

# CHECK IT OUT

Lucille Stewart Beeson Law Library Newsletter  
Cumberland School of Law of Samford University



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## Digging into the Details of HeinOnline Searching

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While most legal researchers consider only the two behemoths of the legal online research world, WESTLAW and LEXIS, when doing online research, there are other legal databases that can be just as beneficial or more so in numerous circumstances. One of these is HeinOnline. Admittedly, searching on HeinOnline is not as straightforward as either of the two larger services, but this service is worth a researcher's notice and the efforts necessary to learn the research scheme. It provides a wealth of legal documentation which cannot be found on the other two prominent legal research services; of particular note are the many older pre-1990 law review issues that WESTLAW and LEXIS have not included in their database content. This article will discuss some of the differences in creating a search argument that commonly inhibit the legal researcher in using this database service.

### CONNECTORS

HeinOnline uses the usual Boolean operators, but they must be in all capital letters.

Therefore, you should not use small case – **or and not**.

Instead, use **OR AND NOT**.

### PROXIMITY SEARCHING

In using HeinOnline, the researcher has no direct means of doing a “numbered” proximity search linking a word phrase with another term or phrase (such as “european commission” and “microsoft” within 10 words) because it only performs single term proximity searching. Instead, you must include all of the terms in one search phrase (such as “european commission microsoft”~10) to ensure that all of the terms will fall within the proximity that you have dictated.

See *HeinOnline*, Page 2

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## LAW LIBRARY SCHEDULE

**MONDAY-THURSDAY**  
**7:00 A.M.-12 MIDNIGHT**

**FRIDAY**  
**7:00 A.M.-10:00 P.M.**

**SATURDAY**  
**9:00 A.M.-10:00 P.M.**

**SUNDAY**  
**1:00 P.M.-12 MIDNIGHT**




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### *HeinOnline* from Page 1

You CAN do “phrase to phrase” searching (or a search linking a phrase to another term) if there is no proximity limiter stated—such as “European Commission” AND “United Kingdom”.

### TRUNCATION

When writing a search argument, many researchers will wish to pull up documents that include several or all versions of a keyword; the root term can have numerous forms that typically reflect time, number or possession. In some databases, pickup of plural suffixes of a root term can be assumed—that is not the case with HeinOnline. The two “wildcard” search terms are the following:

? - The question mark symbol is used to allow the system to add a **single** character to the root term in the location of the symbol. As an example, “wom?n” will bring up any document with the term “women” or “woman”.

\* - The asterisk symbol is used to allow the system to add zero or more characters to the end of a root term at the location of the symbol. As an example, “challeng\*” will bring up any document with any of the following terms: challenge, challenges, challenging, challenger or challenged.

### TERM BOOSTING

A capability that HeinOnline provides that neither LEXIS nor WESTLAW allows is the ability to “boost” a term in the search argument. Boosting allows you to state a preference of one term over another in your search argument, allowing the database to show priority in the results listing that display the preferred term the greatest number of times. How is this done? If you were looking for John Ashcroft’s claim to sovereign immunity against charges of wrongly detaining terrorism suspects, you would likely want to see those articles first that most commonly use the word immunity, since there is likely to be an entire range

of articles on John Ashcroft in general. To accomplish this, you will place an emphasis on the desired word with a caret and a number (between 1 and 4) after it, such as:

Ashcroft AND immunity^1

The displayed results will give you those results which emphasize the term “immunity”, though still include Ashcroft somewhere in the body of the document.

If you have any questions about any of these features, or any HeinOnline issue, please contact a librarian.

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### Cumberland Professor Update

Brannon P. Denning, Associate Dean and Professor of Law, has coauthored a book - *Guns and the Law : Cases, Problems, and Explanation*. It was published by Carolina Academic Press. The Law Library has a copy in the Display Case, and will be receiving a second copy for 7-day checkout.



## Laughlin Gives Constitution Day Address for Local SAR Chapter

Law Library Director Greg Laughlin gave the annual Constitution Day address at the Birmingham Chapter of the Sons of the American Revolution on September 20 at The Club. The topic of his address was the four men responsible for the calling of the Constitutional Convention and the document which it produced. His talk was based on **The Quartet: Orchestrating the Second American Revolution, 1783-1789**, by Pulitzer Prize-winning historian, Joseph J. Ellis. Those four men were George Washington, James Madison, Alexander Hamilton, and John Jay.

The premise of the talk was that the nation we know today was not founded on July 4, 1776, but on September 17, 1787, when the Constitution was signed by the delegates to the Constitutional Convention in Philadelphia on September 13, 1788. Along with the articles of confederation, congress passed a resolution to put the new constitution in effect, conditioned upon ratification by eleven of the thirteen states. (North Carolina and Rhode Island did not ratify the Constitution until May 1790. One of Professor

Laughlin's ancestors, John Dunkin, along with his brother-in-law, John Sharpe, were anti-federalist delegates to the first North Carolina ratification convention, which rejected the new Constitution in 1788.)

Professor Laughlin's talk focused on the inadequacies of the Articles of Confederation and how each of the four men were impacted by them and responded to them. Washington was hampered throughout the revolution by an inability of the Continental Congress and, subsequently, the Confederation Congress to raise the men and the money needed to prosecute the war. In addition, as one of the largest landowners in what became the Northwest Territories, Washington saw the lands west of the Allegheny and Appalachian Mountains as the basis for the future of America and believed that his vision for that future could only be realized by a strong United States of America and not by thirteen feuding sovereign nations. Hamilton served as Washington's aide de camp and also as an ally of Robert Morris, who acted as the Confederation's Superintendent of Finance, where he saw both the military and financial inadequacies of the Articles of Confederation. Jay served in a variety of diplomatic positions under the

Confederation, including as chief negotiator for the Treaty of Paris, securing American independence, and as Secretary of Foreign Affairs. In those positions, he was confronted repeatedly with problems created by the inadequacies of the Articles of Confederation. Madison was the least prone to support a strong central government, but he too came to see the Articles as inadequate. For a detailed treatment of how these four men came to work for the Constitution's ratification, see Ellis' fascinating book.

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### A Bit of Cumberland History

In 2010, Cumberland University in Lebanon, Tennessee, digitized their historical catalogs and bulletins and made them available at the Internet Archive. The Law Library recently discovered a previously unknown law school catalog for 1849. It is now available for viewing at <https://archive.org/details/184849L>.

Tuition was \$50 per five month session. Boarding cost was \$40-45 including "washing, candles, fires, room and everything else."

Cumberland School of Law was established in 1847, and, in 1961, the law school moved to the campus of Howard College, now Samford University, in Birmingham, Alabama.

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## Law Library Hours

Monday, November 21, 2016, we will begin restricted access for the final exam period, with extended hours to begin on Sunday, November 27, 2016, as shown below.

**If you do not have a sticker on the back of your student ID that is purple with a yellow sun and the word "NEW!" across the face, please stop at the front desk before November 21 to get this sticker.**

### Thanksgiving Hours 2016

Wednesday, November 23:

7:00 am – 4:30 pm

**Thursday, November 24:**

**CLOSED**

Friday, November 25 &

Saturday, November 26:

9:00 am – 10:00 pm

Sunday, November 27:

1:00 pm – Midnight

### Exam/Extended Fall Hours 2016

Monday, November 28 to

Friday, December 2:

7:00 am – Midnight

Saturday, December 3:

9:00 am – Midnight

Sunday, December 4:

1:00 pm – Midnight

Monday, December 5

to Friday, December 9:

7:00 am – Midnight

Saturday, December 10:

9:00 am – Midnight

Sunday, December 11:

1:00 pm – Midnight

Monday, December 12 to

Thursday, December 15:

7:00 am – Midnight

Friday, December 16:

7:00 am – 4:30 pm

All schedules are subject to change based on University decisions to close during times we currently list as open. In the past, the University has sometimes closed early on the Wednesday afternoon before Thanksgiving. If changes are made, they will be posted on the Law Library doors, on the Law Library website, on the Law Library Facebook site, and by email to all law students.

### Restricted Access during Final Exam Period

Beginning at the opening of the Law Library on Monday, November 21, 2016 through the closing of the Law Library on Friday, December 16, 2016.

The Law Library will be closed to all but the following patrons in order to accommodate the study needs of law students during their exam period:

Cumberland School of Law students, faculty and staff,

Samford University paralegal students,

Samford University faculty and staff.

Lawyers and other professionals who are routinely given access to the Law Library for their work.

The following will be permitted access only upon prior approval following a request made to the Law Library director:

Other Samford University students who need immediate access to an information resource that is only available within the Law Library.

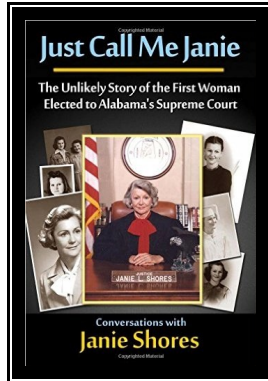
**IN ORDER TO ENFORCE THESE RESTRICTIONS, ALL ELIGIBLE LAW LIBRARY PATRONS MUST PRESENT THEIR CURRENT SAMFORD ID CARD AT THE CIRCULATION DESK BEFORE ENTERING THE READING ROOM.**

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**Best of  
luck with  
finals!!**

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## Janie Shores, Alabama Supreme Court Justice



The Law Library has received a copy of *Just Call Me Janie: the Unlikely Story of the First Woman Elected to Alabama's Supreme Court*: Conversations with Janie Shores. Shores was the first full-time female professor at Cumberland School of Law, starting in 1966. Shores later won a seat on the Alabama Supreme Court, becoming the first woman to be elected to that court. She served on the court 1975-1999.

A copy of the book is shelved on the 2<sup>nd</sup> floor of the Law Library, KF373.S45 A3 2016.

## Librarian Update

The Law Libraries Association of Alabama fall meeting is scheduled for October 28, 2016, at the Alabama Supreme Court & State Law Library in Montgomery. Ed Craig, Della Darby, Becky Hutto and Greg Laughlin are planning to attend. Della Darby, Metadata Librarian, is President of the Association, and Ed Craig, Reference Librarian, is Treasurer.

Grace Simms, Information Technology Librarian, spoke at the Internet Librarian Conference in Monterey, California, on October 16, 2016. Her topic was Legal Apps and Research for Non-law Librarians.

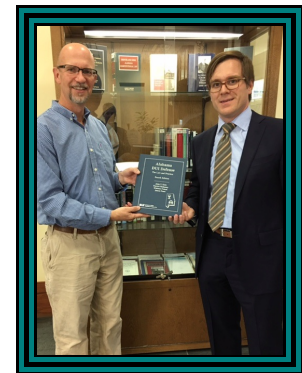


This is the last issue of **CHECK IT OUT** for this semester. Three issues will be published during the

Spring Semester beginning in January 2017. If you have any ideas or suggestions as to ways we can improve, contact **Becky Hutto** at [rmhutto@samford.edu](mailto:rmhutto@samford.edu). We look forward to the Spring Semester and new issues of the newsletter.

## Cumberland Alumnus

Alumnus Whitney Polson, Cumberland School of Law, class of 2004, co-authored the 4th edition of Alabama DUI Defense and generously donated a copy to the Law Library. It will be shelved in the Law Library's Display Case. An additional copy has been ordered and will be available for 7-day checkout.



[Greg Laughlin, Law Library Director ; Whitney Polson, author]

**Don't forget ... time reverts to standard time at 2 a.m. on Sunday, November 6. Turn your clocks BACK one hour!**



## Alabama Constitution

By Becky Hutto,  
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The state of Alabama has operated under six constitutions, all established via State Conventions. The first constitution was adopted in 1819, converting the Alabama Territory into a State. The next four constitutions were a result of Alabama's involvement with the Civil War - 1861 (Secession), 1865 (Reconstruction), 1868 (Reconstruction), 1875 (ending Reconstruction).

The current Alabama Constitution was adopted in 1901 and has been amended countless times. To date, it is the longest state constitution and is 40 times longer than the U.S. Constitution.

One of the collections provided by HeinOnline is World Constitutions, which includes publications from countries as well as U.S. states. One of the publications, an address presented to the Alabama State Bar in 1900, gives an interesting history of the Alabama constitutions, beginning with the 1819

version through the 1875 version. The title of the publication, *The Birth and Growth of the Constitution of Alabama*, was written by William H. Thomas, a member of the Alabama Bar. At the time of the publication, Mr. Thomas was practicing law in Montgomery, and later in 1915 was elected Associate Justice of the Alabama Supreme Court.

Mr. Thomas' presentation began with a brief history of the Territory of Alabama, leading up to the writing of the first state constitution. In lengthy sentences and biblical analogy, Mr. Thomas tried to provide his listeners with a description of what he described as the "beauty" of the Alabama constitution. As Mr. Thomas began his presentation, he encouraged the audience to "... go with me to the Bethlehem of our Constitution; and there, standing by its cradle, draw inspiration to encourage and guide, that we may see its full rounded beauty, that we may feel its blessed protection from the flood-tide of passion and prejudice."<sup>1</sup> Mr. Thomas did not know during his presentation in 1900, the state

of Alabama would adopt a new constitution in 1901, and would provide a constitution that, as of October 2016, contains 892 amendments. On page 30, during the closing comments, Mr. Thomas stated: "[W]e all are the artists to assist in its development. And may the God of Abraham, and the God of Isaac, and the God of Jacob, watch lovingly over our labors."

The Law Library has copies of the different Alabama constitutions in microfiche, located on the Lower Level, Room 031B. Also, different forms of the constitutions and more interesting historical articles can be found on HeinOnline.

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<sup>1</sup>William H. Thomas, *The Birth and Growth of the Constitution of Alabama*, HeinOnline World Constitutions Illustrated (October 18, 2016), <http://www.heinonline.org.ezproxy.samford.edu/HOL/Page?handle=hein.cow/brhgrwth0001&id=1&size=2&collection=cow&index=cow/brhgrwth>

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