Reason: Digital Copyright, the DMCA and a Dose of Common Sense." Columbia Journal of Law and the Arts 28:249-313 (Spring 2005)

The author analyzes and reflects on United States anticircumvention law in the aftermath of the Chamberlain and Lexmark cases.

Epstein, Richard A. "Liberty versus Property? Cracks in the Foundations of Copyright Law." San Diego Law Review 42:1-43 (February/March 2005)

This essay lays out the differences and commonalities between personal/tangible property rights and intellectual property rights.

Fairfield, Joshua A. T. "Cracks in the Foundation: The New Internet Legislation's Hidden Threat to Privacy and Commerce." Arizona State Law Journal 36:1193-1242 (Winter 2004)

This article analyzes the CAN-SPAM Act as an example of Internet regulation.

Falkow, Michele G. "Visual Literacy and the Design of Legal Web Sites." Law Library Journal 97:435-466 (Summer 2005)

After explaining visual literacy principles and their relationship to Web design, the author uses those principles to evaluate several popular legal Web sites. She also includes suggestions for coping with Web site design flaws.

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Farber, Daniel A. "Conflicting Visions and Contested Baselines: Intellectual Property and Free Speech in the 'Digital Millennium'." Minnesota Law Review 89:1318-1360 (May 2005)

The author explores two opposing understandings of intellectual property and free speech, which he labels Jeffersonian vs. Hamiltonian, and analyzes how these two perspectives fared in the Eldred decision.

Gannaway, Amy. "Researching American Indian Law Online." Wisconsin Lawyer 78(7):20-23 (July 2005)  
[http://www.wisbar.org/AM/Template.cfm?Section=Wisconsin\\_Lawyer&TEMPLATE=/CM/ContentDisplay.cfm&CONTENTID=48340](http://www.wisbar.org/AM/Template.cfm?Section=Wisconsin_Lawyer&TEMPLATE=/CM/ContentDisplay.cfm&CONTENTID=48340)

LLAW member Amy Gannaway recommends some basic resources to help navigate the complex web of treaties, federal statutes and regulations, federal case law, and tribal codes, constitutions, and jurisprudence that affect American Indians.

Garvin, Peggy. "Bloggin' USA." LLRX (July 15, 2005) <http://www.llrx.com/columns/govdomain7.htm>

Garvin, Peggy. "GPO Access and THOMAS for Legislative Research." LLRX (June 23, 2005)  
<http://www.llrx.com/columns/govdomain6.htm>

Garvin, Peggy. "New Tools For Government Research." LLRX (May 21, 2005)  
<http://www.llrx.com/columns/govdomain5.htm>

Goldberg, Matthew A. "The Googling of Online Privacy: Gmail, Search-engine Histories and the New Frontier of Protecting Private Information on the Web." Lewis & Clark Law Review 9:249-272 (Spring 2005)

This comment looks at several privacy issues surrounding Google's Web-mail and search services, including the extent to which the Stored Communications Act of 1986 protects users' information from disclosure.

Grey, Debbie. "Legal Reference Services: An Annotated Bibliography." Law Library Journal 97:537-574 (Summer 2005)

This selected, annotated bibliography on legal reference service and legal research instruction includes articles published 1985-2004 arranged in three main sections: Historical perspectives, Professional roles, and Teaching methodology.

Harris, JuNelle. "Beyond Fair Use: Expanding Copyright Misuse to Protect Digital Free Speech." Texas Intellectual Property Law Journal 13:83-121 (Fall 2004)

The author argues that fair use is inadequate to protect first amendment interests, and proposes that another doctrine, misuse – recently introduced from patent into copyright law – be expanded as a device to protect speech.

Hering, Tim. "Users and Abusers: Has the Distinction Been Legislated Out of Copyright?" Oregon Law Review 83:1349-1388 (Winter 2004)

In developing copyright law, Congress tends to leave it to the copyright-related industries to work out the specifics. This comment explores how this method of legislative compromise has tended to expand the rights of copyright owners while limiting the rights of the public.

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Horn, Gayle. "Online Searches and Offline Challenges: the Chilling Effect, Anonymity and the New FBI Guidelines." New York University Annual Survey of American Law 60:735-778 (2005)

This paper concludes that the online surveillance provisions granted to agents in the new FBI Guidelines very likely do not authorize impinging on the constitutional rights of U.S. citizens. Rather than discarding the Internet provisions in the guidelines, it suggests adopting greater procedural protections and oversight to ensure that rights of speech and anonymity are upheld.

Howard, Paul E. and Restorer, Renee Y. "Do We Still Need Books? A Selected Annotated Bibliography." Law Library Journal 97:257-2283 (Spring 2005)

This annotated listing of books and articles published since 1995, as well as selected Internet sources, focuses on the value of print vs. electronic resources in libraries.

Huse, Charles C. "Database Protection in Theory and Practice: Three Recent Cases." Berkeley Technology Law Journal 20:23-45 (2005)

The author discusses three recent cases that illustrate the factual variations that are possible in database disputes, and warn against simplistic analyses of database copying.

Jenks, Paul. "Monitoring Congress: A Revolution in Access." LLRX (Apr. 24, 2005)  
<http://www.llrx.com/features/monitoringcongress.htm>

Johnstone, David R. "Debunking Fair Use Rights and Copyduty under U.S. Copyright Law." Journal of the Copyright Society of the USA 52:345-402 (Spring 2005)

This article argues that there are no "fair use rights" and that there should not be any, inasmuch as such a scheme would be wholly inconsistent with U.S. copyright policy.

Kellogg, Sarah. "Lawyers in the Blogosphere." Law Practice 31(5):32-39 (July/August 2005)

Blogs for lawyers are becoming ubiquitous. The author explains what they are, how they work, and how they can be useful in law practice.

Levit, Nancy. "Matrimonial Torts and Crimes: An Annotated Bibliography." Journal of the American Academy of Matrimonial Lawyers 19:117-181 (2004)

This bibliography covers articles relating to the intersection of matrimonial law and tort or criminal law, arranged by topic. It includes articles published since 1995, and annotates those published since 1999.

Lichtblau, Eric. "Libraries Say Yes, Officials Do Quiz Them about Users." New York Times (June 20, 2005)  
<http://www.globalpolicy.org/empire/terrorwar/liberties/2005/0620library.htm>

Law enforcement officials have made at least 200 inquiries to libraries for information on reading material and other internal matters since October 2001, according to a new study that adds grist to the growing debate in Congress over the government's counterterrorism powers.

Liebert, Tobe. "The Problem of Orphan Works." LLRX (May 15, 2005)  
<http://www.llrx.com/features/orphanworks.htm>

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Lindhard, Christa. "Using EISIL [Electronic Information System for International Law] in Private Law Firms." LLRX (Apr. 24, 2005) <http://www.llrx.com/features/eisilinlawfirms.htm>.

Manes, Stephen. "Google Isn't Everything." Forbes (August 15, 2005) <http://www.forbes.com/home/forbes/2005/0815/056.html>

Finally, some publicity for all those great Web resources that are available free through libraries but charge hefty fees for individual online access.

McCardle, Lance C. "Despite Congress's Good Intentions, the DMCA's Anti-circumvention Provisions Produce a Bad Result: A Means to Create Monopolies." Loyola Law Review 50:997-1032 (Winter 2004)

The author argues that the Digital Millennium Copyright Act protects not only anti-circumvention computer programs, but also the products in which the programs are embedded, and that the law should be amended so that it no longer protects products, such as toner cartridges, that may have embedded anti-circumvention programs.

McCarthy, Charles. "Metatags and the Sale of Keywords in Search Engine Advertising: Confusing Consumer Confusion with Choice." Intellectual Property Law Bulletin 9:137-157 (Spring 2005)

This comment explores the trademark law implications of using trademarked terms as website metatags and the sale of trademarked words as keywords in search engines.

McClintick, James. "Web-surfing in Chilly Waters: How the Patriot Act's Amendments to the Pen Register Statute Burden Freedom of Inquiry." American University Journal of Gender, Social Policy & the Law 13:353-380 (2005)

This comment argues that the Patriot Act's pen register amendments threaten first amendment academic freedom guarantees and fourth amendment privacy rights. It suggests that academic research in controversial areas will suffer as a result of the government's enhanced Internet surveillance powers.

Miccioli, Gloria. "Bibliography of Employment Resources for Law Librarians." LLRX (May 15, 2005) <http://www.llrx.com/features/jobsearch.htm>

Nunziato, Dawn C. "The Death of the Public Forum in Cyberspace." Berkeley Technology Law Journal 20:1115-1171 (Spring 2005)

The author analyzes *United States v. American Library Association* and other cases declining to meaningfully apply first amendment scrutiny to the government's speech restrictions within Internet forums. She sets forth several ways in which courts and legislatures should act to reintroduce the values of the public forum into cyberspace.

Osborne, Amy Beckhan. "Baseball and the Law: A Selected Annotated Bibliography, 1990-2004." Law Library Journal 97:335-370 (Spring 2005)

This bibliography is designed to assist researchers in finding current information on the law of baseball. Not included are articles found in *American Law Reports* and resources that do not deal primarily with the legal aspects of the game.

Pacifici, Sabrina I. and Hamilton, Dennis. "Establishing a Weblog On Your Organization's Intranet." LLRX (June 7, 2005) <http://www.llrx.com/features/establishingablog.pdf>

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Paulus-Jagric, Deborah. "Laboratory Animals: An Executive, Legislative, and Judicial Narrative & Research Guide." LLRX (Feb. 13, 2005) <http://www.llrx.com/features/labanimals.htm>

Pratt, Analisa. "A Call for Uniformity in Appellate Courts' Rules Regarding Citations of Unpublished Opinions." Golden Gate University Law Review 35:195-223 (Spring 2005)

This comment argues that if appellate courts hope to establish a more uniform appellate system, they must all allow citation to unpublished opinions and they must dictate a precedential value to be applied to unpublished opinions when cited.

Rebollo, Robyn. "Dockets Update." LLRX (May 21, 2005). <http://www.llrx.com/features/docketsupdate.htm>

Richards, Neil M. "Reconciling Data Privacy and the First Amendment." UCLA Law Review 52:1149-1222 (April 2005)

This article takes issue with the conventional wisdom that regulating databases regulates speech, and that the first amendment is thus in conflict with the right of data privacy.

San Martin, Melisa. "Copyright Law: The Relevance of Bad Faith to a Fair Use Analysis." Journal of Technology Law & Policy 9:221-229 (December 2004)

This comment argues that although the Supreme Court has incorporated a good faith principle into fair use analysis in *Harper & Row v. Nation Enterprises*, it has failed to clarify the weight of a defendant's bad faith in such an analysis, leaving subsequent courts to disagree.

Shaw, Beth Zeitlin. "Please Ignore This Case: An Empirical Study of Nonprecedential Opinions in the Federal Circuit." George Mason Law Review 12:1013- 1047 (Summer 2004)

This comment presents the results of the first empirical study of nonprecedential opinions in each subject matter seen by the Federal Circuit. It provides suggestions for minimizing the adverse effects of nonprecedential opinions, particularly for patent appeals.

Siefkes, Darin. "Explaining *United States v. American Library Association*: Strictly Speaking, a Flawed Decision." Baylor Law Review 57:327-357 (Winter 2005)

This note dissects the five Supreme Court opinions issued in *U.S. v. A.L.A.* in light of precedent, declares the Court's decision unconstitutional, and sets forth an ideal opinion of its own.

Smith, Heather. "Don't Count Out Law Librarians." American Lawyer 27(7):67-71 (July 2005)  
<http://www.law.com/jsp/ltn/pubArticleLTN.jsp?id=1121245509741>

The latest statistics indicate that law firm libraries and librarians are thriving.

Stratton, Matthew Dean. "Will Lessig Succeed in Challenging the CTEA, Post-Eldred?" Fordham Intellectual Property, Media & Entertainment Law Journal 15:893-945 (Spring 2005)

Since his defeat in *Eldred v. Ashcroft*, in which the Supreme Court ruled that the Sonny Bono Copyright Term Extension Act (CTEA) is constitutional, Lawrence Lessig has continued to wage war against the provisions of the CTEA. This note evaluates the policies and legal arguments of two new cases that Prof. Lessig is litigating.

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Sullivan, J. Thomas. "Unpublished Opinions and No Citation Rules in the Trial Courts." Arizona Law Review 47:419-459 (Summer 2005)

The author proposes a rule that would allow attorneys to rely on unpublished opinions at the trial court level.

Swank, Drew A. "The Pro Se Phenomenon." BYU Journal of Public Law 19:373-386 (2005)

The author examines the rise of pro se litigation in recent years and attempts to correct what he considers common misperceptions regarding pro se litigants.

Tian, Yi-Jun. "Problems of Anti-Circumvention Rules in the DMCA & More Heterogeneous Solutions." Fordham Intellectual Property, Media & Entertainment Law Journal 15:749-788 (Spring 2005)

This article introduces and compares the anti-circumvention provisions in WIPO Internet treaties and the Digital Millennium Copyright Act (DMCA). It identifies the major problems of the DMCA anti-circumvention provisions, examines the reasons for those problems as illustrated by some recent cases, and provides some suggestions for reforming U.S. anti-circumvention legislation.

Tsang, Louise. "Using EISIL to Research Private International Law." LLRX (June 23, 2005)  
<http://www.llrx.com/features/eisilprivate.htm>

Turner, Angie and Ozolin, Peter. "Garbage In, Garbage Out: Working Around Document Profiling to Improve Work Product Retrieval Efforts." LLRX (June 23, 2005)  
<http://www.llrx.com/features/garbageinout.htm>

Tushnet, Rebecca. "Copy This Essay: How Fair Use Doctrine Harms Free Speech and How Copying Serves It." Yale Law Journal 114:535-590 (December 2004)

This essay argues that using fair use and free speech as interchangeable concepts has a negative effect on the scope of fair use and threatens first amendment freedoms, because noncritical uses of copyrighted works have substantial value to society and to freedom of speech.

Vargas, Jorge A. "The Federal Civil Code of Mexico." LLRX (Apr. 25, 2005)  
<http://www.llrx.com/features/mexcc.htm>

Wenger, Jean M. "New Horizons: Resources for International Competition Law Research." LLRX (Mar. 27, 2005) <http://www.llrx.com/features/newhorizons.htm>

Whelan, David. "Blend Your Legal Research." Law Technology News 12(7):42-43 (July 2005)

Mr. Whelan, director of the Cincinnati Law Library Association, discusses a number of mature legal research alternatives that can complement Westlaw and LexisNexis subscriptions.

Whiteman, Michael. "Appellate Court Briefs on the Web: Electronic Dynamos or Legal Quagmire?" Law Library Journal 97:467-4491 (Summer 2005)

Prof. Whiteman reviews the history and benefits of electronic briefs, and explores accessibility, privacy, preservation, and copyright issues.

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Will, Linda. "Strategic Budgeting 101." Legal Information Alert 24(2):1, 4-7 (February 2005)

The author, a law firm library director, discusses how firm librarians can be proactive in educating partners on why they need so many resources, why not the Web, how much library research is for the marketing department, and the truth about price increases.

Wu, Michelle M. "Why Print and Electronic Resources Are Essential to the Academic Law Library." Law Library Journal 97:233-256 (Spring 2005)

This article is designed to provide data to support the proposition that a twenty-first-century academic law library requires both traditional print materials and electronic resources.

Yu, Peter K. "P2P and the Future of Private Copying." University of Colorado Law Review 76:653-765 (Summer 2005)

Since the beginning of the P2P file-sharing controversy, commentators have discussed the expansion of copyright law, the recording industry's enforcement tactics, the need for new legislative and business models, changing social norms, and the evolving interplay of politics and market conditions. This article seeks to present a big picture of the issues and how they fit within the larger file-sharing debate.

Zago, Susan D. "Secondary Sources: Top Ten." Legal Information Alert 24(3):1, 4-6 (March 2005)

The author provides a list of "top ten (plus one) secondary sources you may need in practice," complete with the references to them that lawyers may use, e.g. "Wright and Miller." She also includes an annotated list of fifteen "secondary sources that will make your research easier."

Zillman, Marcus P. "Deep Web Research 2005." LLRX (Jan. 17, 2005)  
<http://www.llrx.com/features/deepweb2005.htm>

\* Photocopies of articles from periodicals cited herein may be obtained through the regular photocopy services of the UW Law Library (608-262-3394) or the Wisconsin State Law Library (608-266-1600).

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## New Layout Editor Being Sought

Jim Mumm, Marquette University Law Library

After spending many years working as layout editor for the LLAW Newsletter, I have come to the realization that it is time to hand this project off to someone new. While I have very much enjoyed putting the newsletter together, I'm finding that there comes a point when someone else needs to be allowed the opportunity to stretch their creative potential. Therefore, I have informed LLAW President Butula of my decision to step down from my role with the newsletter.

Because of this action, LLAW is seeking a new layout editor. Qualifications for this role include having a working knowledge of Microsoft Publisher (or other editing software), as well as an ability to convert documents to pdf format. (In lieu of a working knowledge of Microsoft Publisher, a strong willingness and self motivation to learn editing software is certainly appropriate.) If needed, LLAW is in a position to help acquire necessary software.

Please send an email indicating your willingness to take this on to either [Julia Jaet](#) or [Bev Butula](#).

I have thoroughly enjoyed my work with the newsletter, and I will continue in my role as Treasurer for LLAW, but now it's time for someone else to take over.

Jim

## Events Calendar

2005	
Oct. 26	Part 2: Integrating Benchmark Findings Into the Information Product Development Lifecycle" SLA Virtual Learning Series <a href="http://www.sla.org/calendar/">http://www.sla.org/calendar/</a>
Oct. 24-26	Internet Librarian 2005 Conference Monterey, CA <a href="http://www.infotoday.com/il2005/default.shtml">http://www.infotoday.com/il2005/default.shtml</a>
Dec. 7	"Copyright for the Corporate Librarian: The Importance & Consequences of Copyright Issues in the Digital Environment" SLA Virtual Learning Series <a href="http://www.sla.org/calendar/">http://www.sla.org/calendar/</a>
Dec. 14	"Communicating the Value of Your Service" SLA Virtual Learning Series <a href="http://www.sla.org/calendar/">http://www.sla.org/calendar/</a>

## The Call for Papers Has Begun!



Have you been thinking of writing an article of interest to law librarians? Maybe you just need a push to get started? Whether for fame or fortune, this is your chance to enter the AALL/LexisNexis™ Call for Papers Competition.

The AALL/LexisNexis Call for Papers Committee is soliciting articles in three categories:

**Open Division** for AALL members and law librarians with five or more years of professional experience

**New Members Division** for recent graduates and AALL members who have been in the profession for less than five years.

**Student Division** for students in library, information management or law school. (Students need not be members of AALL)

The winner in each division receives \$750 generously donated by LexisNexis, plus the opportunity to present his or her paper at a special program during the AALL Annual Meeting in St. Louis. Winning papers will also be considered for publication in the Association's prestigious *Law Library Journal*.

For more information, a list of previous winners and an application, visit the AALL website at

[http://www.aallnet.org/about/award\\_call\\_for\\_papers.asp](http://www.aallnet.org/about/award_call_for_papers.asp)

**Submissions must be postmarked by March 1, 2006.**

If you have any questions, please contact a member of the AALL/LexisNexis Call for Papers Committee, Chair, Patty Wellinger, [pwelling@law.du.edu](mailto:pwelling@law.du.edu); Renee Rastorfer, [rrastorf@law.usc.edu](mailto:rrastorf@law.usc.edu) or Ed Greenlee, [egreenle@law.upenn.edu](mailto:egreenle@law.upenn.edu)

## LLAW Statement of Accounts - Summary

### 2005/2006

As of 10/17/05

<u>Checking Account</u>		<u>Revenue</u>	<u>Expenses</u>	<u>Totals</u>
Beginning Balance 6/01/04	Budgeted Amt	\$ 3,297.20		\$ 3,297.20
Transfer from / to Savings		\$ -	\$ -	\$ -
Board of Directors	\$350.00	\$ -	\$ 219.29	\$ (219.29)
Archives	\$0.00	\$ -	\$ -	\$ -
Government Relations	\$25.00	\$ -	\$ -	\$ -
Grants	\$2,750.00	\$ -	\$ -	\$ -
Membership	\$45.00	\$ 1,850.00	\$ -	\$ 1,850.00
Newsletter	\$400.00	\$ -	\$ -	\$ -
Nominating	\$45.00	\$ -	\$ -	\$ -
Placement	\$0.00	\$ -	\$ -	\$ -
Program	\$2,000.00	\$ -	\$ 601.79	\$ (601.79)
Public Access to Legal Information	\$150.00	\$ -	\$ 43.00	\$ (43.00)
Public Relations / Articles	\$200.00	\$ -	\$ -	\$ -
Website Committee	\$0.00	\$ -	\$ -	\$ -
By-Laws Special Committee	Not Active	\$ -	\$ -	\$ -
Digitization - Special Committee	Not Active	\$ -	\$ -	\$ -
Operating	\$100.00	\$ -	\$ -	\$ -
Totals	\$6,065.00	\$ 5,147.20	\$ 864.08	\$ 4,283.12

### Savings Account

Beginning Balance		\$ 3,649.53		\$ 3,649.53
Interest		\$ 2.75		\$ 2.75
From Checking		\$ -		\$ -
Transfer from / to Checking			\$ -	\$ -
Miscellaneous		\$ -	\$ -	\$ -
Revenue Total		\$ 3,652.28	\$ -	\$ 3,652.28

**Checking and Savings Totals to date**                                 \$ 8,799.48   \$ 864.08   **\$ 7,935.40**



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Are you an AALL MEMBER? Yes: \_\_\_ No: \_\_\_

**NOTIFICATIONS/MAILINGS/LISTS:**

LLAW meeting notices sent via email \_\_\_ or U.S. Mail \_\_\_?  
LLAW Newsletter via email \_\_\_ or U.S. mail \_\_\_  
Do you currently subscribe to the LLAW listserv? YES \_\_\_ NO \_\_\_  
If no, would you like to have your name added to the LLAW listserv? YES \_\_\_ NO \_\_\_  
LLAW does not sell its membership information or mailing labels. With board approval, mailing labels are provided to requesting parties with mailing/information that the board thinks would be of interest to LLAW members. **To have your name excluded from all mailing list requests please check here.** \_\_\_

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LLAW must contact me before using any photographs of me in LLAW communications \_\_\_\_\_

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(Not officially connected with a law library. May serve on committees. Vendors and their representatives are not eligible.)
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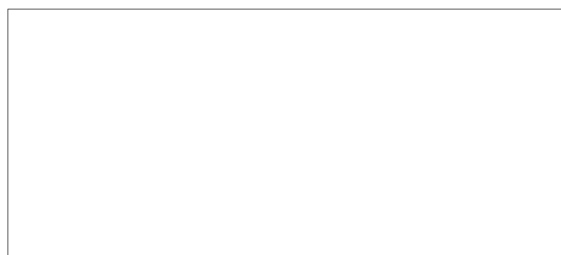
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