

Administrative Lawyer



The Newsletter of the NCBA's Administrative Law Section

Vol. 7, No. 3 March 1996

The Chair's Comments

By
Sabra Faires



At the invitation of the County Attorney's Association, Charles Case and I recently reviewed the 1995 rulemaking changes for these attorneys at their annual continuing legal education program.

Our participation in that program and the section's experience with the CLE program it co-sponsored last fall highlight both the strengths and weaknesses of this section of the North Carolina Bar Association. Unfortunately, they do not suggest a ready answer to improving the weaknesses.

The participants at that conference were knowledgeable about administrative law and serve as counsel to clients (counties) whose activities are greatly affected by local and state administrative procedures. Despite their knowledge of administrative law and its relevance to their work, few of the participants belong to the NCBA and this section. My conclusion from this is that, for this group, membership in the Bar Association and the section are generally not worth the membership fees.

The same can be said for state government attorneys. The fall CLE program the

Continued on page 2

Legal Resources on the Internet — A Selective Guide Part I

By Patricia A. Langelier

(EDITOR'S NOTE: Administrative Lawyer presents this article in two parts. Part I contains a brief overview of the Internet and provides suggestions for further reading. Part II, scheduled to appear in the next edition, contains suggestions for keeping up with new law-related Internet resources and provides recommendations of specific Internet resources relating to law. For more detailed information, the author refers the reader to the "Local Government On The Internet" series published in Volume 61 of Popular Government.)

What You Can Find on the Internet

The recent explosion in use of the Internet—by governments, businesses and individuals—has spurred increased development of Internet resources. Data files, reports, directories, catalogs and other resources have sprung up on the Internet, and their numbers grow daily.

Communicate By E-mail

One of the most heavily used features of the Internet is electronic mail, or e-mail. You can compose e-mail at your computer and send it to anyone in the world who is connected to the Internet. You can attach a text file — such as a memorandum, report or chart — to the message and, with one keystroke, e-mail it to one person or to a group of people. The mail arrives at its destination in minutes rather than days. The quick delivery enables you to get a response to your inquiry more quickly, reducing or eliminating telephone tag. E-mail also decreases the need for repetitive data entry. The recipient can revise your draft and return it to you with comments.

Continued on page 2

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Inside

Recent Developments	4
Legislative Oversight Committee Begins Work	8

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Legal Resources on the Internet

Continued from page 1

Find Current Information

The Internet speeds the delivery of timely information. For example, if you want new U.S. Supreme Court decisions, you can subscribe for free to the *LII Bulletin*, an electronic bulletin at Cornell University's Legal Information Institute, which sends e-mail announcements about the decisions as soon as they appear. Subscribers can then request a free copy of the full text of any decision, which will be delivered to their electronic mailbox automatically, usually within 24 hours.

Known as "listservs," these mailing lists are fully automated and require little effort to set up or maintain. Some listservs, such as the *LII Bulletin*, are one-way distribution only: the provider sends the information to the people on the list. Other listservs are meant to be discussion groups with give-and-take among subscribers. All that's required for a successful listserv is a sufficient number of people connected to the Internet who are interested in sharing information with other subscribers on a particular topic.

Start Research

The Internet enables users to conduct preliminary research. It can also reduce the amount of time you might spend in a library. By searching an online catalog via the Internet, you can find out if a library has what you're looking for, go prepared with call numbers, and know the resource is not checked out. Note that for some Triangle libraries, not all of their holdings are

represented in their online catalogs. If you don't see what you're looking for online, check the card catalog or ask the staff.

The Internet is not a substitute for searching for legal information that must be 100 percent reliable. As strong as the Internet tradition is for sharing the latest technological advances and academic research, there has not been a rush to give away valuable information that is costly to prepare and profitable for publishers to sell. Most expensive, commercially published sources are not available via the Internet, except through fee-based online services such as Westlaw and LEXIS.

Fishing expeditions on the Internet will turn up some sources that are useful, and more that are interesting, but don't count on finding everything that exists on any topic. If you're lucky, you'll find a number of relevant sources, but not all there is to know about a subject. A printed or CD-ROM source may be what is needed.

For example, although you can locate the text of current North Carolina bills, the North Carolina General Statutes are not on the Internet. Also, only a dated version of the North Carolina Administrative Code is available on the Internet. For current, reliable information, it is necessary to use the printed version or one of several CD-ROM products. Don't hesitate to ask librarians for guidance on finding the best source of information — in whatever format it exists.

Locate News and Quick Reference Tools

The Internet is a great place to find headline news, sports, business news and data, and brief

Continued on page 3

The Chair's Comments

Continued from page 1

section co-sponsored was targeted in part at state government attorneys who advise agencies on rulemaking. A record number of people (more than 200) attended the program and quite a few had to be turned away for lack of space. Relatively few state government attorneys, however, are members of the NCBA and this section.

The section has wrestled several times to no avail over how to increase membership by state government attorneys. The typical reasons advanced for the lack of participation by this group are money (the state does not pay the professional dues of any of its employees) and the lack of support by the state for allowing its attorneys to take the time to attend meetings and otherwise participate.

Another factor that is not often discussed but that has a significant bearing on the lack of

participation by both local and state government attorneys is the strong bias of the NCBA toward traditional private practice and the message this bias conveys. The message is that local and state government attorneys are not as welcome as private practice attorneys and will not "fit in" with the membership. Local government attorneys therefore have their own association to which they belong. State government attorneys may be better served by forming their own association.

The NCBA's bias towards private practice is natural and not necessarily undesirable. Private practice firms are the financial pillars of the association and therefore get to call the shots. Those calling the shots may conclude that the association serves their needs despite the lack of inclusion of government attorneys. Our section has found this lack to be a detriment, however, and to lead to an "us and them" mentality instead of a cooperative, problem-solving mentality. ♦

Legal Resources on the Internet

Continued from page 2

or extensive weather reports at your convenience. The Internet contains quick reference tools such as dictionaries, encyclopedias, thesauri and quotation books, atlases, gazetteers, zip codes and other postal information, toll-free phone directories, e-mail directories, directories of law schools and law firms, colleges and universities, etc. The Internet is also a good starting point for finding factual information about organizations, associations, state and federal agencies, local governments, colleges and universities, and for searching library online catalogs.

How To Get on The Internet

Access to the Internet requires a computer, a modem and an account with an Internet service provider. Internet service providers have sprung up across the country, offering access to the Internet for fees ranging from \$10 to \$50 per month.

There are many specialized providers in North Carolina, and the major, commercial online services such as America Online, CompuServe and Prodigy also provide gateways to the Internet. Some of these services charge by the hour; others charge a flat monthly fee. InfiNet, at 1-800-849-7214; Interpath, at 1-800-849-6305, and NandO.Net, at (919) 836-2808, are three of many Internet service providers in the 919 area.

How To Get Around The Internet

NCINFO

Once connected to the Internet, you'll need help finding the information that can be beneficial to you. This article identifies some relevant starting points and resources to help you find your way.

To find North Carolina legal resources, a good starting place is NCINFO. The three organizations that sponsor it—the Institute of Government, the N.C. Association of County Commissioners and the N.C. League of Municipalities — provide on-screen information about these organizations, but also provide links to other useful law-related Internet resources.

Since its debut on Jan. 25, 1995, NCINFO has been accessed many thousands of times. Through NCINFO you can read selected new articles from *Popular Government* and *School Law Bulletin*, search an online version of the institute's catalog of publications, locate research surveys from the league and the association, identify job listings in state and local government, get statistical data from the state planning office and the U.S. Bureau of the Census, find information about legislators, follow the status of bills before the General Assembly, read recent decisions of the North Carolina appellate courts and find case law from U.S. and other state courts. NCINFO also provides pointers to extensive federal web sites, and a link to the *Federal Register*, Code of Federal Regulations, U.S. Code and other federal regulatory and legislative resources.

NCINFO is also becoming a site for home pages of interest to specific groups of local officials. For example, for attorneys and planners, there's a home page available on NCINFO that was created in association with the North Carolina Chapter of the American Planning Association (NCAPA) and the North Carolina Association of Zoning Officials (NCAZO). This site is intended to provide information on planning issues within the state of North Carolina. Another new home page on NCINFO has been devel-

oped for North Carolina city and county clerks. As more public officials go online, more home pages will be developed on NCINFO to meet their specialized information needs.

Two Ways To Reach NCINFO

How you reach NCINFO depends on the type and speed of your Internet connection. The quickest way is through the gopher site at ncinfo.iog.unc.edu. The NCINFO gopher provides a series of menus that lead you from one topic to another until you reach the information needed. That information is presented as text only — that is, words on your screen.

Another way is through NCINFO's World Wide Web site at <http://ncinfo.iog.unc.edu>. The Web provides not only text but images, sound, and animation (if you have the right equipment). It also provides links embedded in the images and text that allow you, with the click of your computer mouse, to jump from one document to another. Searching for information can take longer on the Web, however, because images take longer to transmit than text.

The Software Needed

To access the Internet, you must have the right kind of software, but that is not a problem, because software to browse gophers and Web sites is available free over the Internet and from your Internet service provider. You can use gopher software such as TurboGopher (for Macintosh computers) or WSGopher (for other computers), as well as World Wide Web client software such as Mosaic or Netscape.

Hardware Requirements

At a minimum, the computer should be a 386sx25; a 486sx25 or higher is recommended. The modem can have a speed of 9600 bps, but 14,400 bps or higher is preferable.

Books About The Internet

Two types of books are listed here: basic Internet instruction handbooks and guides to legal resources on the Internet. To find Internet sources in your area of expertise, use one of the legal resource guides, or search one of the sites listed below. Evaluate what you find and compare results with your paper-based research.

The Lawyer's Guide to the Internet (G. Burgess Allison. Chicago, IL: American Bar Association, Section of Law Practice Management, 1995. 347pp. \$29.95) provides practical and technical guidance on the Internet and how it works. It lists and recommends the best, most current Internet legal resources and explains how to access them. Find updates to Allison's book and other Internet and computer news in his online column, "Technology Update" at http://grover.abanet.org/lpm/magazine/tu_index.html.

Another Internet legal resource is *The Internet Guide for the Legal Researcher: A How-To Guide to Locating and Retrieving Free and Fee-Based Information on the Internet*. (Don McLeod. Teaneck, NJ: Infosources Publishing, 1995. 305pp. \$50.). It explains how to find and use legal information on the Internet.

The Internet Navigator (Paul Gilster. New York: John Wiley & Sons, 1993. \$24.95) explains how the Internet works, use of e-mail and how to find sources. It's a good tutorial for learning your way around the Internet. Another excellent basic how-to guide is *The Whole Internet User's Guide & Catalog*. (Ed Krol. 2nd ed., Sebastopol, CA: O'Reilly & Associates, Inc., 1994. 543pp. \$24.95). ♦