

THE LIBRARY OF CONGRESS

Dewey Section

To: Caroline Kent, Chair
Decimal Classification Editorial Policy Committee

Cc: Members of the Decimal Classification Editorial Policy Committee
Karl E. Debus-López, Chief, U.S. General Division

From: Julianne Beall, Assistant Editor
Dewey Decimal Classification
Library of Congress

Via: Joan S. Mitchell, Editor in Chief
Dewey Decimal Classification
OCLC Online Computer Library Center, Inc.

Re: 340 Law: Selected topics

This exhibit continues the discussion last covered in the following exhibits:

EPC Exhibit 132–16.3.1 340 Law: Selected topics, part 1

EPC Exhibit 132–16.3.2 340 Law: Selected topics, part 2

EPC Exhibit 132–16.3.2 340 Law: Selected topics, part 2: Comments from Yvonne Jahns

All changes from the published schedule are still marked with underlining and strikeout in the proposals, but only new changes are discussed. Also, only new expansions, discontinuations, and relocations are listed.

Expansions

<u>From</u>	<u>To</u>	<u>Topic</u>
340.11	340.114	Justice
341.2-341.7:01	341.2-341.7:011	Special topics of philosophy and theory of law
341.242	341.2421	Council of Europe
347.05	347.057	Legal costs and fees
347.05	347.0572	Fees for legal professional services

Discontinuations

<u>From</u>	<u>To</u>	<u>Topic</u>
341.2-341.7:011	341.2-341.7:01	Systems

Relocations

<u>From</u>	<u>To</u>	<u>Topic</u>
347.08	345.0144	Comprehensive works on appellate procedure in criminal cases

Part 1: Council of Europe and European Union

This part continues the discussion last covered in the following exhibits:

EPC Exhibit 132–16.3.2 340 Law: Selected topics, part 2

EPC Exhibit 132–16.3.2 340 Law: Selected topics, part 2: Comments from Yvonne Jahns

Issue 1: Council of Europe

Both the European Union and the Council of Europe fit the category of European regional organizations. Under 341.242 they can be given separate notation. We accept the suggestion that the Council of Europe be given its own number (341.2421). In 342–347, however, where law of regional intergovernmental organizations is specified by adding notation from Table 2, there is no way to distinguish the two organizations in the DDC number. Works about the two organizations will need to be distinguished by author, publisher, subject headings, or other information in the catalog records. We have revised the caption at 342.24 Regional intergovernmental organizations of Europe and elsewhere to make clear that such numbers are not limited to the European Union.

Issue 2: Effect of European Union law on national laws of European Union members

Federica Paradisi, a member of European Dewey Users Group Working Group (EDUG WG) on 340 Law, wrote shortly before she retired from Biblioteca nazionale centrale di Firenze:

Since impact of EU law (directly effective or directly applicable) on a specific branch or subject of law of a specific member state would be classed with the branch or subject of national law in 342-347 + T2 area notation for the member state and comprehensive works on impact of EU law on national law of a specific member state would be classed in 349 + T2 area notation for the country, comprehensive works on impact on national law of European Union countries (more than two?) should logically be classed in 349.4, which is the comprehensive number for law of European countries (as member states of the EU), not in 341.24224.

The same criteria should be applied for comprehensive works on impact of European law on a specific branch or subject of national law of member countries (more than two countries?): 342-347 + 4 Europe (it covers the UE member states) + subject, not 342.2-347.2 + 4 + subject (number span appropriate for European Union laws).

That approach is logical, and it can be used if desired. The practical problem is that works about effect of EU law on national law deal with relationships of laws that are not simple effect-of-A-on-B relationships. If a work focuses on the effect of EU law on the national law of one country (or two—first-of-two rule), then the work is sufficiently distinct to be classed with the national

law. If the work treats the effect of EU law on the national law of all member states, however, it may be very similar to the chapters in general works on EU law that focus on the relationship of EU and national law. Separating works that should be classed in 342–347 + T2—4 from works that should be classed in 342.2–347.2 + T2—4 will require the classifier to make difficult decisions about the emphasis of a work, and it may simply be unhelpful to separate them. We have concluded that it is better to change the caption of 341.24224 to “Relationship between European Union law and national law of European Union countries” to make clear that the number includes more than simple effect-of-A-on-B situations.

In WorldCat, classification of works dealing with relationship of EU law and national law of member states has not been consistent. Here are a few sample general titles, followed by one that focuses on the UK.

<http://www.worldcat.org/oclc/57574801>

Complying with Europe: EU harmonisation and soft law in the member states

<http://www.worldcat.org/oclc/54536483>

Competition law sanctioning in the European Union: the EU-law influence on the national law system of sanctions in the European area

<http://www.worldcat.org/oclc/56469215>

The relationship between European Community Law and National Law: the cases

<http://www.worldcat.org/oclc/56116121>

The impact of European rights on national legal cultures

<http://www.worldcat.org/oclc/500005668>

EC Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society: consultation paper on implementation of the directive in the United Kingdom

Issue 3: Four Freedoms

Federica Paradisi wrote:

We agree that comprehensive works on this subject would be classified under 343.07. Since the four freedoms are enshrined in the EC Treaty and form the basis of the single European market framework, it would be of little use separating comprehensive works on four freedoms (341) from works on specific freedoms, which would be classed respectively in 343.2407 or 343.2408. However this topic seems to have little literary warrant: there are 2 works only in the Italian Union Catalogue and 5 works in the BNCF’s Opac. On the contrary, there are many works on a specific freedom, e.g. free flow of capital, goods etc.

In the previous exhibit we presented the approach suggested earlier by EDUG WG on 340 Law, which placed comprehensive works on Four Freedoms in a subdivision of 341.2422; however, we are now persuaded to place comprehensive works on the Four Freedoms in 343.2407, with a

scatter see reference. We considered specifying the comprehensive works number for each of the four freedoms, because each of the four is complex, with aspects in different numbers—but decided it would be better to let classifiers decide where each work best fits.

Issue 4: European Court of Auditors

Federica Paradisi wrote recently (responding to a preliminary draft of this exhibit):

Institutions and bodies of the European Union:
under 341.242 22 there is no mention of the European Court of Auditors. A number for legal aspects of such body is needed. Classifying it in 343.2'4'034 (EU law on public expenditure) would not be a suitable solution. We have already classified works on auditing administrative procedures of the European court of Auditors in 352.43'21'1'094, or more precisely in 352.439'21'1 [unfortunately they are not visible yet in the BNCf's OPAC]. Anyway, the many works published about legal aspects of the Court itself, require a number within 341.2422.

She does not elaborate upon the reasons why 343.24034 would not be satisfactory, but presumably it is because the European Court of Auditors does much management auditing in addition to financial auditing. Interdisciplinary works on management audits are classed with executive management at 658.4013 Control and quality management. Management audits in public administration are classed in 352.439 Management, performance, program audits—the number mentioned above by Federica Paradisi.

Although the European Court of Auditors is frequently discussed in comprehensive works classed in 341.2422 in WorldCat, we do not find works classed there that focus on the Court of Auditors and thus do not recommend giving it its own number; we recommend instead mentioning it in an including note. We are tentatively proposing that the including note should be placed at 341.242 228 Courts of the European Union. The Court of Auditors seems sufficiently different from typical law courts, however, that we wonder the including note should instead be placed at 341.242 22 Organization.

Other:

Federica Paradisi wrote recently:

entry 347.2 Regional intergovernmental organizations, 2nd note, lines 5th and 6th: “administrative regulations of European Union countries ...”. Here the expression “administrative regulations” refers to administrative regulations issued by EU member states. The “burden of proof” as well as the law of evidence are rarely the object of “administrative regulations”. Given the importance of this matter, the evidence law is rarely regulated by administrative regulations (in our law they are not considered primary sources of law), but rather by laws whom all member states have to comply with, in the light of the EU legislation on judiciary cooperation. I would say “legislation” or “laws”.

We have changed the example at 347.2.

Draft proposals:

341.242 European regional organizations

~~Including Council of Europe~~

341.242 1 †Council of Europe

Class laws promulgated by Council of Europe with the subject in 341–347, e.g., protection of rights of individuals 342.24085

341.242 2 †European Union

Class here European Common Market, European Community, European Economic Community

Class political integration of European Union member states in 320.94; class economic integration of European Union member states in 337.142; class laws promulgated by European Union with the subject in 341–347, e.g., ~~human~~ rights laws 341.48, copyright laws 346.240482

For European Parliament, see 341.2424

341.242 202 65 Multilateral treaties

Number built according to instructions under 341.2–341.7

Class here texts of founding treaties, e.g., Treaty Establishing the European Community, Maastricht Treaty on European Union; texts of treaties amending founding treaties, e.g., Treaty of Nice; Treaty Establishing a Constitution for Europe (2004)

Class texts of accession treaties in 341.242230265

341[.242 206 8] Management

Do not use; class in 352.114

341.242 209 Historical, geographic, persons treatment

341.242 209 4–.242 209 9 Treatment by specific continents, countries, localities; extraterrestrial worlds

Class here general relations with specific nations

Class relations dealing with a specific subject with the subject in 341–347, e.g., admission to European Union 341.24223, relations concerning antitrust law and competition law 343.240721, effect of European Union law on national law of Germany 349.43

341.242 22 †Organization

Class here rules of procedure

Class legislative process in European Union in 328.4

For legal responsibility of officials, see 341.24223

341.242 222 †Council of the European Union

341.242 224 †European Parliament [*formerly* 341.2424]

341.242 226 †European Commission

341.242 228 †Courts of the European Union

Including European Court of Auditors

For European Court of Human Rights, see 342.240850269

341.242 228 2 †Court of First Instance of the European Communities

341.242 228 4 †Court of Justice of the European Communities

341.242 23 †Admission and membership

Subdivisions are added for either or both topics in heading

For organization, see 341.24222

341.242 230 265 Multilateral treaties

Number built according to instructions under 341.2–341.7

Class here texts of accession treaties

341.242 24

†Relationship between European Union law and national law of European Union countries

Class here effect of European Union law on national law of European Union countries, harmonization of national law of European Union countries

For relationship of European Union law on a specific branch or subject of law with national law of a specific member state, see the branch or subject of national law in 342–347, e.g., Italian labor law regulated by European Union law 344.4501; for comprehensive works on relationship of European Union law on a specific branch or subject and national law of member countries, see the branch or subject in 342–347 plus the notation for European regional intergovernmental organizations, e.g., effect of European Union law on labor law of member states 344.2401; for comprehensive works on relationship of European Union law and national law of a specific member state, see the national law in 349, e.g., effect of European Union law on national law of Italy 349.45

341[.242 4]

European Parliament

Relocated to 341.242 224

For legislative process in European Parliament, see 328.4

†Add as instructed under 341.2–341.7

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342.2 Regional intergovernmental organizations

Class here relationship between the organization's law and national law of member countries

Add to base number 342.2 notation T2—3—T2—9 from Table 2, e.g., harmonization of national constitutional and administrative law of European Union countries 342.24; then to the result add the numbers following 342 in 342.001–342.09, e.g., harmonization of national citizenship law of European Union countries 342.24083, harmonization of administrative regulations of citizenship law of European Union countries 342.2408302636

(Note: In DDC 23 we will modify this add note to eliminate the unbalanced span.)

Class relationship of organization's law and national law of a specific member country with the national law, e.g., effect of European Union laws on national constitutional and administrative law of Germany 342.43

See Manual at 342–349

342.24 Regional intergovernmental organizations of Europe

Number built according to instructions under 342.2

342.240 2 Basic instruments of government

Number built according to instructions under 342.2

Class here effect of European Union law on and harmonization of national constitutions of European Union countries

Class founding treaties, basic legal instruments of European Union in 341.2422

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342.240 8 Jurisdiction over persons

Number built according to instructions under 342.2

Class here European Union law itself, effect of European Union law on and harmonization of national laws of European Union countries

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342.240 85 Rights and activities of individuals

Number built according to instructions under 342.2

342.240 850 261 Treaties

Number built according to instructions under 342.2

Class here Charter of Fundamental Rights of the European Union, European Convention on Human Rights

342.240 850 269 Courts and procedure

Number built according to instructions under 342.2

Class here European Court of Human Rights

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342.3–342.9 Specific jurisdictions and areas

Add to base number 342 notation T2—3–T2—9 from Table 2, e.g., constitutional and administrative law of Australia 342.94, of New South Wales 342.944, of African states 342.6; then to the result add the numbers following 342 in 342.001–342.09, e.g., election law of Australia 342.9407, of New South Wales 342.94407, of African states 342.607, administrative regulations for elections in Australia 342.940702636

For regional intergovernmental organizations, relationship between the organization's laws and national laws of all member states, see 342.2

See Manual at 342–349

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343.2 Regional intergovernmental organizations

Class here relationship between the organization’s law and national law of member countries

Add to base number 343.2 notation T2—3–T2—9 from Table 2, e.g., miscellaneous public law of European Union 343.24; then to the result add the numbers following 343 in 343.001–343.09, e.g., economic law of European Union 343.2407, administrative regulations of economic law of European Union 343.240702636

(Note: In DDC 23 we will modify this add note to eliminate the unbalanced span.)

Class relationship of organization’s law and national law of a specific member country with the national law, e.g., effect of European Union laws on national economic law of Germany 343.43

See Manual at 342–349

(If option B under 342-349 is chosen, class here law of regional intergovernmental organizations by adding to base number 343.2 notation T2—4–T2—9 from Table 2, e.g., law of the European Union 343.24, then adding facet indicator 0*, notation for the branch of law, and notation for the subordinate subject in branch of law, e.g., private law of the European Union 343.2406, banking law of the European Union 343.240682)

*Add 00 for standard subdivisions; see instructions at beginning of Table 1

343.240 7 Regulation of economic activity

Number built according to instructions under 343.2

Class here comprehensive works on Four Freedoms of European Union

For a specific aspect of the Four Freedoms, see the aspect, e.g., prohibition of customs duties on goods moving from one country to another within European Union 343.24056

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347.2 Regional intergovernmental organizations

Class here effect of organization's law on and harmonization of national laws of member countries

Add to base number 347.2 notation T2—3–T2—9 from Table 2, e.g., harmonization of national laws on civil procedure and courts of European Union countries 347.24; then to the result add the numbers following 347 in 347.001–347.09, e.g., harmonization of national law of evidence of European Union countries 347.2406, harmonization of individual and collected laws administrative regulations of law of evidence of European Union countries 347.2406026326

(Note: In DDC 23 we will modify this add note to eliminate the unbalanced span.)

Class effect of organization's laws on national laws of a specific member country with the national laws, e.g., effect of European Union laws on national laws on civil procedures and courts of France 347.44

See Manual at 342-349

347.24 Regional intergovernmental organizations of Europe

Number built according to instructions under 347.2

Class here effect of European Union law on and harmonization of national laws of European Union countries

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349.2 Law of regional intergovernmental organizations

Add to base number 349.2 notation T2—3–T2—9 from Table 2, e.g., works on the ordinances of European Union 349.24

Class comprehensive works on regional intergovernmental organizations themselves in 341.2

349.24

Regional intergovernmental organizations of Europe

Number built according to instructions under 349.2

Class comprehensive works on effect of European Union laws on national laws of member states in 341.24224; class effect of European Union laws on national laws of a specific member state with the laws of the member state, e.g., effect on laws of Italy 349.45

Part 2: Criminal courts and criminal procedure; related changes in 347

This part continues the discussion last covered in the following exhibits:

EPC Exhibit 132–16.3.2 340 Law: Selected topics, part 2

EPC Exhibit 132–16.3.2 340 Law: Selected topics, part 2: Comments from Yvonne Jahns

The new number for terrorism as a crime proposed in EPC Exhibit 133-18 is 364.1317. If that is approved, classifiers will be able to build the number 345.02317 for law of terrorism as a crime, following instructions under 345.023–.028 Specific crimes and classes of crimes (and “terrorism” will be removed from the class-here note at 345.02).

We propose to relocate comprehensive works on appellate procedure in criminal cases from 347.08 to 345.0144.

Federica Paradisi wrote:

I quote from your document: “We are not sure precisely who the “parties of the criminal procedure” are. Which of the following are included?

- (1) the state
- (2) the prosecutor
- (3) the suspect
- (4) the accused
- (6) the defense attorney
- (7) the victim
- (8) the judge.

Is anyone else included?

The parties involved in Italian criminal proceedings (of which the criminal trial is only a phase) are many and I have listed them, following the two distinct phases of the criminal proceeding (in Italian: Procedimento penale).

Criminal proceedings	Parties involved
A) Indagini preliminari (Preliminary inquisition)	Person offended by the crime (Persona offesa dal reato)

	The suspected (Indagato)
	The defender (avvocato difensore)
	Investigative police (Polizia giudiziaria)
	Public prosecutor (magistrato che riveste la funzione o ufficio di pubblico ministero)
A1) Dismissal or Committal for trial	Public prosecutor's discretionary power
B) Criminal Trial	
B1) Preliminary hearing and court room debate	Office of public prosecutor (usually a judge called "pubblico ministero" exercising the criminal action and representing the state)
	Accused person (Imputato)
	Injured party (parte civile) or person (or his/her successors) damaged by the crime and legitimated to bring an action for damages
	The persons liable (responsabile civile) for injury or damage (they can also be other from the tortfeasor, e.g. in case of vicarious liability, strict liability etc.)
B2) Final phase	The court, the defender, the guilty party, the victim

Problem: where classify the many works on the civil action within the criminal trial?

Using the broader term "participants" instead of "parties," we have tried to indicate where participants should be classed. Under 345.01 we have provided for public prosecutors and public defenders, because they have literary warrant.

485 records found searching for dd: 345* AND (su= "public prosecutors") in WorldCat
219 records found searching for dd: 345* AND (su= "public defenders") in WorldCat

We have added a note at 345 about civil actions linked to crimes.

See also part 3a: Legal professionals, legal costs and fees.

Draft proposals:

345 Criminal law

Class here international criminal law [formerly 341.77]

Class comprehensive works on civil and criminal procedure and courts in 347; class interdisciplinary works on criminal justice in 364. Class civil actions linked to crimes with the subject in 342–344 or 346–347, e.g., employers’ civil tort liability 346.031

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345.01 *Criminal courts

Courts specializing in criminal cases, general and other specialized courts considered with respect to their functions in criminal cases

Including criminal jurisdiction [*formerly also* 341.488], ~~public prosecutors, public defenders, legal aid~~

~~Class here appellate courts devoted exclusively to criminal cases~~

~~Class military courts in 343.0143; class appellate courts hearing both civil and criminal cases in 347.03; class comprehensive works on appellate procedure in 347.08~~

For juvenile courts, see 345.081

345.012 General considerations, administration and personnel, legal aid

345.012 2 *General considerations of criminal courts

Including judicial cooperation in criminal cases, letters rogatory, judicial discretion, judicial error, judicial review and jurisdiction

345.012 3 *Judicial administration of criminal courts

For judges, see 345.0124; for court officials other than judges, see 345.0126

- 345.012 4 *Criminal court judges
 Class judges associated with a specific criminal court with the court, e.g., judges of a juvenile court 345.081
- 345.012 6 Other criminal court officials
 Including coroners
- 345.012 62 *Public prosecutors
 Class here district attorneys
- 345.012 63 *Public defenders
- 345.012 7 *Legal aid in criminal cases
 Class legal aid as a welfare service, interdisciplinary works on legal aid in 362.58

*Add as instructed under 342–347

345.014 Criminal courts with specific kinds of jurisdiction

Add to each subdivision identified by † as follows:

- 01–09 Standard subdivisions
 Notation from Table 1 as modified under 342–347, e.g., cases 0264
- 2 General considerations
 Including functions, jurisdiction, organization, powers
- 3 Judicial administration
- 34 Judges
- 36 Other criminal court officials
 Including coroners
- 362 Public prosecutors
 Class here district attorneys
- 363 Public defenders
- 5 Procedure
 Add to 5 the numbers following 345.05 in 345.0504–.056, e.g., rights of suspects 56
 For evidence, see 345.06; for trials, see 345.07; for juvenile procedure, see 345.08

- 345.014 2 †Courts with original jurisdiction
Class here courts of first instance, local courts, trial courts
- 345.014 4 †Appellate courts
Class here comprehensive works on appellate procedure in criminal cases [formerly 347.08]
For appellate courts with specialized jurisdiction, see 345.0148
- 345.014 42 †Intermediate appellate courts
Class here courts of second instance, courts of first appeal
- 345.014 44 †Courts of last resort (Supreme courts)
Class here courts of third instance, courts of second appeal, courts of final appeal
- 345.014 8 †Courts with specialized jurisdiction
Class courts dealing with a specific subject with the subject in 342–347, plus 0269 from table under 342–347 if needed, e.g., military courts 343.0143

†Add as instructed at 345.014

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345.05 *Criminal procedure

Including legal costs and fees

Class here administration of criminal justice, court rules, participants in criminal proceedings

Class procedure in specific courts devoted exclusively to criminal cases in 345.01; class procedure in specific courts hearing both civil and criminal cases in 347.02–347.04. Class participants in criminal proceedings provided for elsewhere with the subject, e.g., criminal court judges 345.0124, witnesses 345.066

For evidence, see 345.06; for trials and trial procedures, see 345.07; for juvenile procedure, see 345.08

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345.0504 Special topics of criminal procedure

345.050 42 *Prosecution

Including prosecutorial discretion

Class district attorneys, public prosecutors in 345.01262

345.050 44 *Defense

Class public defenders in 345.01263; class defenses in 345.04; class right to counsel in 345.056

345.050 46 *Victims of crime

Class social services for victims of crime in 362.88. Class a specific role of victims in criminal procedure with the role, e.g., witness 345.066; class a specific use of victim impact statements with the use, e.g., use of victim impact statements at sentencing 345.0772

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345.07 *Trials

Class trials of specific offenses in 345.02; class hearings and trials in juvenile cases in 345.087; class comprehensive works on criminal procedure in 345.05; class comprehensive works on appellate procedure in criminal cases in 345.0144

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347.02 †Courts with general original jurisdiction

Class here comprehensive works on courts of first instance, local courts, trial courts, on courts that have names such as Circuit, District, County, Municipal, Superior Court

347.03 †Appellate courts

For appellate courts devoted exclusively to criminal cases, see 345.0144; for appellate courts with specialized jurisdiction, see 347.04

347.033 †Intermediate appellate courts

Class here courts of second instance, courts of first appeal

347.035 †Courts of last resort (Supreme courts)

Class here courts of third instance, courts of second appeal, courts of final appeal

†Add as instructed under 347.02–347.04

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347.08 *Appellate procedure

Class here comprehensive works on appellate procedure in civil and criminal cases

Comprehensive works on appellate procedure in criminal cases relocated to 345.0144

For procedure in specific appellate courts hearing both civil and criminal cases, specific appellate courts devoted exclusively to civil cases, see 347.03–347.04; for procedure in appellate courts devoted exclusively to criminal cases, see 345.0144

*Add as instructed under 342–347

Part 3: Other topics

Part 3a: Legal professionals, legal costs and fees

This part continues the discussion last covered in the following exhibits:

EPC Exhibit 132–16.3.1 340 Law: Selected topics, part 1

EPC Exhibit 132–16.3.2 340 Law: Selected topics, part 2

EPC Exhibit 132–16.3.2 340 Law: Selected topics, part 2: Comments from Yvonne Jahns

We have decided that the main notes we had proposed at extended standard subdivision 340.02302 could fit well at the Table 1 notation 023 The subject as a profession, occupation, hobby, both at 340.023 and in the add tables. We have made changes in the proposed notes to conform to editorial rules about kinds of notes that are appropriate with standard subdivisions.

We continue to believe that Table 1 notation 023 should not be used for legal fees. We have found literary warrant for procedural rules about legal fees that fit best under 347 Civil procedure and courts because they deal with procedural rules and guidelines for legal costs and fees.

339 records found searching for dd: 347* AND ((su: lawyers and su: fees)) in WorldCat

850 records found searching for dd: 347* AND ((su: costs and su: law)) in WorldCat

211 records found searching for dd: 347* AND ((su: lawyers and su: fees)) AND ((su: costs and su: law)) in WorldCat

Many of those works are classed in 347.077 Judgments, where “costs” are mentioned in the including note; however, works classed there should be limited to costs awarded as part of judgments.

We have proposed a new subdivision for comprehensive works on legal costs and fees at 347.057, since many works on costs treat court fees, reimbursement for expenses, and lawyers’ fees all together. We have proposed a subdivision for fees for legal professional services at 347.0572.

We added “notation from Table 1 as modified below” notes under 02 Miscellany in the add tables to conform to the revised rules for standard subdivisions; the notes are needed because of the previously existing modifications in notation 026.

See also part 2: Criminal courts and criminal procedure; related changes in 347.

Draft proposals:

340.023 Law as a profession, occupation, hobby

Class here legal personnel, nature of duties, characteristics of profession

Class professional ethics of legal personnel in 174.3; class procedures of conducting a lawsuit in 347.0504

See also 347.0504 for technicalities of conducting a lawsuit

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> 341.2–341.7 Specific topics

Add to each subdivision identified by † as follows:

.....

02 Miscellany

Notation 02 from Table 1 as modified below

023 Law as a profession, occupation, hobby

Class here legal personnel, nature of duties, characteristics of profession

Class professional ethics of legal personnel in 174.3; class comprehensive works on legal personnel in 340.023. Class works that emphasize procedures of work performed by legal personnel with the subject without 023, e.g., works that emphasize procedures of adjudicating matters of public international law 341.55

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> 342–347 Branches of law

Class here comprehensive works on specific subjects of law

Except for modifications shown under specific entries, add to each subdivision identified by * as follows:

.....

02 Miscellany

Notation 02 from Table 1 as modified below

023 Law as a profession, occupation, hobby

Class here legal personnel, nature of duties, characteristics of profession

Class professional ethics of legal personnel in 174.3; class comprehensive works on legal personnel in 340.023. Class works that emphasize procedures of work performed by legal personnel with the subject without 023, e.g., works that emphasize procedures of conducting a lawsuit 347.0504

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0269 Courts and procedure

Including administrative courts, regulatory agencies; practice, rules, form books, legal costs and fees

(Option: Class courts and procedure in specific fields in 347)

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345.05 *Criminal procedure

Including legal costs and fees

Class here administration of criminal justice, court rules, participants in criminal proceedings

Class procedure in specific courts devoted exclusively to criminal cases in 345.01; class procedure in specific courts hearing both civil and criminal cases in 347.02–347.04. Class participants in criminal proceedings provided for elsewhere with the subject, e.g., criminal court judges 345.0124, witnesses 345.066

For evidence, see 345.06; for trials and trial procedures, see 345.07; for juvenile procedure, see 345.08

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346.022 *~~General considerations of Contracts~~

Including breach of contract, parties to contract, rescission, subcontracting

Class here comprehensive works on liability

~~Class general considerations of contracts applied to specific kinds of contracts in 346.023–346.025~~

Class sale in 346.072; class loan in 346.073. Class contractual aspects of specific subjects in law with the subject in 342–347, e.g., partnership contracts 346.0682; class nonlegal aspects of contracts concerning a specific nonlegal subject with the subject, e.g., materials management aspects of roofing contracts 695.0687

For government liability, see 342.088; for liability of schools, of school officials, of school districts, see 344.075; for criminal liability, see 345.04; for specific kinds of contracts, see 346.023–346.025; for extracontractual liability, see 346.03

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347.05 *Procedure

Class here procedure in specific levels of courts, relation of a fair trial to freedom of the press, comprehensive works on procedure

Class procedure in a specific court with the court in 347.02–347.04, plus notation 5 from add table under 347.02–347.04, e.g., practice in supreme courts 347.035504; class procedure with respect to a specific subject with the subject in 342–347, plus notation 0269 from table under 342–347, e.g., court procedure in tax matters 343.040269

For evidence, see 347.06; for trials, see 347.07; for appellate procedure, see 347.08

347.050 4 *Practice

Form, manner, order of instituting and conducting a suit, court case, or other judicial proceeding through its successive stages to its end in accordance with rules and principles laid down by law or by regulations and precedents of the courts

See also 340.023 for practice of law as a profession

347.050 41 *Malpractice

347.051 *Court rules

Class rules about legal costs and fees in 347.057; class rules of specific courts, of courts having specific kinds of jurisdiction in 347.02–347.04

347.052 Motions, limitation of actions, parties to trial, jury trial

Class here advocacy

347.053 Kinds of actions

Including class actions, lawsuits

347.055 Forms and form books

Standard subdivisions are added for either or both topics in heading

~~Class forms and form books on a specific subject with the subject in 342–347, plus notation 0269 from table under 342–347, e.g., form books~~

~~on tax matters 343.040269~~

347.057 Legal costs and fees

Standard subdivisions are added for either or both topics in heading

Rules and guidelines

Class ethical aspects of legal costs and fees in 174.3; class financial management of law firms in 340.0681; class economics of salaries of legal personnel in 331.28134; class economics of law firms in 338.7–338.8; class interdisciplinary works on legal costs and fees in 338.4334

347.057 2 Fees for legal professional services

Class here lawyers' fees, contingent or conditional fees

.....

347.077 *Judgments

Including attachment and garnishment, legal costs and fees awarded as part of judgments, executions of judgment, remedies

*Add as instructed under 342–347

Part 3b: Juristic acts, contracts

This part continues the discussion last covered in the following exhibit:

EPC Exhibit 132–16.3.1 340 Law: Selected topics, part 1

Federica Paradisi wrote:

346.022, 3rd note, last line: “class contracts concerning a specific nonlegal subject with the subject, plus notation 0687 from Table 1, e.g., roofing contracts 695.0687”.

FP: Apart from the consideration that a roofing contract in Italian law would be simply considered as a “contratto d’opera” o “di servizio”, regardless its subject (but it would be better to say “object”), and therefore would be equally classed in 340.

In our law system is important for each contract to be considered within the specific pattern or category it belongs to, according to the Italian Civil Code (i.e. typical or nominate contracts, and among them distinction is made between “contratti di prestazione d’opera”, “contratti di utilizzazione di cose” etc.), and is important that its object and its purpose must not be one of which the law disapproves. We would never classify a contract out of 340s. Could this note be

clarified and reworded? If I understood correctly (as the addition of the standard notation 0687 let one think), perhaps should be explained that nonlegal aspects (i.e. managerial and organizational aspects) connected to a contract should be classified out of 340s.

We are changing the note at 346.022 to emphasize nonlegal aspects.

See also part 3a: Legal professionals, legal costs and fees.

Draft proposals:

346.02 *Juristic acts, contracts, and agency

Subdivisions are added for juristic acts, contracts, and agency together, for juristic acts alone for contracts alone

Class juristic acts dealing with a specific legal aspect not provided for here with the aspect in 342–347, e.g., personal property 346.047

346.021 General considerations of juristic acts

Including cause, form, object, declaration of will

➤ ~~346.022–346.025 Contracts~~

~~Class here comprehensive works on liability~~

~~Class sale in 346.072; class loan in 346.073; class comprehensive works in 346.02. Class contracts dealing with a specific legal aspect not provided for here with the aspect in 342–347, e.g., partnership contracts 346.0682; class contracts concerning a specific nonlegal subject with the subject, plus notation 0687 from Table 1, e.g., roofing contracts 695.0687~~

~~*For government liability, see 342.088; for liability of schools, of school officials, of school districts, see 344.075; for criminal liability, see 345.04; for extracontractual liability, see 346.03*~~

346.022

*~~General considerations of Contracts~~

Including breach of contract, parties to contract, rescission, subcontracting

Class here comprehensive works on liability

~~Class general considerations of contracts applied to specific kinds of contracts in 346.023–346.025~~

Class sale in 346.072; class loan in 346.073. Class contractual aspects of specific subjects in law with the subject in 342–347, e.g., partnership contracts 346.0682; class nonlegal aspects of contracts concerning a specific nonlegal subject with the subject, e.g., materials management aspects of roofing contracts 695.0687

For government liability, see 342.088; for liability of schools, of school officials, of school districts, see 344.075; for criminal liability, see 345.04; for specific kinds of contracts, see 346.023–346.025; for extracontractual liability, see 346.03

*Add as instructed under 342–347

Part 3c: Theory of sources of law, other special topics of philosophy and theory of law

This part continues the discussion last covered in the following exhibit:

EPC Exhibit 132–16.3.1 340 Law: Selected topics, part 1

Federica Paradisi wrote recently:

Theory of sources of EU law:
in the draft you sent to me I don't see a number for comprehensive works on theory of sources of European Union law. This is a topic that should be found within 341. It parallels 342.2'4'001–347.2'4'001 (see also the proposed notation 011 Special topics of philosophy and theory of law, from the add table under 342–347, in EPC 132-16.3.1).

We propose to put the same provision for special topics of philosophy and theory of law in the add table at 341.2–341.7 Specific topics as in the add table at 342–347.

Federica Paradisi also wrote:

Re: Your proposal for not expanding beyond 011 in the add table under 342–347: Although the majority of works we would classify in 342–347 + 011 treat about the theory of sources of law, there are also many works published about other theoretical issues (especially in criminal law, such as philosophy of punishment, theory of interpretation of criminal rules, theories and schools of criminal law, e.g. garantismo penale, umanesimo giuridico penale, scuola penale positiva etc.).

Some of these topics have their own numbers (e.g. philosophy of punishment 345.0773'01) throughout the law schedules, but others would not.

Regarding 340.11, I would suggest to introduce a specific number for the topic "justice" as a concept in philosophy of law (not to be confused with 347 + 001!). A search on this topic in the BNCF's Opac gives the result of 48 works; in the Italian Union Catalogue: 57 works.

There is literary warrant for justice at 340.11 Special topics of philosophy and theory of law: 267 records found searching for dd: 340.11 AND su= "justice" in WorldCat
We propose to give it its own number at 340.114.

The term "injustice" is bracketed with "justice" in the including note at 340.11. "Injustice" is a 450 reference to the LCSH "Justice." There is some literary warrant for the term at 340.11:

19 records found searching for kw: injustice AND dd: 340.11 in WorldCat
11 records found searching for (kw: injustice AND dd: 340.11) AND su= "justice" in WorldCat

We propose to delete "injustice" from the including note at 340.11 and move the Relative Index entry "Injustice—law" to 340.114 but not mention the term in the schedule at 340.114, following the pattern that opposites are classed together unless there are instructions to the contrary.

It is not clear that there is literary warrant for a subdivision for justice under our earlier proposed notation 011 in the add table under 342–347.

We have also made a few changes to conform to the revised rules for standard subdivisions. We added a "notation from Table 1 as modified below" note at 340.1, and we deleted 340.12–340.19 because the add instruction in that entry generates regular standard subdivisions and thus is not needed. We added two "notation from Table 1 as modified below" notes in the add tables.

Draft proposals:

340.1 Philosophy and theory of law

Notation 01 from Table 1 as modified below

For theory of specific legal systems, see 340.5

340.109 Historical, geographic, persons treatment of legal theories and schools

340.11 Special topics of philosophy and theory of law

Do not use for systems; class in 340.1

Including origin, sources, nature, limits of law; rule of law; legal reasoning;
~~justice, injustice~~; equal protection of the law

Class interdisciplinary works on equal protection of the law in 323.42

340.112 Law and ethics

Class here civil rights, law and morality, legal positivism, natural law

340.114 Justice

For distributive justice, see 340.115

340.115 Law and society

Including distributive justice

Class here sociological jurisprudence

~~340.12-19~~ ~~Specific aspects of philosophy and theory~~

~~Add to base number 340.1 the numbers following 01 in notation 012-019 from Table 1, e.g., classification of law 340.12~~

.....

> **341.2-341.7 Specific topics**

Add to each subdivision identified by † as follows:

01 Philosophy and theory

Notation 01 from Table 1 as modified below

011 Special topics of philosophy and theory of law

Including origin, sources, nature, limits of law; rule of law; legal reasoning; equal protection of the law; law and ethics; justice; law and society

Use of this number for systems discontinued; class in 01

02 Miscellany

Notation 02 from Table 1 as modified below

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> **342–347** Branches of law

Class here comprehensive works on specific subjects of law

Except for modifications shown under specific entries, add to each subdivision identified by * as follows:

- 01 Philosophy and theory
Notation 01 from Table 1 as modified below
- 011 Special topics of philosophy and theory of law
Including origin, sources, nature, limits of law; rule of law; legal reasoning; equal protection of the law; law and ethics; justice; law and society
Use of this number for systems discontinued; class in 01
- 02 Miscellany
Notation 02 from Table 1 as modified below

.....

346 Private law

See also 340.9 for private international law

346.001–.003 Standard subdivisions

As modified under 342–347

346.001 Philosophy and theory

346.002 Miscellany

346.002-6 ~~Laws, regulations, cases, procedure, courts~~

~~Add to base number 346.0026 the numbers following 026 in notation 0262–0269 from table under 342–347, e.g., cases 346.00264~~

346.003 ~~Dictionaries, encyclopedias, concordances~~