

To: Joint Steering Committee for Development of RDA
From: John Attig, ALA Representative
Subject: Revision of RDA 6.29.1.21: Reports of one court

Background

RDA 6.29.1.21 requires catalogers to perform a complex analysis on court reports to determine the authorized access points. To apply 6.29.1.21, a cataloger must:

- distinguish law reports on the basis of whether they are ascribed to a reporter or reporters by name,
- know or determine the legal citation practice in any country from which reports are received, and
- determine whether reports were issued by or under the authority of the court.

The practice of ascribing reports to a named reporter is found chiefly in common law countries (England and Wales, the United States, etc.) from the earliest times until the middle of the 19th century. The reports were written by lawyers who attended the courts and wrote down the decisions in the cases. These reports were known and cited by the name of the reporter and are referred to as “nominate reports”. The Incorporated Council of Law Reporting for England and Wales was established in 1865 and standardized the system of law reports in English courts. After that time, reports were cited by the title of the publication or the name of the court. At about the same time, law reports in the United States ceased to be the product of named reporters and were thereafter cited by the name of the court and published by the courts or commercial enterprises.

Recommendations

On a recommendation from the American Association of Law Libraries, ALA makes the following proposals to simplify 6.29.1.21:

- For reports of one court not ascribed to a reporter or reporters by name, eliminate the need to determine whether the reports were issued by or under the authority of the court. Instead, base the authorized access point on the authorized access point representing the court. Otherwise, different manifestations containing the same reports could have different authorized access points depending on whether they were issued by the court.
- Switch the order of the remaining instructions for a more logical sequence, dealing first with the exceptional case (reports ascribed by name) and then with all other cases (reports not ascribed by name). This change is shown below only in the clean version.

The proposed revisions should result in a simplified decision process for court reports.

Note: The following changes to the examples are proposed:

- Arizona example revised on the basis of LCCN 66063614.
- German example substituted for California example.
- Nigerian example added to show difference from AACR2 choice of entry.

Proposed revisions: marked version

6.29.1.21 Reports of One Court

- For law reports of one court, construct the authorized access point representing the work as instructed under [6.29.1.21.1](#) (reports ~~not~~ ascribed by name) or [6.29.1.21.2](#) (reports ~~not~~ ascribed by name) as applicable.

6.29.1.21.2 Reports Not Ascribed to a Reporter or Reporters by Name

- If the reports ~~are issued by or under the authority of the court, and~~ are not ascribed to a reporter or reporters by name, construct the authorized access point by combining (in this order):
 - a) the authorized access point representing the court, formulated according to the instructions given under [11.13.1](#)
 - b) the preferred title for the reports, formulated according to the instructions given under [6.19.2](#).

Canada. Federal Court. Canada Federal Court reports

Authorized access point for: Canada Federal Court reports / editor, Florence Rosenfeld. ~~Issued by the court~~

- ~~If the reports are not issued by or under the authority of the court, use the title as the authorized access point.~~

Arizona. Court of Appeals. Reports of cases argued and determined in the Court of Appeals of the State of Arizona

Authorized access point for: Report of cases argued and determined in the Court of Appeals of the State of Arizona — St. Paul : West Publishing Company. ~~Publisher acts in an editorial capacity~~

Germany. Bundesverfassungsgericht.
Entscheidungen des Bundesverfassungsgerichts

Authorized access point for: Entscheidungen des Bundesverfassungsgerichts

Nigeria. Supreme Court. Monthly judgments of the Supreme Court of Nigeria

Authorized access point for: Monthly judgments of the Supreme Court of Nigeria

~~6.29.1.21.21~~

Reports Ascribed to a Reporter or Reporters by Name

- If the reports are ascribed to a reporter or reporters by name, ~~apply the accepted legal citation practice in the country where the court is located.~~ construct the authorized access point by combining (in this order):

~~6.29.1.21.2.1~~

Citation by Name of Court

- ~~If the accepted legal citation practice in that country is to cite the reports using the name of the court, construct the authorized access point by combining (in this order):~~
 - ~~a) the authorized access point representing the court, formulated according to the instructions given under [11.13.1](#)~~
 - ~~b) the preferred title for the reports, formulated according to the instructions given under [6.19.2](#).~~

~~6.29.1.21.2.2~~

Citation by Name of Reporter

- ~~If the accepted legal citation practice in that country is to cite the reports using the name of the reporter, construct the authorized access point by combining (in this order):~~
 - a) the authorized access point representing the reporter (or first named reporter), formulated according to the instructions given under [9.19.1](#)
 - b) the preferred title for the reports, formulated according to the instructions given under [6.19.2](#).

~~6.29.1.21.2.3~~

Citation Practice Cannot Be Determined

- ~~If that practice cannot be determined readily, and if the reports are issued by or under the authority of the court, construct the authorized access point by combining (in this order):~~
 - ~~a) the authorized access point representing the court, formulated according to the instructions given under [11.13.1](#)~~
 - ~~b) the preferred title for the reports, formulated according to the instructions given under [6.19.2](#).~~

~~California. Supreme Court. Reports of cases determined in the Supreme Court of the state of California, October 23, 1969, to January 30, 1970~~

~~**Authorized access point for:** Reports of cases determined in the Supreme Court of the state of California, October 23, 1969, to January 30, 1970 / Robert E. Formichi, reporter of decisions. — San Francisco : Bancroft-Whitney. **Cited as** California reports~~

~~6.29.1.21.2.4~~

Citation of Reports Not Issued under Authority of a Court

- ~~If the reports are not issued by or under the authority of the court, construct the authorized access point by combining (in this order):~~

- ~~a) the authorized access point representing the reporter (or first named reporter), formulated according to the instructions given under [9.19.1](#)~~
- ~~b) the preferred title for the reports, formulated according to the instructions given under [6.19.2](#)~~

Manning, James, 1781-1866. Common bench reports

Authorized access point for: Common bench reports : cases argued and determined in the Court of Common Pleas / [reported] by James Manning, T.C. Granger, and John Scott. — London : Benning, 1846-1857. **Cited as** Manning, Granger & Scott

Clean version (including switch in order of subsections)

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6.29.1.21.1 Reports Ascribed to a Reporter or Reporters by Name

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Authorized access point for: Common bench reports : cases argued and determined in the Court of Common Pleas / [reported] by James Manning, T.C. Granger, and John Scott. — London : Benning, 1846-1857. **Cited as** Manning, Granger & Scott

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Canada. Federal Court. Canada Federal Court reports

Authorized access point for: Canada Federal Court reports / editor, Florence Rosenfeld

Arizona. Court of Appeals. Report of cases argued and determined in the Court of Appeals of the State of Arizona

Authorized access point for: Report of cases argued and determined in the Court of Appeals of the State of Arizona — St. Paul : West Publishing Company

Germany. Bundesverfassungsgericht. Entscheidungen des Bundesverfassungsgerichts

Authorized access point for: Entscheidungen des Bundesverfassungsgerichts

Nigeria. Supreme Court. Monthly judgments of the Supreme Court of Nigeria

Authorized access point for: Monthly judgments of the Supreme Court of Nigeria