



NOCALL *News*

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

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President's Message

Holly Riccio
O'Melveny & Myers LLP

NOCALL is moving full speed ahead into spring - a time of growth, renewal and transition. Now is the time of year when we announce and welcome our newly-elected Board members: Vice President/ President-Elect Jean Willis from Sacramento County Public Law Library; Treasurer Claudia Cook from Alameda County Law Library; and Members at Large Jaye Lapachet from Coblenz Patch Duffy & Bass and Sara Paul Raffel from Paul Hastings. Thanks to Nominations Committee Chair Diane Rodriguez and her committee for assembling such a wonderful slate and a big thanks to everyone that agreed to run this year.

It was great to see many of you a few weeks ago in San Diego at the 4th All-California Joint Institute. Kudos to Institute Co-Chair Chuck Marcus (NOCALL), David Burch (SCALL) and Brent Bernau (SANDALL) for putting together such thought-provoking programs and balancing that with ample time to visit with exhibitors and network with not only our own members, but those from SCALL and SANDALL as well. One of the programs at the Institute focused on UELMA, the Uniform Electronic Legal Materials Act, and the efforts taking place in California and other states to support and enact this important legislation. The panel was moderated by NOCALL member Michele Finerty and included Diane Boyer-Vine from the Legislative Counsel of California, David McFadden at Southwestern Law School, and Larry Meyer at San Bernadino County Law Library. Most recently, all three California chapters signed on to a letter of support for SB 1075, California's version of UELMA, which was delivered to Senator Darrell Steinberg and the Senate Rules Committee. You can keep up on what is going on with UELMA and other legislation of interest to law librarians on the Government Relations Committee page on AALLNET.

Next up on the educational horizon is another interesting and informative Sunshine Week event brought to us by Government Relations Committee Chair Greg Fite and his committee. This year,

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NOCALL is co-sponsoring an event with the SLA San Francisco Bay Region Chapter and the program will include a discussion with Jay Costa of MapLight on the controversial Citizens United decision and its effects on the flow of political information. The event will take place on Tuesday, April 3rd from 5:30 p.m. to 8:00 p.m. at Absinthe Brasserie and Bar in San Francisco and will include appetizers and a no-host bar.

Also, just a reminder that the AALL Annual Meeting is just around the corner - it will be taking place from July 21-24 in Boston this year. The NOCALL Grants Committee, chaired by Cathy Hardy, is once again accepting applications for grants to provide financial assistance to our members to attend our national association's premiere educational event. NOCALL is also one of the chapters that is receiving an AALL Annual Meeting Chapter registration award this year, which underwrites one free conference registration and is intended to be presented to a newer member of AALL. The deadline for grants applications is Monday, April 23rd.

Finally, don't forget about the upcoming May Business Meeting! It is at this meeting that we will swear in the 2012-2013 NOCALL Executive Board and also present two annual awards - the Professional Achievement Award and the Advocacy Award. We will be returning to One Market restaurant to celebrate another wonderful NOCALL year. Look for more details coming to the NOCALL listserv soon so you can mark your calendars and plan on being there.

It will soon be time for our incoming President, Chuck Marcus, to start working on appointing new committee Chairs and calling for committee volunteers. I highly encourage everyone to consider volunteering for committee work. Take a look at the committee charge information on the NOCALL web page - there is something there for everyone, both in terms of areas of interest and time commitment level. Remember: the more volunteers there are, the more things each committee can achieve!

NOCALL News

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MUSINGS FROM MARK

Mark Mackler
California Department of Justice
San Francisco

FROM JUSTICE SCALIA: “Society cannot afford to have such a huge proportion of its best minds going into the law.” (from Justice Scalia’s address to the 2012 Midyear Meeting of the ABA.) And: “There’s something wrong with a system where getting someone just a little bit brighter is worth that kind of money.” (Justice Scalia noting that his former law clerks make more money than he does.)

HAS THIS EVER HAPPENED TO YOU?: So, here’s my story and I’m sticking with it. Several weeks ago, one of our attorneys had a question about California contract law. Yes, contracts are contracts are contracts. But she was looking for something particular to California. I went to CEB’s California Law of Contracts, found the answer, tabbed the page, and left the treatise out on one of our Library tables for her. Later on in the day, I noticed that she had checked out the book. And that was that, or so I thought. Weeks later, I bumped into her in a crowded elevator. As soon as she saw me, she launched into what a great job I had done, how the court took judicial notice of the treatise, how I had saved the day for the client, etc. Of course, I was very pleased to hear what she had to say, and nice words are always welcome, but what would have happened if she and I had not had this elevator encounter?

IS PRIVACY DEAD?: My office is preparing for oral argument in the California Supreme Court in *People v. Buza* (S196200). That’s the case that involves taking DNA samples from everyone who is arrested for a felony. I was having lunch with one of our young attorneys who is not involved in the litigation, and I mentioned how the concept of taking DNA from arrestees made me feel creepy. He responded that he saw absolutely nothing wrong with the procedure, and how the process is no more invasive than fingerprinting. We continued to argue back and forth for a few minutes and then he said, “You know what? It’s a generational thing. You old-timers (arghh!) have a view of privacy that we simply don’t have.”

WHAT ARE YOU READING?

Nora Levine

THE GREAT DECISION: JEFFERSON, ADAMS, MARSHALL, AND THE BATTLE FOR THE SUPREME COURT by Cliff Sloan and David McKean.

The 20-year-old United States of America has a scandal on its hands at the time of Jefferson’s presidential election in this, the story of the events leading up to the famous *Marbury v. Madison* case. Why didn’t William Marbury get his Justice of the Peace commission? Because Thomas Jefferson hid it!

I found the writing difficult to follow but the story was interesting. I was caught up in how much this country was like a small town back in its early days in that everyone involved in politics pretty much knew everyone else. Like NOCALL, the community had a “2 degrees of separation” quality: those involved either worked for or with someone who knew this or that person. In other instances, they were close or distant relations.

There were lots of rivalries that factored in as well, including the one between John Marshall and Thomas Jefferson who incidentally, were third cousins.

I also learned how awful it was for the circuit judges to “ride the circuit” (you don’t get a room at a tavern, you get a place in a bed in a room at a tavern. And by the end of the night, you may be sharing that same bed with 3 other guys who haven’t bathed.)

I skimmed over the parts where the writing tripped me up but all in all I came to understand what was so amazing about John Marshall and the rest of the Supreme Court’s decision in this landmark case.

I recommend this only for those truly interested in historical/legal non-fiction.

Julie Horst
9th Circuit Court of Appeals

THE CREATIVE HABIT: LEARN IT AND USE IT FOR LIFE by Twyla Tharp

I started this book some time ago after I received it as a gift. I didn’t get very far as it didn’t grab my attention and other books elbowed their way to the front of the line. Finally, decided to get serious and really start reading it. One of the best things about it so far is that Twyla Tharp describes creativity as a habit. While that sounds much more boring than creativity being a flash of light from God,



it is much more comforting for me. I can develop a habit; I can't really wait around for a flash from God.

I took the first test and had a hard time with some of the questions, but found that I got into it as I went on. I also gained some insight and was able to go back and fill in other answers I had skipped.

Not being a student, I don't sit with my books at a table and read and write notes or take tests. I like the tests and think they are useful, but the tests came up periodically, usually at times when I didn't have a writing implement or the time to devote to the test. This was one of the reasons I got stalled.

Eventually, I just read, didn't do the tests or underline words and phrases that spoke to me. That was a much better plan and I got a lot out of it. I would recommend it even if you are just trying to improve your creative problem solving skills.

THE FORGOTTEN GARDEN by Kate Morton, read by Caroline Lee

I listened to this on audio and really enjoyed the reader, Caroline Lee. I think I might put this on my favorites list. Very well written, no gimmicks, lots of attention to detail. There are a lot of surprises, but when I thought back the surprises came as a result of my own assumption.

I like the characters as well. They come across as real people. Cassandra is very sad, but she has found a place where she can coast through life, if not truly live it. A trip to Cornwall gives her a purpose again and brings her out of the depths of her grief. As the book progresses, she no longer "coasts". Christian is kind of a bridge character. I like that he has faced the work required to get to his position and then gives it up, because it is killing his soul. Adeline inspired sincere dislike bordering on hatred. She was definitely a control freak and made everyone around her miserable. UGH!

About halfway through the book Nell is visiting Gump and comments on a painting in his sitting room. I couldn't help but wonder, in the space of the moments before the story continued, if Kate Morton would bring up Penelope Keeling's father from THE SHELL SEEKERS as the artist. It would seem so interesting and natural to have the two fictional stories intersect, and then have THE FORGOTTEN GARDEN story continued with no further mention of the artist of the painting.

This book inspires my feeling that there is a whole different world where all the characters from books live and as long as their writers write about them, the characters will live on. One thing I didn't like was the accents the author used for the Cornish men. I don't know if that is how they really sound, but what I heard was not what I was expecting and ended up being distracting.

*Jaye Lapachet
Coblentz, Patch, Duffy & Bass LLP*

ANIMAL VEGETABLE MIRACLE by Barbara Kingsolver.

Kingsolver's family moved from Arizona to western Virginia (Appalachia), to live on the family farm. They made a pact to eat "local" for one year. They grew food and canned it, raised poultry (chickens and turkeys), made yogurt and cheese, and relied on farmer's markets and local dairy and meat producers. I learned many interesting things, and my favorite chapter was the one describing the near-lost art of turkey mating and brooding. The books caused me to think about many things, from the environmental costs of factory farming to the cost (in fuel) of eating produce from New Zealand in January...

*Marian Shostrom
Miramonte High School*

PROFESSIONAL READING IN REVIEW

**Elisabeth McKechnie
U.C. Davis Law Library**

"Congress Has a Role to Play in Making Research Public," by Ada Emmett, Lorraine J. Haricombe and A. Townsend Peterson, **The Chronicle of Higher Education**, March 11, 2012, Commentary, available at <http://chronicle.com/article/Congress-Has-a-Role-to-Play-in/131116/>
The balance between the continually increasing cost of academic journals and the needs of print distributors has become an issue addressed by Congress. This article discusses the Federal Research Public Access Act which, if passed, would require final peer-reviewed articles written by federally funded researchers to be made publicly available within a year of publication. The need for such a system is addressed in the article, while the benefit of the old system is addressed in the readers' commentary.

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“Is Your TV Watching You? Latest Models Raise Concerns,” by Gary Merson, **HD Guru-TECHNOLOG, MSN**, March 19, 2012, available at <http://www.technolog.msnbc.msn.com/technology/technolog/your-tv-watching-you-latest-models-raise-concerns-483619>

Adding to modern privacy concerns is the new Samsung HD-TV with a built-in web camera capable of watching you even when the television is turned off. The set is also loaded with facial recognition software and directional microphones which cannot be shut off. Even more troubling, there is no little red light to tell the user when the camera is active. The intent is to ‘personalize’ t.v. offerings to the individual user. Samsung isn’t telling whether or what data it will be gathering via this television or whether there will be protection from hackers built into the set. The future is now and the law has yet to catch up.

“The Library Cloud; As libraries’ cloud-computing options multiply, LJ looks at the pros and cons of jumping in,” by Edward M. Corrado & Heather Lea Moulaison, **Library Journal**, March 1, 2012.

Considering the cloud? This article discusses why a library might decide to outsource its day to day chores to a shared pool of computing resources. Considerations include cost, efficiency, technological expertise of the library staff (or lack thereof), security and privacy. Some libraries have already moved to the cloud and are happy with the change.

“Liberating America’s secret, for-pay laws,” by Carl Malamud, **BoingBoing**, March 19, 2012. Available at: <http://boingboing.net/2012/03/19/liberating-americas-secret.html>

One class of law is not generally available for free to the American public, points out Carl Malamud in his essay. The law of public safety standards, governing everything from bicycle helmets to hearing aids, are created by private companies and are subsequently copywritten by them. A ‘model’ standard, later incorporated by reference into the CFR, has an extremely limited availability due to its exorbitant cost, because it is provided by its original creator and not by the U.S. government. For example, a two page standard from the Society of Automotive Engineers, required as part of the Federal Motor Vehicle Safety Standards in 49 CFR 571 will cost you \$65. However, there is a move afoot to post html copies of these standards online to make them generally available to the public for free at Public.Resource.org despite probable lawsuits by the “non-profit” organizations that create and sell them.

IMPROVISATION AT WORK!

Cathy Hardy
Hanson Bridgett LLP

You are working hard at your desk in the library when a partner walks through with a client (or lateral candidate) and comments, “Here is the library, we don’t really use it much anymore.” You are speechless, thinking of the perfect response only when you are on the way home from work. Who hasn’t been tongue-tied when caught off-guard, or in a difficult or emotional situation? I know it is when I’m at my worst. BUT, it doesn’t have to be that way. You CAN develop the skills to help you handle these situations. Improvisation techniques are what you need.

I recently attended a webinar from InfoPeople titled [“Improvisation at Work! Communicating and Innovating in Your Library.”](#) This program is now available for viewing at the Infopeople website. The program covered what improvisation is, why it is useful in the library, and four improv skills that we could use right away. They started with the myths of improvisation. Most people associate improvisation with humor but it does not have to be funny. What I learned is that improvisation is a set of skills that includes awareness, flexibility, shared leadership, adaptability, collaboration and trust. It involves story telling as a way to work through issues. It is positive.

The workshop leaders identified some key elements of “modern” library work, including connecting people with resources, empowering people, and engaging with the community. To accomplish this work we need to collaborate, have a shared purpose, use active listening, reframe failure as opportunity, and be confident. Not coincidentally, those are all key elements of successful improvisation. The workshop leaders narrowed this down to four skills we can cultivate and use immediately in our jobs.

1. Be present. Let go of your personal bias, create connections and see opportunities.
2. Yes, And... to show willingness to listen and build
3. Take risks, mistakes are gifts. Share ideas, worry less, experiment more.
4. Support your partner – you don’t have to do it alone.

I’m not always the best webinar attendee, I look at email, start organizing my desk, or in this case I was at home and stopped in the middle to find out how my daughter’s job interview went. Still, I thought the workshop was worthwhile, especially as a reminder to remain positive, listen and be present, and stop worrying about taking risks. They provide a bibliography of other improv resources to help further your knowledge. Now what we need are some improv group sessions for librarians so we can sharpen our skills!



IN MEMORIAM: ALAN MACDOUGALL

Alan MacDougall died on November 30, 2011, in Temple, Texas. Alan received his Master's in Library Science from the University of California, Berkeley in 1981. After a brief stint as a law librarian in Reno, Alan moved to San Francisco and began working in the early 1980's as a reference librarian at Brobeck, Phleger & Harrison. He eventually served as Brobeck's firm-wide library manager, and continued on to work at Morgan Lewis as the Manager of Library Services for San Francisco and Palo Alto until 2004. Alan was a member of AALL and NOCALL, and served as NOCALL Treasurer and Membership Chair.

*Martha Campos
Morgan, Lewis & Bockius LLP*

I'm not quite sure when I met Alan, but it must have been at a law library event many years ago. We would occasionally chat at meetings over the years. We got to know each other better after working on a program for LegalTech in 2000. After that we became friends and began having lunch and talking about our work and our outside lives. He was a good listener and helped me think through some issues I was trying to resolve. He always had good advice. Alan was also amusing with a quick wit and an occasional sly comment.

Alan was a sharp dresser and always looked very dapper in his Brooks Brothers suits. He also had a dynamite smile. He bore a resemblance to the high flying Chairman of Brobeck and he told me once that a young associate at the firm was tongue tied in an elevator ride thinking Alan was Tower Snow. I remember when we attended meetings of the Head Librarians Group (which was mostly women and many of us talked at the same time) the room always quieted down magically when Alan discussed—in his soft voice-- what Brobeck was doing about a new product or a particular issue we were all facing. The day that Brobeck announced its demise was also the night of an SLA dinner meeting which Alan was planning to attend. He came to the meeting and later he told me that he had never had so many offers from people to buy him a drink. He had worked at the National Judicial College in Reno before moving to the Bay Area to study for his MLIS at Berkeley. He had been at Brobeck/Morgan Lewis for over 20 years when he retired.

I continued our friendship after Alan's illness and helped as much as I was able. It was hard to see the changes he went through but he made it easier because of his positive attitude and he didn't lose his wonderful smile. I also got to know his family. Alan grew up in Austin, Texas and was the youngest of four brothers and an older sister, who considered Alan her best friend. The family banded

together to help him in various ways once his illness progressed.

Alan was the staff favorite at the care home where he lived for several years and the owner and caregivers all became very fond of him. We had several parties there with his former co-workers and friends (the FOA group) to celebrate his birthday and the holidays. In March 2010 Alan moved to Temple, Texas. He spent the last 20 months near his brother Kent, who had recently retired and was able to visit Alan almost every day. They sat outside, far away from the fog of the Bay Area, and listened to Willie Nelson songs.

*Lauri R. Flynn
California Judicial Center Library, San Francisco*

Excerpts of the letter sent to the MacDougall family: I had the pleasure of meeting Alan and working with him when he joined Morgan, Lewis from Brobeck. That transition was not easy for the Brobeck staff. My job was to help "Morganize" the library. Alan was so kind and gentle and understood what a difficult transition it was for his staff. He was supportive to them but realistic and optimistic that joining Morgan would work out for all who came on board. He made my job much easier because he was such a professional. I am happy to say that two of the original staff members, Heather and Les, are still with us today. They loved Alan, as did many of the San Francisco and Palo Alto staff and attorneys.

I think that he would be happy to know that the good work ethic and customer service standards that he modeled for his staff are still strong in the San Francisco office. On one of my first trips to the office after he left, I wanted to go visit Alan. At that point, he preferred not to have visitors. I am sorry we never got the chance to spend more time together but I will remember his warm smile and his sense of humor. He thought I would be insulted once but I could only laugh when he called all the folks arriving from the East Coast Morgan offices as "frugal Yankees"...

*Connie Smith
Morgan, Lewis & Bockius, LLP*

Since everyone will write what a wonderful person Alan was, I think as a reality check, I should go to the dark side. Alan was one of the worst drivers I've ever ridden in a car with. He drove much too slow, actually coming to a full stop at every stop sign. You could almost count to five before he'd start up again. I don't know how long it took him to get us out of downtown San Francisco, but if it took any longer, I could have walked it faster. Anyone driving behind him would have been an eventual wreck or gotten into one.

I felt closest to Alan in the immediate aftermath of the earthquake of 1989. I had yelled for him to get out of his

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wobbling office, which he did just before a bookcase fell across his desk. Then, after walking down twenty-seven flights and joining the crowd heading up Market Street, we wondered what that smoke was rising above the buildings, and if, as someone was saying, the Bay Bridge had actually collapsed.

I worked with, and then for Alan for about 25 years. But it wouldn't have taken long to recognize in his ready smile, courtly manner, and that slight drawl the genuine article: a gentleman. I cannot imagine him having an enemy, or remember him ever losing patience with a co-worker or a patron, though we surely tested him. An efficient researcher as well, I marveled at how easy it seemed for him to master the electronic tools that had begun to appear shortly after he arrived in SF in the early 80's. The Lexis printer that looked like a red typewriter and seemed to always eventually jam, the phone receiver for a dial-up modem, the odd syntax of the queries, and all those Dialog databases. Alan had no trouble with any of it, as far as I could tell. Except for behind the wheel, he was the best.

Leslie Bonus

Morgan, Lewis & Bockius, LLP

REPORT FROM THE LAKE COUNTY LAW LIBRARY

Kathleen O'Connor
Lake County Law Library

Without the help and guidance from NOCALL and CCCLL over the past five years, our small public law library would not be as effective and offer as much material. Thanks to all who have given us your time, your old books, and ideas on how to keep improving with what we have. Rural Law Libraries face some additional challenges private or larger Law Libraries probably do not have.

Our Priorities:

- Top priority is lack of professional development.
- Next would be budget (CA public law libraries get a portion of court filing fees and they are separate from their County general funds, LCLL's main source of funding).
- Third would be outreach.
- Fourth would be to collaborate with others to promote the tracking of fee waivers when the person wins their case.

Should you or your attorneys ever need to come up here for a case, here's what they can expect:

Demographics

The Lake County Law Library serves a rural population of roughly 63,000 people. Our patrons split roughly 60/40 between pro se and members of the Bar. We also serve as the default working space for attorneys and clients attending Superior Court across the street. For quite some time now, there has been a severe shortage of space for all the functions of the Lake County Superior Court. While we can't offer privacy, we can at least offer the space and materials they need in a quiet place.

A couple of the geographical features here are the mountains and Clearlake. Our population is thinly spread over a wide area, which makes access to justice even more challenging for those with disabilities, income and/or transportation issues. We also happen to be one of the least-wired counties in California.

We are roughly 120 mi. NE of San Francisco: To get here, take Hwy 29 over Mt. St. Helena (Nice drive, but windy over the mountain) for Southern Lake County; or Hwy 101 to Hwy 175 over the Hopland Grade (not for the squeamish, but great views) to reach the North end of the Lake; or from I-5: Exit for Hwy 20 @ Williams heading West.

Who We Are

In rural communities, the budgets for the public libraries and specifically the public law libraries are very modest. Trustees hire a person(s) to mainly babysit and nurture the collection. The pay reflects that. Unless a person is also concerned about access to justice and willing to learn about it, the law library will suffer.

I come from a background that covers a wide range of skills. For so long, I had been wondering if I could ever find a position to turn it all into a career. Stephen Elias (R. I. P.) was a BOT member in 2007 and recruited me to take the position here. (Bonnie Perkins, my predecessor died of cancer that spring)

Last fall, Casse Waldman Forczek joined us. She stepped up to the challenge of working here at the LCLL learning how to manage it and use the research tools on the fly. She survived a trial by fire not long after starting due to my emergency medical leave for all of December! Thankfully, she didn't quit and is in fact as determined as I am to make the most out of what we offer.

Solo Law Librarians need to be able to do anything at any given moment. In addition to our legal research skills, we must have patience and empathy; work patron literacy issues; provide basic computer use training; and referrals and whatever else comes our way. Often pro se patrons are already in crisis when they find us. Helping them



requires experience counseling the overwhelmed patrons to get them grounded enough to be able to work with them effectively. The other difference is the general lack of computer literacy. Luckily, in a former life, I was a network administrator and also had previous experience training beginning users young and old.

Nuts and Bolts

Since last summer, we have had increasing billing issues with certain vendors. It was getting out of hand, beyond what I could handle on my own. While monitoring listservs, I found we were not the only ones contesting the validity of overdue invoices. This caused no small amount of problems and time wasted sorting it out.

Another area of concern for us, as well as most other public law libraries, is the overall reduction in our portion of court fees. While it is hard to pin down the exact factors, it looks like the increase of fee waivers and the reduction of state funded self help offerings are involved. This impacts our ability to serve our patrons, maintain our collections and improve our service when possible. On the upside, the Executive Committee for the CCCLL has been able to negotiate consortium prices for certain online subscriptions to make these materials affordable to most public law libraries. Thanks to the collaboration of vendors and law librarians, we both are able to adapt to the current realities.

The Windup

The recent hearing in Sacramento by the Judicial Council Committee highlighted the need for collaboration in order to maintain and improve our service options (See: CCCLL Newsletter Winter 2012 for details).

I would like to end on a positive note: Thanks again to all those NOCALL members who offered up freebie materials and ILL to public law libraries. Our law library could not afford these titles and updates otherwise.

You have an open invitation to come visit us here for work or play. If you are still reading this, thanks for listening.

**LEGISLATIVE HISTORY TIPS:
THE EVOLUTION OF YOUR
CODE SECTION**

Carolina Rose
Legislative Research & Intent LLC

QUESTION: Why would I want to know how my code section at issue has evolved over time?

ANSWER: It just might help you win your case – or avoid unwelcome surprises.

Imagine these scenarios:

1. You wish that your statute at issue applied in a specific manner to best suit your client. But the words do not quite get you there. What if the terms used to be there? I have been involved in several cases where the legislative history showed that key terms were stricken or revised in order to make the statute read in a clearer manner, not to make a substantive change. The ability to establish this fact will allow you to read the stricken terms back into the statute.
2. On the other hand, your opposing counsel may be trying to read words into the statute that used to be there but were later stricken. Before you jump to any conclusions, you may want to obtain the legislative history of the act that struck the terms at issue. The history might support a plain reading of the statute and rebut your opposing counsel’s argument. Alternatively, the history might show that the terms were stricken as a nonsubstantive, clarifying amendment – allowing the terms to be read back into the statute. It can cut both ways.
3. The application of your code section is well established in favor of your client. But opposing counsel is trying to make a big deal out of a recent amendment that took place in the Legislative Counsel’s annual, nonsubstantive code maintenance bill. Establishing that fact will allow you to continue to apply the statute in its historic, pre-amendment manner.
4. Your case involves various code sections from different code books. Sometimes the timing of adoption can be critical.

Common to all four scenarios is the ability to reconstruct how the statute evolved over time.

First, you will need to be armed with both West’s and Deering’s statutory citations following the code section. They will read like this: Stat. [year], c. or ch [number], § [number]. Sometimes there will be a page number. In my experience, West’s annotations are the most complete. But it is not unusual for the Deering’s to provide additional

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citations. (It is also not unusual for both editors to miss annotations. But you have to start somewhere.) You will look in two places for these citations: (1) immediately following the code section, and (2) any prior law citations. West's generally publishes the prior law citations under "Historical and Statutory Notes" following the code section under "Derivation," while Deering's generally publishes them under "Historical Derivation" following the code section.

With the session law citations in hand, you will be able to download the session laws attaching to your code section at issue from the Legislature's free website <http://192.234.213.35/clerkarchive/>. For help using this website, see my complimentary article entitled "Accessing California Statutes Online" 1850-current, (Go to "Resources" at www.lrihistory.com.)

Follow-up legislative history.

The courts rely upon legislative histories as they do case authority. In particular, Code of Civil Procedure §1859 states that the "intention of the Legislature ... is to be pursued, if possible." The cases construing this section embrace a wide variety of records that facilitate the court's mandatory pursuit here.

The avenues for obtaining legislative history research are numerous and diverse, both commercial and free. If you are doing your own research, you will want to be mindful that, in general, the primary sources for unpublished materials are in Sacramento at the State Archives (e.g., a

wide variety of legislative bill analyses, correspondence, etc.), and the State Capitol (records not yet sent to State Archives). I have published a free "Research & Practice Guide" for do-it-yourselfers. (Go to "Resources" at www.lrihistory.com.) Also, from 1993-current, you can obtain abbreviated legislative histories at the Legislature's own website at <http://www.leginfo.ca.gov/bilinfo.html> (mainly bill versions and key legislative analyses). You should also know that Westlaw's famed legislative history collection mainly captures the Legislature's free database and does not include important, unpublished records from State Archives and the State Capitol.

Take home message.

Knowing how your code section of interest evolved over time is a category of legislative history that can shed important light on the Legislature's intent. You have free access to the Legislature's session laws online from 1850 – current. All you need are West's and Deering's historical annotations following the code section to reconstruct each statutory snapshot. If you spot an interesting development (e.g., language in, language out), you can either stop there, or delve deeper by reconstructing the legislative history of the key statutory changes. While such research does not guarantee that you will find support for your case, it allows for that possibility and avoids unwelcome surprises.

This article originally appeared in the Volume 39, Number 4, April 2012 issue of the Advocate, published by Consumer Attorneys Association of Los Angeles."

The AALL Annual Meeting is taking place July 21-24 in Boston. This is your chance to Learn Connect and Grow along with your colleagues in the other "City by the Bay."

NOCALL has funds available to assist you in attending this important conference. This year NOCALL has an additional conference registration grant available from AALL with preference given to newer AALL members.

NOCALL grants are awarded on the basis of

- Proven ability and/or expertise in the topic field.
- Financial need.
- Promise of future usefulness and permanence in the law library profession.
- Willingness to share material

For details on eligibility and an application please refer to the NOCALL Grants Committee page.

Please email your application to grants@nocall.org or send by mail to:

Cathy Hardy
 Hanson Bridgett LLP
 425 Market Street, 26th Floor
 San Francisco, CA 94105

Deadline to apply is April 23rd. Grant Recipients will be notified on Monday, April 30th.



MEMBERS IN THE NEWS

Claudia Cook's Article, "A Book Review: Poisoned" was published in the Alameda County Bar Association Bulletin, v. 43, No. 1, 1st Qtr 2012, p.43.

MEMBERSHIP NEWS

The names of members who have joined NOCALL since publication of the 2010-11/2011-12 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:

Tina Dumas
NOCALL Membership Chair
Nixon Peabody LLP
One Embarcadero Ctr., Ste. 1800
San Francisco CA 94111
Phone: (415) 984-8378
Email: tdumas@nixonpeabody.com

NEW MEMBERS

Sabrina Spinali
Redwood City, CA 94064

Sarah Sullivan
Berkeley, CA 94709
Email: sarahsul@gmail.com

CONTINUING MEMBERS

**Changes are noted in bold.

Anthony McGrath
Librarian
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Secretary • Jen Richter, Sacramento County Public Law Library • 916-874-5296 • secretary@nocall.org
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Past President • Shannon Burchard, University of San Francisco School of Law, Dorraine Zief Law Library • 415-422-2249 • pastpresident@nocall.org
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Member at Large • Ellen Platt, Santa Clara University Law Library • 408-554-5139 • memberatlarge@nocall.org

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Community Service • Tricia Lee, Kirkland & Ellis LLP • community@nocall.org
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Memorials • Mark Mackler, California Office of the Attorney General • 415-703-5786 • memorials@nocall.org

UPCOMING EVENTS

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