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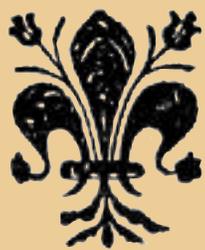


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A LEGAL MISCELLANEA

A NEWSLETTER FOR THE FRIENDS OF THE JACOB BURNS LAW LIBRARY

VOLUME 3, NUMBER 1 SPRING 2006 :: THE GEORGE WASHINGTON UNIVERSITY LAW SCHOOL

SPECIAL COLLECTIONS FOCUS: NEW ACQUISITIONS

Vocabularius Juris Utriusque (1478)

The newest addition to the Law Library's collection of early printed books is a 1478 imprint of *Vocabularius Juris Utriusque*, a representative of the Roman/canon law dictionary genre. This is one of four editions of the *Vocabularius* held by the Law Library, and as one of three known 1478 copies in the United States, the most scarce. Produced at Speyer by the prominent printer Peter Drach (ca.1440–1504), this German imprint is a fine example of the early law dictionaries targeted primarily toward the layman which remained key legal references for centuries.

At times attributed to the jurist Jodocus of Erfurt, the earliest *Vocabularius* was printed ca.1473 in Basel. This debut marked the start of a long and geographically diffuse publishing history which continued into the mid-18th century. Approximately eighty editions appeared during this time, printed not only in Basel and Speyer, but also in Strassburg, Cologne, Nuremberg, Venice, and Lyons, other leading centers of printing throughout Europe. A well-regarded authoritative work, the *Vocabularius* is a compendium of terms of the *jus commune* drawn from the legal texts of earlier centuries. Its broad dissemination testifies to its popularity and usefulness as a work which brought an understanding of the *jus commune*, the combination of Roman, canon, and

(continued on next page)

FRIENDS, LAW ALUMNI WELCOME EMERITUS PROFESSORS BACK TO CAMPUS



From l. to r.: Attending the reception were Professors Emeritus Lewis Schiller, Hugh Bernard, Leroy Merrifield, Ralph Nash, Dean John Jenkins, Robert Park, Glen Weston, David Weaver, William Painter, and David Robinson.

One of the most popular events of GW Law's October 22–23 Alumni Weekend was the Emeritus Law Faculty Reception, hosted by the Friends of the Law Library in the Tasher Great Room. Many Friends, alumni, law deans and faculty were in attendance to honor our emeritus law professors, and shared champagne and hors d'oeuvres to renew and celebrate friendships. Alumni immensely enjoyed seeing their mentors again, and lively conversation abounded. Dean Frederick Lawrence in a gracious and eloquent toast expressed deep appreciation and admiration for all of the Law School's emeritus faculty and their many contributions to the Law School.

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SPECIAL COLLECTIONS ARCHIVES NEWS



Two distinguished law faculty members, Professor Thomas D. Morgan and Professor John A. Spanogle, have donated to the Law Library papers they produced in the course of contributing to major national law projects. These materials include unique working documents and will be valuable to scholars as sources for historical research. Also joining the Library's expanding archives are the remaining papers from Paul Dembling's (JD '51) extensive NASA collection. More information on the papers of Professors Morgan and Spanogle will appear in the autumn Legal Miscellanea.

EVENTS...The second annual Faculty Authors' Reception will be held in April in the Tasher Great Room. Friends and faculty authors will join together to honor our 2005-2006 faculty authors and see copies of their recent work displayed. Friends should check their mail for invitations in late March... The January 4 reception for academic law library directors, sponsored by the Law Library Microform Consortium, provided an opportunity for the many attending directors from around the country to see the SMA 21 scanner in action with an 18th-century French folio, as well as visit Special Collections and tour the Law Library.

(Vocabularius Juris Utriusque continued)

local laws which formed the generally applicable body of law, to the populace at large.

The *Vocabularius* is found from time to time bound with other works, customarily other legal reference works or dictionaries. For example, the Law Library's 1494 copy of the *Vocabularius* is bound with Wernherus of Schussenried's *Modus Legendi Abbreviaturas in Utroque Iure*, a work of Roman and canon law abbreviations. Typical of certain 16th-century editions of the *Vocabularius*, the Library's 1589 Venice copy is accompanied by Giovanni Battista Caccialupi's *Tractatus de Modo Studendi in Utroque Iure*, which indicates use of the *Vocabularius* by law students. Also in Special Collections is another 15th century imprint of the *Vocabularius*, a 1498 Venice copy printed by the eminent Italian printer Bernardino Stagnino (fl. 1478–1538), known for his legal and philosophical works, but who also satisfied the academic community by printing the works of Dante with commentary.

The Law Library's copy of the 1478 *Vocabularius* is a fresh, vellum-bound folio, with rubricated initial capitals and some slight contemporary marginalia. Its printer, Peter Drach, was considered the leading printer in Speyer, which in the 15th century was an important German center for court and government. Among the many works Drach produced are two editions of the *Malleus Maleficarum* ("The Witch Hammer"), the popular witch identification and prosecution manual (1487 and c.1490). Another important Drach imprint is Petrus de Crescentiis' comprehensive natural history work *Ruralia Commoda* (1493) which contains over two hundred woodcut illustrations, an unusually large number of illustrations for a work of this era.

The Library's acquisition of this early and scarce imprint of the *Vocabularius* is important, for this copy complements the later printings of this title in Special Collections. Together these works form a significant research corpus for work in the history of law and legal dictionaries.

(Emeritus professors continued)

"Retirement" for GW's law emeriti hardly has meant inactivity. These professors are engaged in a broad range of activities, both professional and "fun." Professors Lees, Park, Robinson, Schwartz and Sharpe all have taught courses in the Law School since assuming emeritus status. Thomas Buerghenthal is the American judge on the International Court of Justice (known as the World Court), The Hague, Netherlands. Professor Nash continues to be involved with the Nash & Cibinic Report, a must-read for government procurement lawyers. Former library director Hugh Bernard has produced a body of work chronicling the history of the law school. Professor Painter, who teaches classes on selected film topics, was accompanied by spouse Marion and their son Professor Richard Painter, on leave from the University of Illinois School of Law to handle ethics matters in Washington as Special Assistant to the President and Associate White House Counsel.

Among the emeriti who sent best wishes and promises to attend our next gathering were former library director Anita Head, contracts professor Max Pock, products liability professor Teresa Schwartz, and former dean Ed Potts.

Next time around we look forward to welcoming those emeriti whose prior commitments kept them from attending - and seeing again those whose company we so enjoyed this time.



Professor Emeritus David Weaver with Sidney Katz, JD '66, Managing Partner of the intellectual property law firm Welsh & Katz in Chicago. Professor Weaver taught courses in taxation and trusts and estates.

“Retirement” for GW’s law emeriti hardly has meant inactivity. These professors are engaged in a broad range of activities, both professional and “fun.”



Dean Lawrence proposes a toast to the Emeritus Faculty. In the background are (l. to r.) Professors Emeritus Lewis Schiller and David Robinson, Rare Books Librarian Jennie Meade, and Library Director Scott Pagel.

NUGGETS: MINING THE GOVERNMENT CONTRACTS COLLECTION

Matthew Mantel, Reference/Government Contracts Librarian

Every academic library has certain materials of which it is especially proud, such as the papers of distinguished alumni, or perhaps a particularly scarce and important early multi-volume treatise set, complete and in fine condition. The Law Library is fortunate to hold such materials in its Special Collections.

Yet the Law Library has a hidden treasure in its stacks which receives very little publicity, and may be as scarce as certain of its rare books. We have in our collection one of the only extant sets of the Armed Services Procurement Regulation (ASPR). Who would have thought that a government publication, first issued by the Government Printing Office in 1948, which had a name change and eventually ceased publication altogether, would be sought by practitioners nearly sixty years later? Who would have thought that a collection of United States regulations pertaining to government contracts ultimately might be considered “rare?”

Let us back up for a moment to put things in context. The George Washington University Law School’s government procurement law program is the only one of its kind in the United States. Established in 1960 by Professors John Cibinic, Jr. and Ralph C. Nash, Jr., the LL.M. program offers a comprehensive range of courses taught by a distinguished faculty, and is supported by a unique library collection. Over the course of many years, the Government Contracts program developed this collection, which was spearheaded in its early phases by Patty Tobin, the Law School’s first government contracts law librarian. Later the program transferred its collection to the Law Library, which integrated the materials into its general collection and continued to build the government contracts materials vigorously. Today GW is acknowledged among academic law libraries as having the pre-eminent collection of government procurement law materials in the nation.

In my opinion, the golden nugget of the government contracts collection is our run of the ASPR. Our collection contains every edition from 1954 through 1983 (covering regulations issued beginning in 1948), making it a valuable historical set. Although our set is thought to be lacking some documents, except for perhaps a small handful of government agencies it is probable our set is the most complete of those which exist today. Beginning in 1984, legislation

mandated a new system requiring administrative agencies to use the Federal Acquisition Regulation (FAR), which replaced the ASPR. Agencies are permitted to create their own supplements to the FAR (to provide, for example, provisions which cover changes in practice mandated by other federal legislation), but cannot contradict it. Yet many government contracts exist today which were drafted using the ASPR, and thus lawyers find with some frequency that they need to consult it to determine the language governing provisions of these older documents.

The ASPR is not an easily accessible work, and can be challenging for researchers to work with unless they know exactly what they are looking for. This set is best used to check citations to particular sections of the ASPR; browsing expeditions can be lengthy and frustrating. Our copy was assembled during the early days of the government contracts library before its transfer to the Law Library, largely in scrapbook fashion from photocopies of pertinent loose-leaf pages. But despite its homespun origins, it is a clean and attractive bound set which is the primary source for the information sought by its researchers.

Who would have thought that a collection of United States regulations pertaining to government contracts ultimately might be considered “rare?”

In some areas of law, vintage regulations may not play a frequent role in the research of legal issues. In the context of government procurement practice, however, I find that each semester I receive a number of telephone calls from practitioners regarding the ASPR. While the legal world at large may know nothing of this uncommon item, attorneys practicing in the world of government procurement law need to be well-acquainted with the ASPR. And those in Washington know that the most readily available copy of the Armed Services Procurement Regulation is located at the Jacob Burns Law Library.

THE LAW LIBRARY’S FRENCH COLLECTION IS FEATURED IN FRANCE MAGAZINE

The Winter 2005-06 issue of *France Magazine* features an article on the Jacob Burns Law Library’s French Collection. The article is available online: go to www.francemagazine.org, then click on “Patrimoine.”

France Magazine is an elegant and lavishly-illustrated publication focusing on French culture, society, and business. Published by the French-American Cultural Foundation, it is issued quarterly by the French Embassy in Washington, DC., and distributed to francophiles throughout the world. The French-American Cultural Foundation’s mission is to foster cultural and educational ties between France and North America.

UNIVERSITY HISTORIAN G. DAVID ANDERSON DISCUSSES LAW SCHOOL MATERIALS IN THE GELMAN LIBRARY ARCHIVES

Although G. David Anderson is George Washington University's newly-appointed University Historian, he is not new to GW: in fact, David is a treasured GW institution. Since 1987, David has been the University Archivist, stationed at the Gelman Library. His knowledge of the materials he oversees is immense and photographic; a telephone call to David to verify information regarding virtually any aspect of GW's history is often a speedy affair as David recalls the events, players, and dates in question without hesitation.

Assuming the position of University Historian brings additional responsibilities under David's purview. His plans include developing an online encyclopedia of GW and Foggy Bottom history, writing articles on GW's history, cultivating an oral history program, and teaching a course on the history of the University. David looks forward to participation in these projects from representatives of the other departments on campus, including the Law Library. The online Encyclopedia of GW and Foggy Bottom History will be available beginning in late summer of this year; the Rediscovery project will bring online records of many of the documents and artifacts of Gelman's Special Collections and Archives, and is planned for unveiling in late spring. Both projects will include substantial information about the history of the Law School, as well as many Law School documents. These new online avenues will enable researchers to gain swift access to records which before would require telephone or e-mail consultations. As part of his documentation strategy, David plans in the future to include records from other archives on campus to allow users to locate documents online through Rediscovery, regardless of where on campus the documents are located.

David emphasizes that George Washington University's Law School is the oldest law school in the District of Columbia. It was established in 1826, and boasted a distinguished faculty which included judge and U.S. Supreme Court reporter of decisions William Cranch and Clerk of the Supreme Court William Thomas Carroll. Due to lack of financial support, the law school closed its doors, but in 1865 was reestablished and has operated without interruption to the present.

Although the Law Library's archives contain many documents relating to the Law School, the University's archives are extensive, and nicely complement the Law Library's collection. David notes that the "jewel in the crown" of the University's archival law

materials is the Hugh Bernard collection. Professor Bernard, after retiring as Director of the Law Library, assembled materials and produced a body of research documenting the history of the Law School. These materials span the years 1865–1984 and include minutes from meetings of the Board of Trustees relating to the Law School, yearbooks, reports of the Dean, examinations, scrapbooks, files related to Stockton Hall, and research notes, as well as realia such as banners and caps/gowns. A popular collection, it has been used frequently by researchers. Another faculty collection, the Harold Hirsh collection, contains former Medicine and Law Professor Hirsh's medico/legal publications, as well as papers and audio/video tapes.

Little-known University publications containing law school information include the *Columbian Call*, issued in the late 1890s. A complete run of *The Hatchet*, GW's student newspaper which debuted in 1904 and remains popular today, contains substantial law school information. GW yearbooks from 1892-present are available (until the 1950s, the Law School was part of the general GW yearbook). An extensive run of University bulletins, the *Amicus Curiae* (which predated the current law school newspaper *Nota Bene*), a superb collection of photographs and etchings documenting the development of the law school, and many other early Law School materials can be found in the University Archives.

Although the history of GW has been chronicled in former University Historian Elmer Louis Kayser's *Bricks Without Straw* (1971), the Law School's history has yet to be documented in book form. Aware of this vacuum, David intends to spend time working in this important area, drawing upon the rich University archives to illuminate the Law School's distinguished past and the promise of its future.

University Historian and Archivist G. David Anderson may be contacted at cc1821a@gwu.edu.



G. David Anderson is GW's new University Historian.