



# NOCALL *News*

Northern California Association of Law Libraries  
A Chapter of the American Association of Law Libraries

November-December 2007

Volume 28, Issue 2

## President's Message

Time is flying! The year is well underway and NOCALL has had an incredible year so far with numerous social and educational events.

Those that were able to attend the fantastic holiday party had a glorious time. Again thanks to NOCALL member, Georgine O'Connor for opening her lovely home to us. Also a big "Thank you" to CEB for their financial contribution. The event was attended by a festive twenty five; we ate, drank and were merry. We even sang a boisterous rendition of "The Twelve Days of Christmas". Although we were not certain of some of the lyrics, we didn't let that stop us!

NOCALL stuff (tee-shirts, thongs, beer steins, mugs, hats etc) is available for purchase at <http://www.cafepress.com/nocall>. Each item has the NOCALL logo plus our vision statement: Leading Law Librarians Into the Future. All the cool law librarians are using these products; get yours today!

"The Art of Negotiation" fall workshop was met with enthusiastic reviews. Pat Wagner is an engaging presenter and we hope to work with her again next year. Tibisay Turner, the Education Committee Chair, located a gem of a venue: Preservation Park in Oakland. Thanks to the education committee for putting on a wonderful event. Also a big thank you to CEB for sponsoring this event and supporting NOCALL's educational efforts.

Holly Riccio has secured the documentary film "Soul of Justice" for a screening on February 21, 2008 at the newly remodeled Hastings School of Law. This film is about Justice Thornton Henderson and is directed by Abby Ginzburg [www.soulofjustice.org](http://www.soulofjustice.org). Thornton Henderson is a unique and brave jurist. Mark your calendars to join NOCALL for this insightful event and celebration of Black History Month.

The January business meeting will be held on Wednesday January 9th in beautiful Mountain View. The Fenwick & West law firm is our host. NOCALL member Sharon McNally Lahey and Fenwick law librarian extraordinaire has secured a conference room. There is generous parking, easy freeway access and it is just a couple of blocks from

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Caltrain. Visit <http://www.fenwick.com/fenwickfocus/1.5.0.asp> for the exact location and directions. We are looking into having a short program, lunch and the business meeting. We will convene at 11:30am with a working lunch and meeting from 12:00 – 1:00pm. If we have a speaker, they will present from 1pm – 2pm. If you have any suggestion as to the topic or speaker please contact me [chenning@saclaw.org](mailto:chenning@saclaw.org). LexisNexis will be sponsoring the pizza lunch. Thank you LexisNexis!

Lastly, the Spring Institute committee is hard at work. The Institute will be held in Napa on Friday March 28th at the Meritage Resort <http://www.themeritageresort.com/> and Kelly Browne has secured an exceptional room rate of \$169. The resort has a 22,000 square foot spa and wine room located entirely underground in a cave. Really! Check it out.

Also in response to a recent membership survey, most members desired that the Institute be a one-day workshop versus one and a half as in past years. This year's topic is project management.

As always, feel free to contact me if you have any questions or concerns.

Coral Henning  
NOCALL President

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#### NOCALL News

The NOCALL News is published five times a year by the Northern California Association of Law Libraries, a chapter of the American Association of Law Libraries, and is a benefit of membership.

The Northern California Association of Law Libraries assumes no responsibility for the statements and opinions advanced by the contributors to the association's publications. Editorial views do not necessarily represent the official position of the Northern California Association of Law Libraries.

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#### **NOCALL News 2007-2008 Submission deadlines:**

Sept/Oct - September 7

Nov/Dec - November 2

Jan/Feb - January 4

Mar/April - March 7

May/June - May 2



## MUSINGS FROM MARK

By Mark Mackler  
California Department of Justice  
San Francisco

## PROFESSIONAL READING IN REVIEW

By Elisabeth McKechnie and Susan Llano  
U.C. Davis Law Library

**I'm in Love with My Internet...** According to a recent Zogby Internet Attitudes poll, one in four Americans says that the Internet can serve (for some period of time) as a substitute for a significant other. There was no difference between males and females, but there was a split based on political ideology. 31% of those who called themselves "progressives" were open to the Internet serving as a surrogate significant other while only 18% of those who consider themselves "very conservative" would consider it a substitute.

**The State of Our Profession is Bad...** No, not the state of law librarianship - the state of the practice of law. Writing in the current issue of "Stanford Lawyer," Dean Larry Kramer told it like it is: The profession has changed profoundly in the past generation. The basic structure still looks the same. Most lawyers practice in firms, most firms are partnerships with cadres of associates, most work is performed for hourly fees, and so on. Yet it's the traditional model on steroids: Big firms employ thousands rather than hundreds of lawyers, with offices around the world. Partner/associate ratios have changed dramatically, particularly if we focus on equity partners, while legal work has become increasingly specialized and expectations for billable hours have soared...Twenty years ago, most lawyers would have scoffed at the idea that profitability, much less profits-per-partner, should be the measure of success and prestige. Yet that is where we are. Law firms are run like businesses by managing partners and committees whose time is almost wholly occupied with, well, managing. And competition is fierce: to be bigger, pay more, bill more hours, open more offices and be more profitable.

**And Finally, another Customer Service Story...** Recently, Wachovia landed in the Bay Area through its purchase of World Savings. As a method of attracting new customers, Wachovia offered high interest rates on CDs. (5.65% for a one-year, \$10,000 CD, for example.) So, one day at lunchtime I leave the beautiful Civic Center and journey to the newly-opened Wachovia branch on California Street. I go into the lobby, and I'm greeted at the door by a very perky customer service rep. I tell her I'm there to open a CD account. She says "Sorry, sir. All of our CD personnel are at lunch. Would you like to come back in 45 minutes or so?" Well, I understand that \$10,000 is not a lot of money to an outfit like Wachovia. Maybe they really did not need my money. They certainly did not get my money that day, or any other day.

**"Law School Rankings at Math's Mercy"** by Michelle Weyenberg, *National Jurist*, v.17, no.3, Nov. 2007, pp.15-17, <http://www.nxtbook.com/nxtbooks/cypress/nationaljurist1107/index.php?startpage=14>  
This article reports the findings of a recent study by Professor Theodore Seto on the U.S. News law school rankings. Professor Seto looks at the mathematical computations used to determine rankings and shows how fickle those rankings can be. He claims that law schools can change their ranking by focusing resources in different areas. (Read the full text of his 97 page paper at the SSRN website: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=937017](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=937017))

In addition, the article discusses a recent survey conducted by National Jurist that asked current law students what factors in a law school they considered important. These numbers were then compared to the U.S. News ranking system. Not surprisingly, the numbers are different. See the results of that survey at <http://www.nxtbook.com/nxtbooks/cypress/prelaw-fall-07/index.php?startpage=20>.

**"Library Association 2.0: 'Will that be a Name Badge or a Wiki?'"** by R. David Lankes, *Searcher*, v.15, no.8, Sept. 2007, pp.50-53.

The author of this article suggests that the web can dramatically reshape the structure of professional organizations. In his idea of Utopia, "the professional organization would become a social space where members congregate online, share their thoughts on blogs, edit policies in wikis, mash up photos, and build towering edifices in Second Life." While he still acknowledges the need for face to face conferences, his article ends with his thoughts on how his Utopia could be achieved.

**"Keeping Up with User Communities"** by Terence K Huwe, *Computers in Libraries*, v.27, no. 8, September 1, 2007 ; 2007 WLNR 17567828.

As information professionals, we need to respect the skill levels of our users and learn to think outside the box in order to serve them. The article especially addresses the ways in which a savvy librarian can serve a customer/patron who is traveling and consequently may not have ready access to information, leaving it to the librarian to supply the gap, generally on a rush basis. The author proposes a three tier service model to enable the librarian to maintain contact with the information user, keep the user's expectations reasonable and anticipate complex research questions.

*continued on page 4*



**“Orders of the Courts...For Free?”** by Steven M Cohen, *Information Today*, v.24, no. 10, November 1, 2007; 2007 WLNR 22187745.

The movement to put case law online on a free website is picking up momentum. Free access to case law will enable researchers to perform their jobs more efficiently and cheaply than current reliance on the big vendors allows. This article reviews those portals containing free case access and reviews them for content and searchability. He concludes that although Lexis and Westlaw continue to rule the field, those who provide legal research to all types of attorneys should take a look at the new websites, if only out of curiosity.



## WHAT ARE YOU READING?

By Nora Levine

### **Richard Ford. The Lay of the Land**

For anyone who has been a fan of Richard Ford's, I highly recommend his latest novel - *The Lay of the Land* - which satisfyingly rounds out his trilogy, the first two novels of which are *The Sportswriter* and *Independence Day* (not to be confused with the movie of the same name; not even to be mentioned in the same breath with the movie of the same name). No one in recent memory has chronicled the second-by-second thoughts and actions of an individual combined with the meticulous chronicling of the minutiae of modern American society. I'm continually awed by how Ford can fill almost 600 pages describing 3 days – and that's a compliment. *The Lay of the Land* can stand on its own, so don't worry if you haven't read the other two -- you'll want to if you like this one. For me, Ford writes books I can't wait to get back to after work.

Many of you probably know about this website, but if you're a fan of audio "reading," check out the website of audio books in the public domain - <http://www.librivox.org>. It's a collection of writings read by volunteers. I have loaded my Zen Nano with short stories, novels and essays galore (there are at least 17 short story collections) as well as the not so ancient writings of authors like F. Scott Fitzgerald. And they are all free! Some of the readers are better than others, but the effort is laudable. You can volunteer as a reader if you want. I would, but who wants to hear Jane Austen read in a nasally New York accent.

Hilary Burg

Shearman & Sterling LLP

### **Brian Greene. The Fabric of the Cosmos: Space, Time, and the Texture of Reality**

Brian Greene's *The Fabric of the Cosmos* is simply awesome! I have learned so much about physics, the fascinating history of physics discoveries and insights from Newton to Einstein and beyond as mankind wanders through the multi-dimensional, complex fabric of reality and tries to understand time, space, energy and matter. Green takes the reader gently by the hand and walks the reader slowly and carefully into the realm of the ultra strange: vast cosmic reaches of space and time and infinitesimal micro-universes within the matter we perceive. His language is never stilted and his explanations almost always make sense, which is saying a lot when one is talking about Einstein's theories of Special Relativity, General Relativity, quantum mechanics and the more recent super-string theories of the universe. It is too hard to explain, but read this book (written in 2004 – I am eagerly awaiting an update) and you will learn about the 10, yes 10 spatial dimensions, the time dimension, and the theories of inflation and 'brane worlds' that have augmented the Big Bang theory. Read Greene's book and learn about 'flat space,' 'negative energy' – the most massive constituent of the universe, and have fun with quantum physics, time travel and teleportation.

Brian Greene takes the reader on a journey well worth the effort. I read this book two years ago, forgot more than half of it, and recently returned to read it again. I had learned so much the first time that my efforts paid off even more the second time. Have a "Big Bang" and read this book next time you feel like having a wonderful scientific learning adventure. And oh yeah, he leaves out most of the math so mathematical midgets like me are less intimidated by the subject matter, which is very strange indeed.

Greg Fite

Bernard E. Witkin Alameda County Law Library

### **Neil Simon. Rewrites: A Memoir**

I listened to this as an audio-book during my commute to work recently. It is read by Neil Simon, with his tough New York accent, which adds to the effect. The book has been out for over ten years, so it's not new, but I definitely recommend it (as a read, re-read or listen) for anyone who loves the theater. It is an interesting journey that starts at the beginning of his career as a TV writer and then playwright and is also full of love for his first wife Joan, and his two daughters. He takes the reader through the writing and re-writing of several plays including *Barefoot in the Park*, *The Odd Couple*, *Plaza Suite* and adds some spicy Hollywood and Broadway gossip in the telling. I'm now hoping some local theaters that will be doing his plays soon!

*continued on page 5*



**John Berendt. The City of Falling Angels**

I have always been fascinated by the city of Venice and was charmed when I visited it years ago. John Berendt was lucky enough to spend much more time there and arrived just after the burning of the opera house. His story revolves around the investigation of that loss, the people who were involved in the process of determining what caused the fire and the restoration of the structure. His character descriptions are wonderful. He introduces us to a cast of Venetians and a few outsiders, who are endearing, pompous, swindlers or just odd. I felt like I was exploring the city with him and didn't want the book to end. The audio version is read by the author who also wrote *Midnight in the Garden of Good and Evil*.

*Lauri Flynn*

*Gunderson Dettmer LLP in Silicon Valley, CA*

**Bill Bryson. A Short History of Nearly Everything**

I really enjoyed Bryson's *In a Sunburnt Country*, so I bought *A Short History of Nearly Everything* and was making my way through it when I saw that Greg Fite had also read it (previous column). I am not really prepared to write as fantastic a review as Greg did, but there were definite points that stood out for this non-science person. I was amazed at how much of science seems to rely on, either, eating lunch in the right place at the right time or luck.

The guy who discovered the fossils which later came to illustrate the Cambrian explosion, happened upon them after he sat down and ate lunch near some rocks that were filled with fossils! I also appreciated the discussion of Darwin's *Origin of the Species*, especially the citations showing that Darwin was not the first one to think of this theory. It seems that the theory/thought was right for the knowledge of the time.

I also enjoyed the chapter on cells, their different parts and how they do what they do. Greg commented on how many life forms there are. I was also enamored with the two Norwegian scientists who went to the beach near their lab, picked up a gram of sand and analyzed it, then went down to the beach two miles apart, picked up another gram of sand and compared the differences in life forms. It is astonishing how many differences were found in two grams just two miles apart.

**Thomas Moore. Dark Night of the Soul**

I picked this audio book up on a whim when I was feeling a bit down. I got over being down, but became really interested in the book for a number of reasons. First, the author cites a multitude of religious, philosophical and cultural sources for his discussion. I appreciated how he wove in different traditions and mythologies into the book.

I had to buy a print copy, so I could keep track of all the sources I wanted to read later!

The book discusses those times in our lives when we are not feeling as cheerful as society thinks we should. Moore makes a distinction between clinical depression and what he terms the dark night of the soul. He discusses different cultural solutions for depression, both current and historical, as well as the benefits of a bit of reclusiveness while we work out our issues.

**Norman Juster. The Phantom Tollbooth**

Just like his mother, my son has favorites, too. When he doesn't know what he wants read to him, he returns to old favorites such as *The Phantom Tollbooth*. I have read this book to him at least 8 times since he was 3 or 4 and he enjoys it each time. This book tells the story of Miles, a boy who isn't really engaged in life until he is propelled on a fantastic journey, which stretches all of his senses plus his imagination and intellect. There are word puzzles for him to figure out and number puzzles. There is also a lot of word play for the reader to enjoy embedded in the story. Not just for kids!

*Jaye Lapachet*

*Coblentz, Patch, Duffy, and Bass LLP*



**NOCALL BUSINESS MEETING MINUTES**

**Wednesday, September 25, 2007**

**11:50 a.m. to 12:10 p.m.**

**Courtyard Marriott Vallejo – Vallejo Ballroom  
Vallejo, CA**

**PROPOSED MINUTES**

Coral Henning called the meeting to order at 11:50 a.m. There were approximately 35 people in attendance.

Thank you to Michael Saint-Onge, Jenny Kanji, and Rachel Schultz, LexisNexis

Coral thanked Michael, Jenny and Rachel for the "Get a Life!" workshop on work/life balance that they presented that morning.

Approve minutes of the May meeting

A motion was made to approve the May Business Meeting minutes. The motion was seconded and the minutes were approved.

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### Mission and Vision Statements

Coral explained that brainstorming at the NOCALL Spring Institute had led to several possible Mission and Vision Statements. A subsequent survey of members produced the clear front runners:

#### **Mission Statement:**

A Professional Organization of Law Librarians  
Providing Development through Networking and Education

#### **Vision Statement:**

**Leading Law Librarians into the Future**

Coffee mugs with the Vision Statement on them have been ordered from Café Press. The mugs and t-shirts will be available at the NOCALL Fall Workshop in October.

### **Treasurer's Reports**

Print copies of the Treasurer's Reports as of January 31, 2007, and May 31, 2007, were passed out to members. Julie Horst noted that an additional line item will be added for hosting an AALL VIP. A motion was made to approve the Treasurer's Reports. The motion was seconded and the reports were approved.

### **Social Events**

Julie also reported on the September 23rd NOCALL social event, "Beach Blanket Babylon," and expressed her thanks to Lisa Hampton and Mark Mackler. Those who attended enjoyed the show very much. Eight tickets were unsold; Julie attributed that to the fact that event was announced several months in advance.

There will be a screening of "Soul of Justice, Thelton Henderson's American Journey" at Hastings College of Law in February. The movie is approximately one hour long and will be followed by a discussion.

Other possible social events being considered are a day at the races, a performance of "Menopause, The Musical," a fundraiser at KQED, and a visit to "DaVinci -- An Exhibition of Genius" at the Metreon. Julie asked members to send her additional suggestions for future NOCALL social events.

Coral asked for volunteers to plan a holiday party, noting that there has not been a holiday party for a few years. San Francisco is the preferred venue.

### **Strategic Planning**

Ellen Platt summarized the activities of the Strategic Planning Task Force, which was set up at the 2007 Spring Institute. So far the task force has proposed Mission and Vision statements, see above, and surveyed the plans

of other AALL local chapters in preparation for drafting a NOCALL strategic plan which is expected in the next month or so.

Coral commented that an overall NOCALL plan would help clusters of committees to produce concrete goals with measurable results.

### **Announcements**

Tibisay Turner, Chair of the Education Committee, announced plans for the NOCALL Fall Workshop, which will be held on October 23rd in Oakland's Preservation Park. Pat Wagner will be the speaker. The topic is the "Art of Negotiation," which is expected to appeal to SLA and ALA members, as well as to NOCALL members. Details about the Fall Workshop are already available on the NOCALL website. Registration forms will be mailed out at the end of the week.

Coral has been working on a meeting of the SLA Sierra-Nevada chapter to be held in January 2008 in Sacramento. That meeting will be a technology update.

Kelly Browne discussed plans for the NOCALL Spring Institute, which will be held in Napa in March. The exact location is yet to be determined. A reception in the exhibit hall is planned for Thursday evening, March 27th, allowing face-to-face time with vendors. The Institute itself will be on Friday, March 28th, and its topic will be "Project Management." Friday morning will be devoted to a discussion of management tools. The afternoon will consist of break-out sessions tailored to the three large groups of law librarians: academics; law firm librarians; and state, county, court librarians.

Fifteen NOCALL members will be attending Internet Librarian 2007 in Monterey, October 29 – 31st. Kate Fitz from the Sacramento County Public Law Library will be speaking about Second Life at the conference.

Kelly Browne had just returned from a Chicago meeting about program selection for the 2008 AALL meeting in Portland.

Coral adjourned the meeting at approximately 12:10 p.m.

Respectfully submitted,

Mary Sexton  
NOCALL Secretary





# NOCALL BOARD MEETING MINUTES

Wednesday, September 19, 2007

10:00 to 10:30 a.m.

By telephone conference call

It was suggested the vision statement be put on coffee cups for NOCALL members.

### 3. Education Committee

The Fall business meeting and "Get a Life" workshop will be in Vallejo on September 25th. About 30 people have registered so far.

Tibisay Turner will be sending out information about the Fall workshop to be held at Preservation Park in Oakland on October 23rd. Pat Wagner is the speaker. In keeping with membership preferences, the workshop will begin with breakfast and end at 12:30 or 1:00 p.m. Lunch will not be part of the meeting, but a list of local restaurants will be distributed, allowing members the option of planning their own networking lunches or returning to work after the workshop.

Holly Riccio is working on a screening of the "Soul of Justice" at Hastings Law School in February. Julie Horst reserved a room for the event before she moved to USF. Susan Nevelow-Mart is now the contact person at Hastings regarding arrangements. Terry Kay Diggs, a film and the law professor at Hastings, has been contacted about speaking at the screening.

Coral has been planning a joint meeting with SLA for January.

Kelly Browne has been planning the Spring Institute for March 27-28 in Napa. Possible locations are the Meritage Resort or Embassy Suites. The institute will begin Thursday in the late afternoon, with a vendors' exhibit and reception. Thursday evening will be optional, providing an opportunity for Lexis and/or Westlaw to present a pre-workshop program. The conference itself will be Friday, 9-5. Planning is in response to members' expressed preferences, to have a one-day conference and not to schedule a Saturday meeting.

The topic for the Spring Institute is Project Management. Kelly anticipates a morning presentation, followed by break-out sessions in the afternoon at which participants could plan specific projects. She discussed two such projects -- a "Bridge the Gap" session and a session for librarians who assist self-represented litigants. Ideally, the selected projects would appeal to various membership groups: firm librarians; academics; state, court, and county librarians. There was some discussion about whether a "Bridge the Gap" session would be appropriate for Project Management because the group of firm librarians who might attend have already done a substantial amount of planning on their own.

### Old Business:

- 1. Approval of Minutes via e-mail

### New Business:

- 2. Membership Survey: Mission and Vision
- 3. Education Committee:
  - "Get a Life" and Business Meeting Next Week
  - Fall Workshop on 10/23 in Oakland
  - "Soul of Justice" screening in February (Holly Riccio)
  - Joint SLA Sierra Nevada Chapter Meeting in January (Coral Henning)
  - Spring Institute (Kelly Browne)
- 4. NOCALL Charitable activities: Book Drive, other
- 5. Treasurer's Report
- 6. Budget
- 7. Social Events:
  - Beach Blanket Babylon
  - Other?
- 8. NOCALL Board Cluster Assignments
  - Prano – Administration
  - Julie – Education
  - Susan – Membership
  - Shannon – Outreach
  - Mary – Recognition
- 9. Other Agenda Items?

### 1. Approval of Minutes via e-mail

Coral Henning called the meeting to order at 10:04. All Board members were present via telephone: Coral, Prano Amjadi, Kelly Browne, Shannon Burchard, Julie Horst, Susan Nevelow-Mart, and Mary Sexton.

Coral confirmed that the minutes from the June 27, 2007 Crossover meeting had been approved via e-mail.

### 2. Membership Survey: Mission and Vision

On August 30th, Kelly Browne e-mailed members the results of a membership survey conducted after the Spring Institute. One hundred and thirty people completed the survey. No one has objected to the e-mailed results. So the highest ranked Mission statement

**A Professional Organization of Law Librarians Providing Development through Networking and Education**

and the highest ranked Vision statement

**Leading Law Librarians into the Future**

will be announced at the Business meeting on September 25th.

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**4. Charitable Activities**

Coral noted that NOCALL charitable activities have fallen off somewhat. For example, there was no book drive last year, because no one volunteered to lead it. Some members have expressed concern because other AALL chapters devote more resources to charitable activities. The Board's response was that charitable activities can be addressed after the current NOCALL restructuring. Combining charitable activities with a social even was also considered, such as participating in a KQED fundraiser.

Two somewhat related matters were also discussed: Martha Sullivan's request that someone from NOCALL contact Westlaw and/or Lexis to solicit financial support for Professional Legal Management Week (PLMW) and a request for someone to speak to a paralegal class. The latter was referred to Public Access/Outreach. The PLMW request was problematic because money sent to support PLMW would come from the amounts that vendors would otherwise use to sponsor NOCALL activities.

**5. Treasurer's Report**

Julie Horst will provide a detailed, written Treasurer's Report for the September 25th business meeting. For now, she noted that NOCALL taxes have been paid and insurance premiums are due in October.

**6. Budget**

NOCALL committees have submitted their projected expenses. NOCALL's proposed budget for the year is \$37,250.

**7. Social Events**

Thirty-eight people are signed up to attend Beach Blanket Babylon this coming Sunday. Six tickets are still available. Julie was among the people who attended West Coast Live on August 18th and her story about that event will appear in the next issue of the newsletter, which is expected to come out in the next week or so.

**8. Clusters**

Each board member was asked to contact the committee chairs within her cluster sometime within the next week or so. The cluster assignments are on the NOCALL web page and appear in the June 27th Crossover Meeting minutes as well.

**9. Business Meeting on Tuesday, September 25th**

The agreed-upon agenda for Tuesday's business meeting:  
Approval of Minutes from the last business meeting  
Announcement of Mission and Vision Statements  
Brief Report on Beach Blanket Babylon  
Treasurer's Report will be handed out  
Report from the Strategic Planning Committee

The meeting adjourned at 10:36.

Respectfully submitted,

Mary Sexton  
NOCALL Secretary

**GET YOURSELF A LITTLE SOMETHING!**



Coffee mugs, magnets, note cards, and other stuff with the new NOCALL logo emblazoned for all to see. Check it out at [cafepress.com/nocall](http://cafepress.com/nocall).





## THE LEGISLATIVE HISTORY OF HEALTH & SAFETY CODE SECTION 1371.25 UPHOLDS HEALTH CARE PLAN LIABILITY

By Carolina Rose  
Legislative Research, Inc.

This month I received a "Certificate of Appreciation" from the Consumer Attorneys of California (CAOC) signed by Ray Boucher, CAOC President, and Sharon J. Arkin, FORUM Editor-in-Chief. It says: "In recognition of your valuable contribution to the field of continuing legal education for the improvement of the administration of justice as an author in the FORUM."

### Explanation:

The FORUM is the CAOC's monthly magazine. The November issue (Vol. 37, No. 8) has 3 "Legal Features". I wrote one of them. The article is entitled "The Legislative History of Health & Safety Code Section 1371.25 Upholds Health Care Plan Liability."

### Summary:

Recently health care service plans in non-ERISA cases have been claiming immunity under Section 1371.25 in the following situations: A patient suffers injury after a plan denies medical treatment contrary to the treating physician's recommendation. The plan's decision to

deny services is based upon the recommendation of the utilization review group which contracted with the plan to make such recommendations. Most health care plans delegate the utilization review determinations regarding medical necessity to the medical groups they contract with to provide the actual medical care, although some use independent utilization review services to make those determinations. Non-ERISA plans believe that Section 1371.25 shields them from any liability – including joint and several – when their denial of services is based upon the recommendation of an independent utilization review group and the patient is injured as a result. The legislative history of the act that added 1371.25 (AB 1840, Stats. 1995, Chapter 774, Sec. 4) clarifies the ambiguities in the statute and refutes the plans' interpretation.

The article cites to specific records from the legislative history report prepared by my company, Legislative Research, Inc. LRI has been providing legislative history research services since 1983. From time to time I am asked to provide expert witness services in connection with our research. The purpose of the article was to demonstrate the effective and ethical use of a legislative history in construing a statute. The FORUM's Editor-in-Chief, Sharon Arkin, has now asked me to author monthly features on timely issues relating to the legislative history and intent of a statute.

## Member Publications

The Law Firm Information Center and Practice Technology Support, by Hillary Burg. Daily Journal, page 7, October 25, 2007.

Keeping Current With Federal Tax Research, A Guide to Free Resources by Chuck Marcus, Head of Reference, UC Hastings College of the Law Library. Daily Journal, page 7, September 17, 2007.

Taking the Mystery out of Collective Bargaining : Resources for Staying Informed, by Ramona Martinex. Daily Journal, page 7, December 3, 2007.

## MEMBERSHIP NEWS

The names of members who have joined NOCALL since publication of the 2006-2007/2007-2008 NOCALL Directory and since the last newsletter are listed below as well as changes and corrections for continuing members. Any corrections changes or additions to the Directory should be sent to:

Ramona Martinez  
 NOCALL Membership Chair  
 UC Berkeley School of Law Library  
 227A Boalt Hall # 7210  
 Berkeley CA 94720-7210  
 Phone: (510) 643-2947  
 Fax: (510) 642-9122  
 Email: [rmartinez@law.berkeley.edu](mailto:rmartinez@law.berkeley.edu)

### NEW MEMBERS

Lasca Alekseevna  
 Phone: (310) 351-7460  
 Email: [lasca@ucla.edu](mailto:lasca@ucla.edu)  
 NOCALL Status: Student  
 AALL Member?: Yes

Claudia Cohen  
 Information Specialist  
 Phone: (510) 517-4421  
 Email: [claudiarcohen@yahoo.com](mailto:claudiarcohen@yahoo.com)  
 NOCALL Status: Associate  
 AALL Member?: No

Nicole Davis  
 Client Manager  
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**CONTINUING MEMBERS**

\*\*Changes are noted in bold.

No new changes to report.

**WE NEED YOUR NEWS!**

If you or your staff members have attended a seminar, published an article, received an award, or if you have done anything interesting, personally or professionally, please let us know!

Submit articles of any length to  
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2006 – 2007 submission deadlines:

- Sept/Oct – Sept. 8
- Nov/Dec – Nov. 3
- Jan/Feb – Jan. 12
- Mar/Apr – Mar. 2
- May/June – May 4

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## UPCOMING EVENTS

For more details, see <http://www.nocall.org/calendar.html>