Keynote Address: A Walk on the Law Side: Strengthening Collection Diversity through the Integration of Grey Legal Resources

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A Walk on the Law Side:
Strengthening Collection Diversity through the Integration of Grey Legal Resources

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Exercise:
Traditional Grey Literature Materials

- Pamphlets
- Reports
- White Papers
- Conference Materials
- Guidance Documents
- Data Sets
- Websites
- Tweets
- Etc.

The Law Side
Grey Legal Literature

Stands for manifold document types produced on all levels of
- government, academics, business and industry
- in print and electronic formats,
which inform or are produced by entities
- affiliated with the law,
- as part of, or in furtherance of the
  - legislative,
  - executive,
  - and/or judicial administration of the law at the international, federal, state, and/or local level.

Grey legal literature is not typically indexed or abstracted but is of sufficient quality to be collected and preserved by government agencies, law libraries, or other interested organizations, but is not controlled by commercial publishers i.e., where publishing is not the primary activity of the producing body.
Types of Grey Legal Literature

- **Type 1: Traditional Grey Literature**
  - Discuss a legal topic, or is
  - Produced by the legal community

- **Type 2: Government Administration Materials**
  - Materials produced as part of the administration of the three branches of government at the international, federal, state, and/or local level
    - Legislative
    - Litigation
    - Regulatory
COLLECTION VALUE
## Legislative Materials

<table>
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<tr>
<th>Amendments</th>
<th>Bills (text)</th>
<th>Memoranda</th>
<th>Transcripts</th>
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<tr>
<td>Legislative Histories</td>
<td>Hearings</td>
<td>Committee Reports</td>
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U.S. Legislative Process

"Congress shall have Power...To enacting all laws which shall be necessary and proper."

U.S. Constitution Article 1 Section 8

A Reconciliation bill is a part of the budget process and allows Congress to make changes to law to conform with budgetary goals in the legislative solution. It has become an alternative way to avoid contentious legislation in the Senate because it only requires a simple majority, not a two-thirds supermajority.
Compiled Legislative Histories

ProQuest

CONGRESS★GOV

Bill Texts
Amendments
Committee Reports
Conference Reports
Congressional Hearings
Debate Transcripts
Voting Records

HEINOnline

Westlaw®

® LexisNexis®
## Legal Administration Materials

### Litigation

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<th>Affidavits</th>
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<th>Slip Opinions</th>
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<td>Awards</td>
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<td>Bail</td>
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<tr>
<td>(&amp; amicus curiae)</td>
<td>Interrogatories</td>
<td>Settlement Agreements</td>
<td>Work Product</td>
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<td>Complaints</td>
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• Docket Search

• Federal Court Docket Search

State Dockets
• New York Unified Court System
• California
• Chicago
• Texas
• Florida

JUSTIA

Dockets
Exhibits
Briefs
Motions
Orders
Exhibits
Reports & Recommendations

PACER
/Public Access to Court Electronic Records

Federal District, Bankruptcy, & Appellate Courts
<table>
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<th>Regulatory</th>
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<th>Orders</th>
<th>Rulemaking Comments</th>
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<tr>
<td>Comprehensive Plans</td>
<td>IRS Tax Filings</td>
<td>Patents</td>
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</tr>
<tr>
<td>Environmental Impact Statements</td>
<td>Letter Rulings</td>
<td>Permits</td>
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<tr>
<td>Inspection Document</td>
<td>Memoranda</td>
<td>Reports</td>
<td>Zoning Maps</td>
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</table>
• Environmental Impact Statement (EIS) Database
• Enforcement & Compliance History Online
• EnviroFacts (Permit Searches)

• EDGAR Search

• Search
  • Full Text
  • Images
EXAMPLE:
Klamath River Basin
Dam Removal
The Situation

- The Klamath River is located in Oregon and northern California in the U.S., and flows approximately 263 miles (423 km) to the Pacific Ocean.

- The River is the most important river south of the Columbia for the migration of salmon, steelhead and rainbow trout.

- The River houses 6 dams many privately owned that provide hydroelectric power to the region.

- In September 2002, 68,000 salmon were found dead in a massive fishkill on the lower Klamath River due to the Bush Administration’s policies which cut downstream water flows in order to assist drought-stricken farmers.
Type 1:
Traditional Grey Literature
SAMPLE REPORTS

- Klamath Basin Settlement Agreements (2014)
- Salmonids, Stream Temperatures, and Solar Loading—Modeling the Shade Provided to the Klamath River by Vegetation and Geomorphology (2013-5022)
Type 2: Government Administration Materials
The Klamath Basin Water Recovery and Economic Restoration Act of 2015 ratified the:

- Klamath Basin Restoration Agreement (KBRA)
- Klamath Hydroelectric Settlement Agreement (KHSA)
- Bureau of Reclamation’s Klamath Water Project and Central Valley Project
- e.g., Trinity River
dams); (2) management of federal lands in the Basin, including five national wildlife refuges, several national forests, and public lands; and (3) implementation of federal
- Three species fall under the Endangered Species Act & the Federal Fish & Wildlife Service including the Lost River and shortnose suckers and the coho salmon.
- Clean Water Act (CWA), and
- National Environmental Policy Act (NEPA).

http://www.energy.ca.gov/hydroelectric/klamath/documents/CRS_REPORT_RL33098.PDF
- Bennett v. Spear, 520 U.S. 154 (1997)
- Pacific Coast Fed’n of Fishermen’s Ass’ns v. U.S. Bureau of Reclamation, 426 F.3d 1082 (9th Cir. 2005)
Legislative

Congressional Hearings
U.S. Senate Committee on Energy & Natural Resources

- Full Committee Hearing: Water Resource Issues in the Klamath River Basin (June 20, 2013)

Legislative History

- The River is the most important river south of the Columbia for the migration of salmon, steelhead and rainbow trout.

- The River houses 6 dams many privately owned that provide hydroelectric power to the region.

- In September 2002, 68,000 salmon were found dead in a massive fishkill on the lower Klamath River due to the Bush Administration’s policies which cut downstream water flows in order to assist drought stricken farmers.
Litigation

- The Klamath River is located in Oregon and northern California in the U.S., and flows approximately 263 miles (423 km) to the Pacific Ocean.

- The River is the most important river south of the Columbia for the migration of salmon, steelhead and rainbow trout.

- The River houses 6 dams many privately owned that provide hydroelectric power to the region.

- Starting in 2001, and 2002, over 68,000 salmon were found dead in a massive fishkill on the lower Klamath River due to the Bush Administration’s policies which cut downstream water flows in order to assist drought stricken farmers.
Regulatory

- The Klamath River is located in Oregon and northern California in the U.S., and flows approximately 263 miles (423 km) to the Pacific Ocean.

- The River is the most important river south of the Columbia for the migration of salmon, steelhead and rainbow trout.

- The River houses 6 dams many privately owned that provide hydroelectric power to the region.

- In September 2002, 68,000 salmon were found dead in a massive fishkill on the lower Klamath River due to the Bush Administration’s policies which cut downstream water flows in order to assist drought stricken farmers.
Documents

EIS
Strengthening Collection Diversity
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Credits


Linda Tanner, *Dark Morning On The Klamath River*, FLICKR (June 18, 2011).

Grey Legal Literature

Collection Value

Real Life Example

Creating Partnerships

Documents Generated

Exercise
In this time of budget shortfalls, limited resources, and collection fatigue it is easy for information professionals to feel isolated, overwhelmed, and even a bit disillusioned. Grey literature specialists are often most susceptible to this as the collections we work with are so ephemeral by their very existence. But, what if we could combat this ennui? What if we could find untapped, high quality grey collections that would complement our existing resources? What if we shift our view, challenge our perspective, and take a walk . . . a walk on the law side? Working off the newly proposed definition of grey legal literature, this keynote will discuss the various types of grey legal resources that exist and their value to the research community as a whole. By examining the scientific and reports literature produced by legal groups as well as the resources generated directly by the legislative, litigation, and regulatory processes, grey researchers will discover a new path to rich and diverse sources of information that will help them maximize and strengthen their collections.