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Computer Law Reading List, 1 Computer L.J. 557 (1978)

Michael D. Scott

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COMPUTER LAW READING LIST†

*by Michael D. Scott**

The editors of the *Computer/Law Journal* have received numerous inquiries from readers concerning the availability of other publications that focus on various computer law issues. To attempt to answer those queries, we have compiled a list of periodicals, books and other reference materials, which are currently available and which we believe should be of interest to anyone seeking to develop a library in this rapidly growing area. This list is organized topically, and will be updated annually. Current prices are given where available.

While every effort has been made to be as complete and accurate as possible, I would request that any errors or omissions be brought to my attention—Michael D. Scott, Editor-in-chief, *Computer/Law Journal*, 675 South Westmoreland Avenue, Los Angeles, CA 90005.

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I. GENERAL PUBLICATIONS

COMPUTER LAW SERVICE (R. BIGELOW ED.)

Publisher: Callaghan & Company
6141 North Cicero Avenue
Chicago, IL 60646

Type: Multi-volume reference
work

One of the major difficulties encountered by anyone interested in the field of computer law is the lack of a comprehensive treatise covering the entire field. This work, while not a "treatise" in the ordinary sense, fills a much-felt gap in the literature, and is always a good place to start for a basic understanding of any area of computer law, as well as a useful reference tool.

The set consists of ten volumes, and continues to grow. It is divided into three parts. The first is a four volume loose-leaf set, topically organized and containing a variety of articles, excerpts from commercial publications, statutes, agency regulations and other federal pronouncements. The second part consists (currently) of five bound volumes, containing decisions of courts and administrative agencies. While most of this material is reprinted from other sources, it is convenient to have it available in a single location.

The third part is a single, loose-leaf volume entitled "Current Reporter Volume and Finding Aid." This is the "heart" of the set. It contains a subject *Index*, providing the user with a section number for use in finding either articles and other materials in the loose-leaf volumes, or decisions in the bound volumes. The *Case Locator* serves as an easy reference tool for locating specific decisions by subject matter. The *Table of Cases* provides reference by case name. This volume also contains the most recent case and agency decisions not yet accumulated in a bound volume.

COMPUTER LAW AND TAX REPORT

Publisher: Warren, Gorham & Lamont, Inc.
210 South Street
Boston, MA 02111

Type: Newsletter (96
pages/year)
Frequency: Monthly
Price: \$58.00/year

This is the *only* monthly publication devoted solely to computer law. Edited by Robert P. Bigelow, who also edits the *Computer Law Service* (discussed above), this newsletter provides an overview of the entire computer law field, from federal legislation to recent court decisions. While special emphasis is given to the taxation issue, the contents cover the entire spectrum of computer law. A very worthwhile publication.

COMPUTER/LAW JOURNAL

Publisher: Center for Computer/Law
675 South Westmoreland Avenue
Los Angeles, CA 90005

Type: Law Review (1,000
pages/year)
Frequency: Quarterly
Price: \$50.00/year (U.S.);
\$54.00 (other)

This relatively new publication is the first professionally-edited periodical devoted *solely* to computer law. Each issue addresses a single topic, treating it in depth. Early issues have focused on "Patent Protection for Computer Software" and "Computer-assisted Legal Research," while future issues will treat such topics as "Computer-Related Evidence Law," "Computer Crimes," and "Electronic Funds Transfer Systems."

In addition to feature articles by respected experts in the field, each issue contains a wealth of special reference tools, such as a comprehensive Bibliography on that issue's topic, and a Case Digest, containing abstracts of all relevant reported decisions from courts and administrative agencies.

The Journal also publishes an annual issue entitled "Current Developments in Computer Law," which contains articles on topics of current interest, a Bibliography of all relevant materials published during the previous year, and a Case Digest of reported decisions for that same year.

COMPUTERWORLD

Publisher: Computerworld
797 Washington Street
Newton, MA 02160

Type: Newspaper
Frequency: Weekly
Price: \$25.00/year (U.S.);
\$35.00-125.00/year (other)

This newspaper is *must* reading for anyone involved in the computer law area. While primarily aimed at data processing managers and others involved in the day-to-day operations of computer facilities, there are numerous articles on legal problems, pending litigation, and legislative activities at the state, federal and international levels. Its weekly publication schedule permits *Computerworld* to have the most timely reporting of all computer industry trade publications.

DATAMATION

Publisher: Technical Publishing Company
1301 South Grove Avenue
Barrington, IL 60010

Type: Magazine
Frequency: Monthly
Price: Controlled circulation—
free to certain qualified indi-
viduals; \$32.00 (U.S. and pos-
sessions), \$42.00 (Canada).

This periodical is synonymous with the computer industry. In its twenty-fifth year of publication, *Datamation* provides both news reports and in-depth features on developments in the data processing field. In line with the increasing importance of legal issues in the industry, *Datamation* devotes ever-increasing space in each issue to the legal implications of computer manufacturing, sales and use. Regular sections have the titles "Litigation" and "Government Agencies."

This is a "controlled circulation" publication, which means that it is free to those who are "employed by companies involved with automatic information handling equipment." This qualification standard has been interpreted broadly enough to include lawyers having clients in the computer industry. If there is any doubt whether you qualify, write to them for a questionnaire.

JURIMETRICS JOURNAL

Publisher: American Bar Association
1155 East 60th Street
Chicago, IL 60637

Type: Law review (350
pages/year)
Frequency: Quarterly
Price: free to attorney mem-
bers of the American Bar As-
sociation Section of Science
and Technology; \$20.00/year
to others.

This is the "granddaddy" of all computer law publications. Now in its nineteenth year of publication, past volumes contain a wealth of information. Unfortunately, the editors of the Journal have made a concerted effort during the past few years to move *away* from their previous concentration on computer law, and to place greater emphasis on other areas of technology and law, such as space law, biotechnology and law, and energy law. While this shift in editorial policy may please those interested in these other areas, the Journal today has only limited usefulness for those interested primarily in computer law.

RUTGERS JOURNAL OF COMPUTERS, TECHNOLOGY AND LAW

Publisher: Rutgers Journal of Computers,
Technology and Law
180 University Avenue
Newark, N.J. 07102

Type: Law review (450
pages/year)
Frequency: semi-annual
Price: \$20.00/year

Each issue of this student-edited publication contains a number of articles, book reviews and a bibliography. Formerly the *Rutgers Journal of Computers and Law*, the editors have announced that, starting with the next issue, the title will be changed as indicated above, and the coverage broadened to include other areas of technology. It is expected that substantially less coverage will be given to computer law in future issues.

R. BIGELOW & S. NYCUM, YOUR COMPUTER AND THE LAW (1975)

Publisher: Prentice-Hall, Inc.
Englewood Cliffs, N.J. 07632

Type: Book
Price: \$18.95

Written for the "computer manager," this book is easy-to-read and very informative for someone who has no legal background whatsoever. It covers legal considerations in systems design, proprietary rights, computer contracts, torts and privacy, personnel, security, insurance and antitrust law.

II. COMMUNICATIONS

DATA CHANNELS

Publisher: Phillips Publishing, Inc.
8401 Connecticut Avenue
Washington, D.C. 20015

Type: Newsletter (96
pages/year)
Frequency: Monthly
Price: \$87.00/year (U.S.);
\$98.00/year (other)

As the subtitle of this publication indicates, *Data Channels* is "the monthly newsletter on trends in data communications." This Washington-based publication provides up-to-date information on the activities of Congress and the Federal Communications Commission in the computer/communications field. It also provides current information on major litigation in this area.

SATELLITE NEWS

Publisher: Phillips Publishing, Inc.
8401 Connecticut Avenue
Washington, D.C. 20015

Type: Newsletter (96
pages/year)
Frequency: Monthly
Price: \$87.00/year (U.S. and
Canada); \$98.00 (other)

Advancing electronic technology has blurred the former distinction between the computer and communications industries. The en-

try of IBM into the satellite market portends a further blending of these two areas, and the legal doctrines concerning their regulation. This is the only newsletter dealing exclusively with satellites and satellite regulation.

[See also INFORMATION PRIVACY and TDF NEWS, listed under PRIVACY *infra*.]

III. CONTRACTS

R. BERNACCHI & G. LARSEN, DATA PROCESSING CONTRACTS AND THE LAW (1974)

Publisher: Little, Brown & Company
34 Beacon Street
Boston, MA 02106

Type: Book
Price: \$27.50

This book explores, both technically and legally, the various components of data processing contracts, and the problems likely to be encountered in planning, negotiating, and enforcing such contracts.

D. BRANDON & S. SEGELSTEIN, DATA PROCESSING CONTRACTS: STRUCTURE, CONTENTS AND NEGOTIATIONS (1976)

Publisher: Van Nostrand, Reinhold Company
7625 Empire Drive
Florence, KY 41042

Type: Book
Price: \$34.50

The authors have acquired actual contract provisions, organized them topically, and added introductory material at the beginning of each topic to provide an overview of the included materials. This book is not intended to be read from cover-to-cover, but is designed as a working reference source for use during actual contract drafting and negotiations.

IV. CRIMES AND SECURITY

COMPUTER ABUSE 1976 COMPUTER ABUSE (1977)

Publisher: Practising Law Institute
810 Seventh Avenue
New York, N.Y. 10019

Type: Softbound book
Price: \$20.00 each

These two publications were handbooks prepared for distribution at two separate PLI programs. The term "computer abuse" is used instead of computer crime to refer to a much broader area of concern. As stated by Susan Nycum, noted expert in the area of computer abuse:

Computer abuse is defined . . . as those incidents caused by intentional acts, negligent acts or accidental occurrences in which a per-

petrator realized or could have realized a gain and/or a victim suffered or could have suffered a loss.

With that expansive definition, the materials in these volumes cover not only criminal conduct, but the protection of computer software by copyright, patent, trade secret and contract, insurance, antitrust and communications regulations, electronic funds transfer systems and privacy.

A. BEQUAI, COMPUTER CRIME (1978)

Publisher: Lexington Books, Inc.
D.C. Heath & Company
125 Spring Street
Lexington, MA 02173

Type: Book
Price: \$15.95

This book discusses the vulnerability of computers to crime and offers a profile of the computer criminal. Bequai, a practicing attorney, deals with the legal problems associated with investigation and prosecution of this kind of crime.

EDPACS

Publisher: Automation Training Center, Inc.
11250 Roger Bacon Drive
Suite 17
Reston, VA 22090

Type: Newsletter (240
pages/year)
Frequency: Monthly
Price: \$54.00/year (North
America); \$58.00/year (other)

Each issue of this newsletter contains one or more articles on auditing, control, security or criminal activity in the data processing environment. These articles are practically-oriented and aimed at computer systems managers and auditors. Additional features of this informative publication include current news reports—mainly of computer crimes, product reviews, book reviews, and abstracts of articles from other journals, books and government publications. While this periodical is not devoted specifically to computer law, every issue contains a wealth of useful information for anyone in this area.

V. ELECTRONIC FUNDS TRANSFER

ABA BANK CARD LETTER

Publisher: American Bankers Association
1120 Connecticut Avenue, N.W.
Washington, D.C. 20036

Type: Newsletter (48
pages/year)
Frequency: Monthly
Price: \$20.00/year (ABA mem-
bers); \$25.00/year (others)

THRUPUT

Publisher: same

Type: Newsletter (48
pages/year)
Frequency: Monthly
Price: \$16.00/year (ABA mem-
bers); \$22.00/year (others)

These two newsletters focus, in part, on electronic funds transfer issues. Edited by different divisions of the American Bankers Association, these periodicals contain short summaries of pending and enacted legislation, government agency activities and materials appearing in other newsletter, speeches and related publications.

AMERICAN BANKER

Publisher: American Banker, Inc.
525 West 42nd Street
New York N.Y. 10036

Type: Newspaper
Frequency: Daily
Price: \$210.00/year

This newspaper is concerned with all facets of banking activities, not just electronic funds transfer systems. As such, only a small portion of each issue addresses EFT issues. However, because of its daily publication, this is an important source of current information on EFT activities.

EFT in the United States: Policy Recommendations and the Public Interest (Oct. 28, 1977)

Publisher: Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402

Type: Softbound book

This is the Final Report of the National Commission on Electronic Funds Transfers. The Commission was created to assess the consequences of the introduction of EFT technology into the business community and government. Congress was concerned that "without sufficient study . . . electronic funds transfers development could result in distortions to competition and the invasion of individual citizens' right to privacy and confidentiality." The report covers a variety of issues, including consumer rights, technology, regulation and international developments.

EFT REPORT

Publisher: EFT Report
305 East 56th Street
New York, N.Y. 10022

Type: Newsletter (96
pages/year)
Frequency: Semi-monthly
Price: \$95.00/year

Edited and published by Sid Goldstein, this newsletter is carefully written to be both easy to read and informative. Because it is published every two weeks, the *EFT Report* provides timely coverage of the entire EFT field. Though not specifically oriented to the legal aspects of EFT systems, the *EFT Report* devotes a large share of its space to discussing current legislative activities at both the federal and state levels.

ELECTRONIC FUNDS TRANSFER (1978)

Publisher: Practising Law Institute
810 Seventh Avenue
New York, N.Y. 10019

Type: Softbound book
Price: \$20.00

This publication was prepared as a course handbook for a PLI lecture program given during 1978. It provides a good, though somewhat sketchy, overview of the subject matter. Intended for the practicing lawyer in the area, it contains articles, outlines and reference materials.

R. ZIMMER, THE LAW OF ELECTRONIC FUNDS TRANSFER (1978)

Publisher: Card Services, Inc.
1775 K Street, N.W.
Suite 220
Washington, D.C. 20006

Type: Loose-leaf book
Price: \$325.00 (with monthly
update service); \$200.00 (with-
out)

This is the first comprehensive reference source on legal and regulatory issues involving EFT. The first six chapters analyze basic issues raised by electronic payment services: authority to offer EFT services, branching restrictions, antitrust implications of shared systems, commercial rights and liabilities of participants, consumer rights and liabilities and communications law.

The second section provides a state-by-state analysis of laws, regulations and administrative opinions governing EFT, along with the text of each statute, regulation and administrative opinion. The third section contains analogous federal materials, judicial opinions, and National Automated Clearing House Association Operating Rules.

Because of the rapid developments in this area, this publication is updated monthly.

VI. EVIDENCE

D. BENDER, *COMPUTER LAW: EVIDENCE AND PROCEDURE* (1978)

Publisher: Matthew Bender
235 East 45th Street
New York, N.Y. 10017

Type: Lose-leaf book
Price: \$50.00

This book focuses on the concepts and techniques which bear on evidence and legal procedure as they apply to computers. The author sets out the basic principles of both hardware and software, illustrates how to introduce and deal with evidence on the computer, and explains how to apply state and federal rules of evidence to computers.

VII. PATENTS, COPYRIGHTS AND TRADE SECRETS

Copyright in Computer-Readable Works: Policy Impacts of Technological Change (NBS Special Publication 500-17)

Publisher: Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402
Stock No. 003-003-01843-1

Type: Softbound book
Price: \$4.00

This publication is the result of a study begun in 1974 on the problems of applying the copyright laws to copyrighted works fixed in computer-readable form (data bases). The purpose of the report was to make recommendations for changes to the copyright laws in this area.

Final Report of the National Commission on New Technological Uses of Copyrighted Works (July 31, 1978)

Publisher: Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402

Type: Softbound book

On December 31, 1974, Congress established the National Commission on New Technological Uses of Copyrighted Works (CONTU). The Commission was created to assist in resolving problems involving the impact of computer and photocopying technology on copyrighted works. This Final Report contains the CONTU recommendations for amending the current copyright laws to deal with these problems.

Patent Protection for Computer Software (Spring 1978)

Publisher: Computer/Law Journal
675 South Westmoreland Avenue
Los Angeles, CA 90005

Type: Softbound book
Price: \$15.00 (U.S.) \$16.00
(other)

This 253-page volume contains three articles on the issue of

software patentability. The first, by Susan Nycum, traces the basic issues of the software patent debate from its earliest emergence to *Dann v. Johnston*. The second article, by John Roberts, begins with *Dann v. Johnston* and covers the more recent cases. The third article, by Gaylen Duncan, discusses the implications of program patents on the Canadian software industry.

Additionally, this issue contains a variety of reference materials, including a bibliography of relevant articles and publications on the subject, a digest of all program-related invention decisions in the Patent Office and the courts, and a "Case Reference Table," which tabulates all of the pertinent facts and issues contained in these decisions.

VIII. PRIVACY

A. MILLER, THE ASSAULT ON PRIVACY: COMPUTERS, DATA BANKS AND DOSSIERS (1971)

Publisher: University of Michigan Press
P.O. Box 1104
Ann Arbor, MI 48106

Type: Book
Price: \$8.95

This book analyzes the impact of information practices on personal liberties, particularly privacy and constitutional rights. It reflects the author's personal concern with the erosion of personal rights. Well researched and written, this book is a *classic* and should be part of every computer law library.

COMPILATION OF STATE AND FEDERAL PRIVACY LAWS

Publisher: Privacy Journal
P.O. Box 8844
Washington, D.C. 20003

Type: Book
Price: \$14.50

This 166-page book includes descriptions and citations to more than 400 statutes that limit the disclosure of information about individuals and/or give citizens the right to inspect and correct information about themselves. There are chapters on financial and tax records, criminal information, medical files, school records, statutory privacy rights, Social Security numbers, wiretaps and polygraphs. The text of representative state privacy laws, including all state fair information practice laws are included.

INFORMATION PRIVACY

Publisher: IPC Business Press, Ltd.
205 East 42nd Street
New York, N.Y. 10017

Type: Journal
Frequency: Bi-monthly
Price: \$91.00/year (U.S.)

Based in England, this periodical draws on authors from around

the world for its materials. While the title belies its emphasis on privacy, articles in recent issues have addressed such topics as computer abuse, security, and protection of proprietary property.

The depth and complexity of the materials varies widely, from extremely technical articles on security and encryption issues, to heavily footnoted legal features, to "easy reading" discussions of particular privacy projects from around the world. The articles range from two to ten pages in length. The only "fault" that can be found with this publication is that one wishes many of the articles were longer—they simply end too soon.

PRIVACY JOURNAL

Publisher: Privacy Journal
P.O. Box 8844
Washington, D.C. 20003

Type: Newsletter (96
pages/year)
Frequency: Monthly
Price: \$45.00/year; \$60.00/year
(overseas)

This newsletter, subtitled "an independent monthly on privacy in a computer age," is a well-written tribute to its author and privacy authority Robert Ellis Smith. It covers legislation, litigation, governmental agency activities and recent publications and speeches in the field. An invaluable reference source on privacy.

SURVEILLANCE, DATAVEILLANCE AND PERSONAL FREEDOM: USE AND ABUSE OF INFORMATION TECHNOLOGY (1973)

Publisher: R.E. Burdick, Inc.
12-01 12th Street
Fair Lawn, N.J. 07410

Type: Book
Price: \$9.00

This book contains a collection of papers originally published as a symposium on government surveillance and the right of privacy in the *Columbia Human Rights Law Review*. It contains materials from such notables as Professor Arthur Miller, ex-Senator Sam Ervin, and Nicholas Katzenbach.

TDF NEWS

Publisher: Information Gatekeepers, Inc.
167 Corey Road
Brookline, MA 02146

Type: Newsletter (96-100
pages/year)
Frequency: Monthly
Price: \$75.00/year (U.S. and
Canada); \$100.00/year (other)

This publication is devoted exclusively to reporting international activities in transnational data flow (TDF). The objectives of the newsletter, as outlined by the publisher, are:

- a. Complete, accurate and timely reporting of major activities, decisions, meetings and other sources of information on TDF;
- b. Comprehensive survey of literature pertaining to this subject;
- c. Analysis of decisions affecting the free flow of information between nations and assessing its impact on business;
- d. Complete coverage of laws affecting TDF either passed or pending;
- e. Providing services to assist firms doing business internationally to obtain up-to-date information and accurate interpretations of data protection laws.

The areas of coverage include telecommunications, privacy, national security and international trade.

IX. USE OF COMPUTERS IN THE LEGAL PROFESSION

Computer-Assisted Legal Research (Fall 1978)

Publisher: Computer/Law Journal
675 South Westmoreland Avenue
Los Angeles, CA 90005

Type: Softbound book
Price: \$15.00 (U.S.); \$16.00
(other)

This volume contains the first and only publication of the complete text and findings of the recently completed "Public Terminal Study." Conducted by Fred Greguras and Larry Carlisle for the National Center for Automated Information Retrieval (NCAIR), this study surveys all existing public terminals in the United States. It provides a definitive analysis of current usage patterns, sponsor opinions, and the results of public terminal placements, as well as presenting thought-provoking recommendations for improving the delivery of automated research services to end-users.

The issue also contains several feature articles on American and European retrieval systems. Various reference materials are also published, including an extensive bibliography, a summary of case decisions, and a table setting forth information on all known computer-assisted legal research systems throughout the world.

THE COMPUTER FRAMEWORK FOR COMPLEX LITIGATION (1976)

Publisher: Practising Law Institute
810 Seventh Avenue
New York, N.Y. 10019

Type: Softbound book
Price: \$20.00

This handbook was prepared for distribution at a lecture program held by the PLI. The content varies from outlines to law review quality articles. There are fifteen submissions covering pretrial uses of computers, trial support systems, discovery and evidentiary problems involving computer systems, and computer use by law enforcement agencies.

C. HAAR, J. SAWYER & S. CUMMINGS, COMPUTER POWER AND LEGAL REASONING: A CASE STUDY OF JUDICIAL DECISION PREDICTION ON ZONING AMENDMENT CASES (1977)

Publisher: American Bar Foundation
1155 East 60th Street
Chicago, IL 60637

Type: Softbound book
Price: \$3.25

This book reports the results of an effort to employ statistical methodology with the aid of a computer, combined with traditional legal research methodology, to explain the significance of judicial decisions and to provide predictive models.

JURIMETRICS (H. BAADE ED. 1963)

Publisher: Basic Books, Inc.
10 East 53rd Street
New York, N.Y. 10022

Type: Book

The term "jurimetrics" signifies the scientific investigation of legal problems. Research in this field is generally concentrated in three areas: electronic data storage and retrieval; behavioral analysis of judicial decisions; and the use of symbolic logic. This book presents ten papers relating to the "science" of jurimetrics.

MANAGING DOCUMENTS IN COMPLEX LITIGATION (1977)

Publisher: California Continuing
Education of the Bar
2150 Shattuck Avenue
Berkeley, CA 94704

Type: Softbound book
Price: \$20.00

This handbook is an assemblage of program materials for a course in litigation support systems given by the California Bar. The book contains six articles, which discuss system selection, contract drafting, security and evidentiary problems, system design and implementation, deposing the custodian of records, and information management.

J. SPROWL, A MANUAL FOR COMPUTER-ASSISTED
LEGAL RESEARCH(1976)

Publisher: American Bar Foundation
1155 East 60th Street
Chicago, IL 60637

Type: Softbound book
Price: \$5.00

An outgrowth of an ABF study of compatibility and standardization of computer-assisted legal research (CALR), this manual explains the operations of computerized retrieval systems in general, and the LEXIS and WESTLAW systems in particular. The author discusses the circumstances under which CALR systems are useful

and offers guidelines for securing maximum effectiveness when using LEXIS and WESTLAW.

**SENSE AND SYSTEMS IN AUTOMATED LAW RESEARCH
(R. MAY ED. 1975)**

Publisher: American Bar Association
1155 East 60th Street
Chicago, IL 60637

Type: Book

This book contains an edited version of the proceedings of the Second National Conference on Automated Law Research, which took place in October 1973. Though somewhat dated, the volume is still a very useful reference source.

ERRATA

For each item contained in the following Topical Index (pages 573-75), please increase the page number by 10.