



Spring 5-1981

## Southeastern Law Librarian May 1981

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# Southeastern Law Librarian

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OFFICIAL NEWSLETTER OF THE SOUTHEASTERN CHAPTER OF A.A.L.L.  
Volume 6, number 4 May 1981

## THE PRESIDENT'S PAGE

During the A.A.L.L. Annual Meeting in Washington, the Southeastern Chapter will have a Chapter breakfast and business meeting on Monday morning, June 29. A continental breakfast (pastry, juice and coffee) will be provided for \$5.00 per person, payable at the door. The hotel's more substantial meals are so expensive that we felt members would prefer to eat light for less.

Chapter members will soon be receiving a Southeastern Chapter membership directory, compliments of the Bureau of National Affairs. Most of the work done in compiling and arranging the directory was done by Anne Towles, our Secretary/Treasurer, and our many thanks go to her for her hard work.

Elsewhere in this issue are details concerning our annual meeting in Williamsburg in August. This year we will be meeting jointly with the Southeastern Conference of Law Teachers. Although we will have a full program which will be of interest to private, academic, state and court law librarians, we will join the law professors for social functions. We are, of course, also welcome to sit in on their program sessions. Our chapter programs have been very well received in the past few years and once again will be topics of interest to all. This is a good opportunity to get to know other members of the Southeastern Chapter and an especially valuable one for those who are unable to attend national A.A.L.L. programs. We hope to see many of you there.

Robin K. Mills  
President S.E./A.A.L.L.

Southeastern Chapter  
American Association Of Law Libraries

PRESIDENT

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EDITOR, SOUTHEASTERN LAW LIBRARIAN

Margaret Maes Axtmann  
National Center for State Courts  
300 Newport Avenue  
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(804) 253-2000

The Southeastern Law Librarian, official newsletter of the Southeastern Chapter of the American Association of Law Libraries, is published quarterly. The membership/subscription fee of \$10.00 should be sent to the Chapter Secretary/Treasurer. Address all other inquiries and correspondence to the Editor.

Following are the results of a survey conducted by the State, County & Court Committee of the Southeastern Chapter in 1980. Sixty-three libraries were contacted and twenty-one responded. Copies of the questionnaire are available from Clayne M. Calhoun, Roanoke Law Library, 210 Campbell Avenue, Roanoke, VA 24011.

SURVEY OF STATE, COUNTY AND COURT LIBRARIES

BY THE SOUTHEASTERN CHAPTER AALL

- 16 libraries did not mention participation in any networks
  - 2 are members of Atlanta Law Libraries Association
  - 2 are members of Solinet
  - 1 is participating in Lawnet
  
- 14 libraries do not have access to any computer facilities
  - 5 use a computer for legal research
  - 2 use a computer for cataloging
  
- 13 librarians were fully responsible for their budget
  - 8 were not
  
- 16 have regular meetings with their reporting authority
  - 5 do not
  
- 14 libraries are open to the public
  - 3 are not
  
- 9 libraries do not offer any services to prisoners
- 6 libraries will fill photocopy requests for prisoners
- 2 libraries offer reference and photocopy services to prisoners

Problems mentioned in running the library

- 9 listed money
- 4 insufficient personnel
- 4 lack of space
- 3 control of circulation
- 1 personnel turnover
- 1 indexing state publications
- 1 assisting public without giving legal advice

Suggestions for seminars and workshops in the Southeastern Chapter AALL

- space planning
- budget management
- weeding and collection development
- new law librarians
- funding and grant proposals
- computer applications
- legal bibliography
- management/administration
- problem solving workshops
- rare books



SURVEY OF STATE, COUNTY AND COURT LIBRARIES

BY THE SOUTHEASTERN CHAPTER AALL

LAW LIBRARY	VOLS 79-80	ADDED 79-80	MICRO VOLS	JOURNAL SUBS	STAFF					OPEN HRS/WK
					LIBN	PARA- PROF	COURT CLERK	NON PROF	HRLY	
1. Fairfax County (Va)	13,000	1,000	-	10	1	-	-	-	-	42.5
2. Fulton County (Ga)	10,000	?	-	26	1	1	-	$\frac{1}{2}$	-	40
3. Hillsborough County (Fl)	40,000	1,000	-	75	$1\frac{1}{2}$	1	-	-	-	45
4. Jefferson County (Al)	40,749	1,559	-	104	1	-	-	-	3	72
5. Lee County (Fl)	13,000	500	-	3	-	1	-	-	-	45
6. McCarthy (Va)	11,500	?	-	5	-	-	-	1	1	45
7. Norfolk-Portsmouth Bar (Va)	22,500	475	-	10	-	-	-	1	1	30
8. Orange County (Fl)	22,357	295	-	60	1	-	-	1	-	45
9. Pinellas County (Fl)	30,000	150	1,800	30	2	-	-	-	-	42.5
10. Roanoke (Va)	15,000	550	-	12	1	-	-	-	-	45
11. Alabama State	138,651	5,940	12,803	685	4	3	-	4	-	45
12. Georgia State	100,000	700	-	105	4	$1\frac{1}{2}$	-	2	$\frac{1}{2}$	42.5
13. Kentucky State	70,000	1,960	-	226	$3\frac{1}{2}$	2	-	2	$\frac{1}{2}$	37.5
14. Louisiana State	116,200	1,200	3,000	?	3	-	-	$1\frac{1}{4}$	$1\frac{1}{2}$	68
15. Mississippi State	98,000	4,000	2,124	200	4	1	-	1	-	45
16. South Carolina Atty Genl	10,000	100	-	25	1	-	-	-	$\frac{1}{2}$	42.5
17. Georgia Administrative Office	2,500	150	-	75	1/10	-	-	-	-	168
18. Georgia Supreme Court	2,500	200	-	-	-	-	1	-	-	40
19. North Carolina Supreme Court	89,741	2,277	-	331	2	1	2	2	-	43
20. South Carolina Supreme Court	31,000	700	200	96	1	-	-	-	$\frac{1}{2}$	42.5
21. US Court of Appeals, 4th Cir	33,413	1,748	4,529	196	2	2	-	2	-	45

SURVEY OF STATE, COUNTY AND COURT LIBRARIES  
BY THE SOUTHEASTERN CHAPTER AALL

	CLIENTELE						FUNDING SOURCES BY %					BOOK \$ 79-80	TOTAL BUDGET 79-80	BOOK \$ %CHG 80-81
	ATTY	JUDGE	EMPLOY	STUDENT	PUBLIC	OTHER	FEDERAL	STATE	COUNTY	COURT FEES	OTHER			
1.	60	5	10	5	18	2	-	-	-	80	20	25,000	44,000	15
2.	30	30	20	10	10	-	-	-	100	-	-	23,500	39,400	25
3.	60	10	5	5	20	-	-	-	-	90	10	79,503	109,936	44
4.	38	10	10	38	4	-	-	-	-	88.5	11.5	41,280	72,824	-
5.	94	5	.33	.33	.33	-	-	-	-	100	-	-	15,000	-
6.												-	21,200	-
7.	90	6	-	4	-	-	-	-	-	-	100	25,000	-	12
8.	75	3	2	10	10	-	-	-	100	-	-	45,723	69,016	(14)
9.	70	2.5	2.5	15	10	-	-	-	25	75	-	50,000	82,450	10
10.	65	2	17	1	8	7	-	-	18	60	22	15,000	-	NC
11.	20	50	3	10	10	7	-	97.3	-	1.4	1.3	163,888	372,319	NC
12.	75	5	-	5	5	10	-	100	-	-	-	-	-	-
13.	5	45	-	-	5	45	9.8	90.2	-	-	-	65,321	206,300	2.5
14.	55	30	4	2	6	3	-	93.5	-	-	6.5	144,505	271,188	12
15.	30	35	-	10	5	20	-	100	-	-	-	82,060	332,455	NC
16.	99	-	-	-	-	1	-	100	-	-	-	-	24,000	-
17.	.5	2	-	25	.5	72	-	-	-	-	-	-	-	-
18.	-	100	-	-	-	-	-	100	-	-	-	-	18,300	100
19.	40	10	4	1	15	30	-	100	-	-	-	79,000	-	18
20.	19	58	3	2	-	18	-	100	-	-	-	54,210	84,056	NC
21.	20	80	-	-	-	-	-	-	-	-	-	30,000	-	-

Annual Meeting

Southeastern Chapter  
American Association of Law Libraries

Williamsburg, Virginia

August 13-15, 1981

TENTATIVE PROGRAM

<u>DAY</u>	<u>TIME</u>	<u>EVENT</u>
Thursday, August 13	2:00 - 5:00	Registration
	7:00 -	Reception
Friday, August 14	7:45 - 10:00	Chapter breakfast and business meeting
	10:00 - 10:30	Break
	10:30 - 12:00	Panel: Serials Cancellations, or What to do when the budget axe falls
		1. From an administrator's viewpoint: Bill Johnson, U. of West Virginia
		2. From a technical services view- point: Ann Fessenden, U. of Mississippi
		3. From a law firm librarian's view- point: Bonnie Preece; Akerman, Senterfitt and Edison, Orlando
	12:00 - 1:30	Lunch on your own
	1:30 - 3:00	Concurrent Panels
		I. Developing an International Collection for a Law Firm Library: Igor Kavass, Vanderbilt; Ivan Sipkov, Chief, European Division, Library of Congress
		II. County, Court, and State Law Libraries as They Relate to the State's Judicial System, the Bench and the Bar, Judicial Education and the Public: William C. Younger, Alabama Supreme Court; Brian S. Polley, Florida Supreme Court



Annual Meeting  
Tentative Program  
Page 2

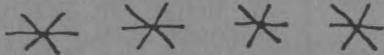
<u>DAY</u>	<u>TIME</u>	<u>EVENT</u>
Friday, August 14 (continued)	3:00 - 3:30	Coffee Break
	3:30 - 5:00	Concurrent Panels
		I. Gift Evaluation Procedures: Sally Wiant, Washington & Lee; Bill Hein, The Hein Company, Buffalo
		II. Statistical Records for Law Firm Libraries--Reports, Budget Justi- fications, etc.: Donald Ziegenfuss; Carlton, Fields, Ward, et al., Tampa
	6:00 - 7:30	Reception
	7:30 - 9:00	Banquet
Saturday, August 15	8:30 - 10:00	Concurrent Panels
		I. Role of Small Computers in the Law Library: Audrey Grosch, U. of Minnesota Libraries
		II. Use of the Word Processing Department to Streamline Law Firm Library Procedures: Christine Johnson, Legal Department of Coca Cola.
	10:00 - 10.30	Coffee Break
	10:30 - 12:00	Sex Based Discrimination
	1. The Major Legal Resources: Chester Bunnell, U. of Mississippi	
	2. The Substantive Aspects: Lolly Gasaway, U. of Oklahoma	



STROOCK & STROOCK &  
LAVAN—

STROOCK & STROOCK & LAVAN,  
New York, N.Y. and DISTRICT 65,  
AUTO WORKERS, Case No. 2-RC-  
18503, November 21, 1980, 253 NLRB  
No. 52

Before NLRB: Jenkins, Penello, and  
Truesdale, Members.



BARGAINING UNIT Sec. 9(b);  
PROFESSIONAL EMPLOYEES Sec.  
2(12)

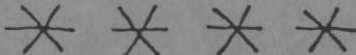
—Law firm — Librarians ▶ 64.5395  
▶ 63.576

Librarians are included in unit of law firm's office employees, since librarians have same working hours and benefits as clerical and support staff, they perform clerical functions similar to those of other support-staff employees, and there is no evidence that they are professional employees.

[Text] At the hearing the Employer moved for a reexamination of the Petitioner's showing of interest on the grounds that authorization cards signed prior to August 21, 1979, when District 65 affiliated with the UAW, were invalid as an indication of the subscribers' desires to be represented by the Petitioner. The motion, referred to the Regional Director, was properly denied. General Dynamics Corporation, Convair Aerospace Division, San Diego Operations, 213 NLRB 851, 87 LRRM 1705 (1974). \* \* \*

The Employer is a law firm with offices at 61 Broadway and 277 Park Avenue, New York, New York, as well as in other cities, engaged in the general practice of law. The law firm employs approximately 101 attorneys, 23 paralegals, and 126 clerical and support staff. The record evidences that Stroock & Stroock was to merge, effective January 1, 1980, with Krause, Hirsch & Gross, located at 41 East 42d Street, whose law practice is substantially similar to Stroock & Stroock's general commercial practice. Krause's personnel consists of approximately 15 attorneys, two paralegals, and 31 clerical and support staff.

The Petitioner seeks to represent the Employer's clerical and support staff at 61 Broadway and 277 Park Avenue.



The Employer argues that, because of its allegedly active involvement in labor matters, representation of its employees by the Petitioner would inevitably lead to damaging leaks of client confidences, and that, in any event, because of the nature of its practice, all of its clerical and support staff are confidential employees.

We have today, in Kleinberg, Kaplan, supra discussed our reasons for continuing to define confidential employees as those who assist and act in a confidential capacity to persons who formulate, determine, and effectuate management policies in the field of labor relations." The B. F. Goodrich Company, 115 NLRB 722, 724, 37 LRRM 1383 (1956), "for their own employer, not some other employer." Dun & Bradstreet, 240 NLRB No. 16, 100 LRRM 1297 (1979). We are not persuaded that the circumstances warrant distinguishing the instant Employer from Kleinberg, Kaplan.

In addition, the Employer contends that the unit sought is inappropriate, arguing that it should include the clerical and support staff at 41 East 42d Street, paralegals at 61 Broadway and 41 East 42d Street, and executive committee secretaries.

The parties stipulated that the appropriate unit included the 61 Broadway and 277 Park Avenue offices. In addition, it was stipulated that, with the exception of the librarian at 41 East 42d Street, the various categories of employees at the 42d Street operation perform the same functions as their counterparts at the Employer's other locations. The Petitioner, however, would not stipulate that the employees at Krause's offices at 41 East 42d Street should be included in the unit.

We note, in addition to the stipulation regarding similar functions, that the merger was to be effected by physically moving the Krause employees into the 61 Broadway location, and that these employees would be incorporated into the Stroock & Stroock personnel structure and receive the benefits enjoyed by the other clerical and support staff. Consequently, we find that the Krause employees, who were to be absorbed into the 61 Broadway operations, share a community of interest with the clerical and support staff at the 61 Broadway and 277 Park Avenue offices, and therefore include them in the unit found appropriate.<sup>4</sup>

The Employer also urges that paralegals be included because their functions are primarily clerical and routine, and their hours and benefits are the same as the clerical and support staff. The Petitioner opposes the inclusion of paralegals, asserting that they are technical employees and that, in any event, they do not share a community of interest with the clerical and support staff.

The record does reveal that the paralegals and the clerical and support staff do share common working hours and fringe benefits, and that, to some extent, they have similar duties (e.g., duplicating, filing, and proofreading of documents). However, the record further shows that the paralegals' duties also require analytic skills, such as digesting transcripts and organizing documents in preparation for litigation. The supervisory structure for the clerical and support staff, for which Director of Administration Samberg is responsible, differs from that of paralegals, who are supervised by department. Paralegals have secretaries and evaluate them. Although the record discloses that clericals have become paralegals, this happens infrequently, and there is no evidence of daily interchange between clericals and paralegals. The Employer bills clients for the time of paralegals in the same manner it bills for attorneys' time. Finally, the Employer's recruiting solicitations, as well as the paralegals themselves, treat the position as preparation for law school. We conclude that the facts of this case illustrate that these paralegals possess a sufficiently distinct community of interest from that of the clerical and support staff so as not to compel their inclusion in the petitioned-for unit.<sup>5</sup>

Finally, the Employer argues that secretaries to the firm's executive committee are not confidential employees and should be included in the unit. The Petitioner counters that the Employer must have some confidential employees, that the executive committee members must formulate the firm's labor policies, that the record is barren as to the duties of the individuals who are executive committee secretaries, and that therefore these employees should be voted under challenge.

The record is unclear that the executive committee actually formulates, determines, and effectuates labor policies. However, the record does definitively establish that when the executive committee does consider labor policies or decisions of the firm, no clerical employees are present and no minutes are

recorded. Thus, it is apparent that the executive committee secretaries do not assist or act in a confidential capacity to the executive committee members and therefore cannot be confidential employees as that term is defined in The B. F. Goodrich Company, 115 NLRB 722, 37 LRRM 1383 (1956). We shall include executive committee secretaries in the unit found appropriate.<sup>6</sup>

Accordingly, we find that the following employees constitute an appropriate unit for the purpose of collective bargaining within the meaning of Section 9(b) of the Act:<sup>7</sup>

All full-time and regular part-time office employees including secretaries, executive committee secretaries, bookkeeping employees, word processing employees, duplicating room employees, file room employees, mail room employees, court messengers, time records employees, switchboard operators, receptionists, librarians, and docket clerks employed at the Employer's 61 Broadway and 277 Park Avenue offices, and at 41 East 42d Street, who were to be moved to 61 Broadway, New York, New York, but excluding professionals, paralegals, supervisors, managerial employees, confidential employees, and guards excluded by the Act.

<sup>4</sup> We also include Krause's librarian in the unit.

We note that, in addition to shelving books, as do the librarians at 61 Broadway, he will receive the identical benefits that the clerical and support staff, including librarians, enjoy. In fact, the Petitioner's refusal to stipulate that the duties of the librarian at 41 East 42d Street were the same as the librarians at 61 Broadway was premised on the possibility that the duties of the latter were more sophisticated. Therefore, because we include the librarians at 61 Broadway in the unit, see fn. 8, infra, we shall also include the Krause librarian.

<sup>5</sup> Although not determinative, a petitioner's desires as to the unit is always a relevant consideration. Marks Oxygen Company of Alabama, 147 NLRB 228, 230, 56 LRRM 1187 (1964). We note that in Ohio State Legal Services, 239 NLRB 594, 100 LRRM 1001 (1978), and Neighborhood Legal Services, Inc., 236 NLRB 1269, 98 LRRM 1414 (1978), relied on by the Employer, none of the parties urged the exclusion of paralegals from the petitioned-for unit.

<sup>6</sup> The Petitioner also asserts that the record is insufficient to determine the unit placement of two librarians at the Employer's 61 Broadway offices. We do not agree. The two librarians share the same working hours and enjoy the same benefits with the clerical and support staff, and perform clerical functions similar to those performed by other support staff employees. There is no evidence which would justify treating either employee as a professional. We shall include the two librarians in question in the unit found appropriate.

<sup>7</sup> The status of the following employees cannot be resolved on the record now before us: William Arroyo (the assistant mailroom supervisor) and Linda Cartwright (the assistant supervisor of the word processing department), alleged supervisors and the employee in the position of recruiting officer. Therefore, we will allow these employees to vote under challenge.

This NLRB opinion is reprinted from 105 BNA Labor Relations Reporter 1609-1611 (1980) and SCALL Newsletter v.8 no.3 (1981).

At last report AALL's Private Law Libraries SIS was investigating to see what positive action might be taken.

## MEETINGS

American Association of Law Libraries  
Washington, DC, June 28 - July 2, 1981

American Bar Association  
New Orleans, August 6 - 13, 1981

American Library Association  
San Francisco, June 28 - July 4, 1981

Special Libraries Association  
Atlanta, June 13 - 18, 1981

## NEW PUBLICATIONS

Boss, Richard W. Grant Money and How to Get It: A Handbook for Librarians.  
New York: Bowker, 1980. R. R. Bowker Co., P. O. Box 1807, Ann Arbor,  
MI 48106. \$19.95

Foster, Lynn and Boast, Carol. Subject Compilations of State Laws: Research  
Guide and Annotated Bibliography. Westport, Conn.: Greenwood Press,  
1981. Greenwood Press, 88 Post Road W., Westport, CT 06881. \$45.00

Johnson, C. M. Filer's Guide for Looseleaf Services in a Law Library.  
Milwaukee: Knier Associates, 1980. Knier Associates, P. O. Box 13186,  
Milwaukee, WI 53213. \$15.00 plus \$.60 tax and \$2.00 shipping

The Lawyer's Almanac 1981-82. New York: Harcourt Brace Jovanovich, 1981.  
Law and Business Inc., Harcourt Brace Jovanovich, 757 Third Avenue,  
New York, NY 10017. \$25.00

Stern, Arlene. Legal Looseleaves in Print 1981. New York: Infosources Pub.,  
1981. Infosources Pub., 118 West 79 Street, New York, NY 10024.  
\$20.00 plus \$2.00 postage

Wasserman, Paul, ed. Law and Legal Information Directory. Detroit: Gale  
Research, 1980. Gale Research Company, Book Tower, Detroit, MI 48226.  
\$80.00

## POSITIONS IN SOUTHEASTERN CHAPTER STATES

### KENTUCKY

Director of the Law Library. Northern Kentucky University Salmon P. Chase College of Law. Applications should be received no later than April 30, 1981. Position available July 1, 1981. Requires MLS or the equivalent and JD, as well as substantial administrative and academic experience. Salary commensurate with qualifications. Apply to: Professor Kamilla Mazanec; Northern Kentucky University; Chase College of Law; 1401 Dixie Highway; Covington, KY 41011; 606-292-5340.

### LOUISIANA

Reference Librarian. Law Library of Louisiana. Requirements: MLS or JD from accredited school, and experience with legal or social science research materials. Duties: Primary responsibility for reference service, circulation, government documents, and microforms. Salary: Commensurate with qualifications and experience. Available: April 1, 1981. Submit resume and letters of reference to: Miss Harriet M. Lemann, Law Librarian; Law Library of Louisiana; Supreme Court Building; 301 Loyola Avenue; New Orleans, LA 70112.

### MISSISSIPPI

Circulation Librarian in academic library, new facility. Accredited MLS required. Duties: circulation desk, reserve collection, interlibrary loans, supervise shelvers and filers. Available July 1, 1981 PENDING APPROVAL AND FUNDING. Deadline for applications is May 15, 1981. Please include references and resume in first letter. CONTACT: A. Michael Beard, Law Librarian; University of Mississippi; University, MS 38677. The University of Mississippi is an affirmative action/equal opportunity employer.

### NORTH CAROLINA

Reader Services Librarian. Wake Forest University. Requirements: MLS from an accredited school. JD or law library experience desirable but not essential. Duties: Administers Reader Services programs including circulation, stack maintenance, interlibrary loan, copy service, reserves, WESTLAW assistance. Has shared responsibility for delivery of reference services and WESTLAW training. Primary responsibility for training and management of student assistants. Salary: Dependent upon qualifications. Available: June 1, 1981. CONTACT: Professor Kenneth A. Zick, Director; Wake Forest University Law Library; P. O. Box 7206; Reynolda Station; Winston-Salem, NC 27109.







S.E.A.L.L. B R I E F S

LOUISIANA

Tran Van Linh, Comparative Law Librarian, Louisiana State University Law Center Library, is the compiler of a Bibliographic Guide to Research in Foreign, Comparative and International Law in the Louisiana State University Law Library (Baton Rouge, 1980. 182 p.). The guide is available from Publications Institute, Paul M. Hebert Law Center, Louisiana State University, Baton Rouge, LA 70803 (\$20.00 plus postage).

Editor's Note

No other news for the SEALL Briefs column was received this quarter. Please take the time to fill out the form on the reverse page so the news from your library can be in the next issue of the Southeastern Law Librarian.

Committee members are also reminded to report ongoing and planned activities to Anne Jones, Mercer University Law Library, Macon, GA 31201 (912) 745-6811 Ext. 345.

The next newsletter deadline is July 6, 1981.

Southeastern Law Librarian  
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ADDRESS CORRECTION REQUESTED

Caroline Heriot  
College of William and Mary  
Law Library  
Williamsburg, VA 23185