

# NOCALL NEWS

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

May - June 2017

Volume 37, Issue 5

## PRESIDENT'S MESSAGE

Another Great Year - Well Done, NOCALLers!

Nothing pleases me more as outgoing President than to thank our dedicated members for their work this year. That is because nothing in my career has been more rewarding than to see such a remarkable range of talent, skill, and creativity engaged for our shared goals. So this column belongs to these members for their accomplishments.

We had two fantastic educational events - the Fall Workshop and the Spring Institute. Holly Riccio, our Education Committee Chair, worked with Committee Member Maureen Moran and our venue liaison, Jessica Brasch, to organize the Workshop at the California Judicial Council Conference Center. Julie Horst and David Holt helped, respectively, with the NOCALL website and registration. Because of their outstanding efforts, our Workshop organizers have earned for NOCALL the 2017 AALL Chapter Professional Development Award, which Holly will accept on NOCALL's behalf at the Annual Meeting. Ramona Martinez led our Spring Institute Committee, which included members Julie Horst, April Eudy, Peg Durkin, Claudia Cohen, Jen Fell, Jessica Brasch, Belinda Beardt, Juliet Gede, Judy Janes, Cindy Beck Weller, and Coral Henning. Chuck Marcus and Richard Schulke were among the outstanding speakers, and the venue liaison, Judy Janes, aided preparations at the Institute's lovely venue, the UC Davis Alumni Center. (I am proud of my wife Paula for designing the Institute logo!)

NOCALL has benefitted from the accomplishments of still other Committees. Our Networking Committee - April, Rose Turner, Jocelyn Stilwell-Tong, and Daniella Garcia-Lee - restored our "Four Corners" tradition and hosted several social events. David Holt, Chair of the Technology and Membership Committees, deployed our new online registration and membership renewal systems; redesigned our website with help from our website administrator, Julie Horst; and migrated that website to a platform that cut our website-maintenance cost in half. Three cheers to Monica Stam, who has become our new Community Service Committee Chair! Monica, Kristina Chamorro, Christina Luini and I participated in the Prisoners Literature Project - see Monica's article in the Committee Corner Column. Judy Janes, Chair of the Government Relations Committee, worked with GRCs of our sister Chapters to



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develop a joint policy on collaborative advocacy. Our Grants Committee - co-chaired by Cathy Hardy and Sherry Takacs - will soon announce the recipient of the NOCALL grant to attend the AALL Annual Meeting. Chair Robyn Moltzen and Judy Heier have had a busy year updating our job listings for the Placements Committee. Chuck, our Constitution & Bylaws Committee Chair, prepared the form of proposed Constitution amendments that we are about to vote on. We have a slate of exceptional incoming officers, thanks to our Nominations Committee - Chair Diane Rodriguez, Amy Wright, Mark Estes, Jocelyn Stilwell-Tong, and Michele Finerty. Ellen Platt, Past President & Awards Committee Chair, recently announced news about our honorees. I hope that you can join us at our May 18th Business Meeting to honor Coral Henning, our Treasurer and recipient of the NOCALL Professional Achievement Award, and Judy Janes, recipient of the NOCALL Advocacy Award.

In February, At-Large Board Member Leslie Hesdorfer enlisted her firm, Hanson Bridgett, to host our NOCALL Connections luncheon. At the luncheon, newer and returning members not only launched our mascot-selection process, but explored opportunities for participation with Networking Committee Chair April Eudy and several other NOCALL leaders - Leslie, Donna Williams, Holly Riccio, Mary Staats, and Cindy Beck Weller.

Other NOCALLers have made valuable contributions this year to NOCALL and AALL. Coral generously agreed to serve out the unexpired term of our former Treasurer when she resigned. Julie Horst has devoted her talents to organizing and updating our website content. Jourdan Corbitt has initiated a new Column in our Newsletter to highlight the activities and achievements of our Committees. Jeremy Sullivan is co-chairing the PLLIP Summit on July 15th, and

Denise Pagh has been a member of the PLLIP Summit Planning Committee. Jeremy will also moderate a panel presentation at the AALL Annual Meeting, "It's 9 am in Beijing - Who Can Help With My Research?" (Session D6) Jean Willis has been serving not only as our Audit & Budget Committee Chair, but also as AALL Treasurer. Prano Amjadi has been serving AALL as Chair of the Academic Law Libraries Special Interest Section.

In [her final President's Column](#), Cathy Hardy said that "[i]t has been an honor to serve all of you as President, and I feel fortunate that I was given that opportunity." What Cathy said in 2000 I wish to say again in 2017, because I also feel honored and fortunate for the privilege to serve you. I am especially grateful to [the members of the 2016 Spring Institute Committee](#), and to the entire team at our 2016 Institute venue, Santa Clara University Heafey Law Library (Prano, Ellen, Mary Sexton, David Holt, and Kristina Marcy). I have learned much from the insights of our current and past Board Members, and they have been a joy to work with. Coral, Jean, Ellen, Leslie, Mary Pinard Johnson, and Michele Finerty - all helped me and our Chapter in more ways than I know how to properly thank them for. Mary's term as Secretary will end soon. I can not say enough in praise of Mary's consummate skills as Secretary and Newsletter Editor.

I look forward to passing the gavel to Ramona. She and the incoming officers will make all of us proud that we belong to NOCALL! But they need YOU to join a Committee, or write an article for the Newsletter or NOCALL column in the Daily Journal.

See you soon at the Business Meeting!

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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.

## MUSINGS FROM MARK

Mark Mackler

**We Are Not Perfect Human Beings...** StatNews.com is a Boston-based daily blog highlighting new developments in the fields of science and medicine. It recently ran an article entitled “When Your Child is an Addict.” The story unfolds in Huntington, West Virginia, a city of 49,000 in which 28 heroin overdoses were reported to emergency medical services within a five-hour period on August 15, 2016. It’s no secret that West Virginia, Ohio, and Kentucky are having a horrible time dealing with opioid and heroin dependency cases. It’s so bad that the mayor of Huntington carries around a naloxone injector in case he encounters an overdose victim. The city has tried setting up a needle exchange, hiring a drug czar, even suing the drug companies that brought pain pills to the state. None of those tactics have stopped the epidemic.

But what captured my attention was how the writer focused on one victim, 21-year-old Taylor Wilson, who “dreamed of becoming a librarian.”

John and Leigh Ann’s daughter Taylor had been a Girl Scout. She loved to ride horses. And Taylor loved words—reading others’ and writing her own—so much that she wanted to become a librarian. Taylor’s overdose on August 15 was the first of Huntington’s 28 overdoses. Her parents were well-educated longtime healthcare professionals, but even they were stymied in “navigating the system” on behalf of their daughter. I don’t have space in this “Musings” to share all the unsuccessful efforts the parents made. The story does not have a happy ending. Within four weeks of her first overdose, Taylor’s mother found her dead on the living room couch. She had died of an overdose of opioids: fentanyl, carfentanyl, furanylfentanyl, morphine, and hydrocodone. But no heroin.

**From West Virginia to Turkey...** Reuters reports that of the thousands of civil servants summarily fired following the failed coup against Turkish President

Recip Tayyip Erdogan, a substantial number were librarians. Guess we truly are “dangerous enemies of the people.”

**To End on a Happier Note...** Many thanks to Elisabeth McKechnie at UC Davis for her “Professional Reading in Review” in the most recent NOCALL News. She alerted me to the five-installment Bob Berring autobiography in LRSQ. It wasn’t easy to locate-- I had to read it online at Hastings, but it was well worth it. I recommend it to all of you who know Bob, and whose lives have been touched by him.

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## PROFESSIONAL READING IN REVIEW

Elisabeth McKechnie, U.C. Davis Law Library

“Little Free Libraries: Interrogating the Impact of the Branded Book Exchange,” by Jane Schmidt and Jordan Hale, *Journal of Radical Librarianship*, vol. 3, April 19, 2017, pp. 14-41. Available at: <https://journal.radicalibrarianship.org/index.php/journal/article/view/17/32>

Noting the uncritical acceptance of the Little Free Librarian trend, the authors resolved to provide some ‘constructive’ critiques of the organization and its mission. They found that academic inquiry into the LFL’s was minimal and generally positive, expressing a common hope that the group would work toward “addressing systemic barriers ...and not simply replacing service.” The article is critical, often without hard data. They bandy about terms like “do-goodery,” defined in Wiktionary (2017) as activity with the naïve conviction of their own moral superiority and the “non-profit industrial complex.” The hard data they did turn up is that LFL’s are most common in wealthy areas (Calgary and Toronto) already rich in libraries, that the Stewards of individual LFL’s contact each other via a closed Facebook page (which would discourage contact by their LFL patrons). Based on a quote from the LFL founder, they conclude that those who put up LFL’s are self-obsessed elites who

want to share themselves and their literary tastes with the neighbors. Admittedly, the author's primary complaint is that the LFL's have a corporate structure without much formal community outreach. They recommend that those who steward the LFL's as well as the Home Office focus on the needs of the communities they serve and the support of literacy, rather than the library aspect itself. Given the nature of this report, much commentary follows: **"Against Little Free Libraries,"** by Kriston Capps, From the Atlantic CITYLAB, May 3, 2017 available at: <https://www.citylab.com/navigator/2017/05/the-case-against-little-free-libraries/523533/> and **The Annoyed Librarian:** (<http://lj.libraryjournal.com/blogs/annoyedlibrarian/>) has given her own feedback about this article.

**"Should I Stay or Should I Go? A Survey of Career Path Movement Within Academic, Public and Special Librarianship,"** by Tina P. Franks, *Journal of Library Administration*, April 27, 2017, a Routledge/Taylor & Francis publication: <http://dx.doi.org/10.1080/01930826.2016.1259200>

Librarians may have a variety of specialties throughout a long career and many may transition from one type of library to a different one. This survey, distributed among library list-servs, looked at patterns of movement among librarians in academic, public and special library environments. They were especially interested in barriers to movement and directions of flow. Combining the survey with a literature review, the authors concluded that a majority of the respondents had received their library degrees within the prior 16 years and were on their second career, generally non-library related. Barriers to movement listed by the participants included employer bias, internal library politics among library departments and stereotypes about those who fill particular library roles, i.e. "Public librarianship is primarily social work." Those who successfully transitioned were those more likely to enjoy trying new things and patient enough to prove themselves in the new role.

**"Transforming Our Libraries From Analog to Digital: A 2020 Vision,"** by Brewster Kahle, *EducauseReview* March/April 2017, available at: [er.educause.edu](http://er.educause.edu). The author, affiliated with the Internet Archive, proposes a method by which a majority of libraries can be converted to a digital/online system of book lending. While books published before 1923 are being digitized and current publications are "born digital," he discusses the barriers to digitizing or otherwise preserving the output of 20th century writers, i.e. copyright limitations. He uses the Internet Archive's current Open Library, <https://openlibrary.org>, as an example of what a digital public library can be. While the act of mass-digitization is fair use (*Authors Guild v Google*, 136 S. Ct. 1658), its dissemination is controlled by copyright laws. Thus, he suggests that a consortium of libraries, publishers and educational institutions build such a library, making the result available for everyone with the same protections that current e-libraries use, i.e. access limited to library patrons and restricted checkouts to one book at a time. Ultimately, his goal is to build another Library of Alexandria while avoiding the fate of the original.

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## PRESENTING ON LEGAL QUESTIONS IN NON-LAW LIBRARIES AT CLA 2016

Robyn M. Moltzen and Jen Fell  
Sacramento County Public Law Library

The California Library Association (CLA) held its annual conference November 3-6, 2016 in downtown Sacramento, only blocks from the Sacramento County Public Law Library (SCPLL). This year's theme, "Swing into Action," sought to electrify library advocacy efforts and, especially, to boost a sharing and awareness of individual library "stories." Seeing an opportunity to promote the existence and incredible value of county law libraries as an essential resource to librarians throughout California, SCPLL decided to 'swing into action' and submit a presentation proposal.

While brainstorming, we sought out practical strategies for deconstructing legal reference questions and took stock of the best free, authoritative websites for legal information. We also wanted to emphasize the importance of California County Law Library resources, thereby empowering non-law librarians to refer patrons to their local public law library for more in-depth research.

Our primary goal was for participants to not only gain confidence in their approach to legal research questions, but also to develop an awareness of the best free legal websites available for California legal researchers. Our proposal also offered an alternate spin on the 'Swing into Action' theme that speaks to an ever-changing landscape of libraries and information services, in which librarians of all types must forge their own opportunities and futures. We posited that our program participants would develop new skills and knowledge, better positioning themselves to adapt and grow with their libraries and communities.

The proposal, "Approaching Legal Questions in Non-Law Libraries: Essential Strategies and Online Resources," was accepted in the summer and we began designing content for the presentation with the aforementioned objectives in mind. Along the way, we also saw an opportunity to include various handouts that built on our discussion, such as a guide to reading legal citations and a list of legal information websites.

The presentation was divided into two parts, the first of which examined the difference between legal advice and legal information and delivered strategies for deconstructing and responding to both types of requests. Even for librarians with experience in law libraries, this distinction is not always clear and, furthermore, the reference interview is generally not a linear process. Knowing and recognizing common characteristics of requests for legal advice can better inform a librarian's response and ultimate method of assistance.

The second portion of the presentation focused on key online resources for basic legal research in California. Our primary focus was on the California Courts website, a wellspring of primary and secondary information, and we covered the features of the Self-Help Center and access points to appellate opinions, court rules, and Judicial Council forms. However, we also touched on a few other websites covering federal, local, and general consumer topics.

Despite these reliable and authoritative online resources for basic legal reference questions, there often comes a time when further research assistance and resources are needed. As a conclusion to our presentation, we introduced the Council of California County Law Librarians and the statutory authority that provides for county law libraries throughout California. While county law libraries vary in size, most contain special legal resources, both online and print, and knowledgeable reference staff that are well-suited to assist patrons with legal questions. In addition, many libraries offer services such as evenings with local volunteer attorneys (Lawyer in the Library), educational classes, in-house self-help centers, and an in-depth knowledge of community-wide legal aid organizations for referral purposes. We provided suggestions for non-law libraries to partner with others in their community, such as their county law library, superior court clerks, and legal clinics, to develop a solid network of legal information and access.

The reviews we received from attendees both on formal evaluations and face-to-face feedback were very encouraging. Many who attended remarked that this was an important topic and the coverage of online resources was extremely helpful; in fact, we had several comments highlighting the desire for a longer presentation time (ours was a 45-minute slot, though we had requested 1.25 hours at submission). We also met several attendees who, working as librarians for the California Department of Corrections and Rehabilitation (CDCR), were appreciative of the program and desirous of similarly-focused educational content at future CLA conferences.

For those considering a similar program in the future, we offer some suggestions from attendees, such as guidelines for creating core legal collections in public libraries or specific reference training for non-legal library staff (perhaps group or role-playing exercises for law-related questions). Crossover legal topics of concern to libraries of all types, such as copyright, are also of interest, and a more in-depth examination of authoritative legal websites would be welcome, as our time slot did not allow for much elaboration. In hindsight, and as one attendee noted, an invitation to tour SCPLL would have been an excellent way to transform our discussion into action, so we would encourage those in future CLA conference locales to connect with attendees regarding a visit or special tour at your county law library. All in all, our experience presenting at the 2016 CLA conference was positive and very welcoming of similar outreach efforts in the future.

*This article originally appeared in the [FYI Newsletter](#), Issue 135: Spring 2017. Reprinted with permission.*

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## COMMITTEE CORNER

Jourdan Corbitt  
LibSource

*In this installment, Monica Stam and Michael Ginsborg highlight the recent accomplishments and the broader goals of the Community Service Committee. Have committee business you'd like to share with the community? Please email [Jourdan.Corbitt@LibSource.com](mailto:Jourdan.Corbitt@LibSource.com).*

### ***Tell us about the Community Service Committee's latest news/accomplishments.***

A few NOCALL members recently met up at the Prisoners Literature Project in Berkeley. The Project, which has been providing books to US prisoners for more than 30 years, is located at the Grassroots House, not far from downtown Berkeley. The PLP aims to match prisoners with books and reading materials

they might otherwise have little to no access to. Since many prisons only allow inmates to receive books from "pre-approved vendors," not individuals like family members, the PLP provides a vital resource for education and learning in the prison system.

The Grassroots House has a small library packed with books donated by volunteers, organizations, and Bay Area bookstores like Bound Together Books (where the PLP originated). Inmates from prisons across the United States write to the PLP requesting books, anything from dictionaries and art books to biographies on important figures like Nelson Mandela. Volunteers try to match prisoners with books they have requested. While some volunteers read letters and pull books, others package books and prepare them for shipment.

Volunteers spent a few hours shipping hundreds of books to prisoners all over the country. The mood was high and volunteers seemed very motivated. One inspiring factor was the numerous thank you letters from former recipients of books that volunteers were encouraged to read. It was wonderful hearing about the positive impacts the PLP has made to the lives of those incarcerated. The few hours we spent there passed quickly and we had an overall enjoyable experience.

### ***Why is the Community Service Committee important to NOCALL and the profession in general?***

The Community Service Committee identifies volunteer opportunities in our area for NOCALL members to participate in. While anybody can volunteer, NOCALL members in particular, with their knowledge and expertise, can provide important services to our community. In turn, community service can help members engage in their community, learn new skills and meet new people!

The CSC also identifies worthy organizations that members can donate to. In general, we try to identify organizations related to justice, learning, and education.

***Do you know when/how/why the Community Service Committee started? How many committee members are there?***

President Diane Rodriguez [announced](#) the creation of the Committee in 2009:

“The charge of this new committee is to identify appropriate areas for community service and coordinate opportunities for NOCALL members to volunteer time or make donations to worthwhile organizations. Our new Chair, Holly Riccio, has exciting plans to show our NOCALL spirit in our local communities. Do you have a favorite charity you would like to help? Are you interested in giving back? Holly needs committee members so please consider joining in!”

The Committee has four members, but just as when we started in 2009, we would be delighted if other NOCALLers could join us!

***Please describe the important work done by the Community Service Committee. Are there any other notable items, successes, or efforts you'd like to highlight?***

The Prisoner's Literature Project volunteer day was very successful. In the future we'd like to have more events like this where members can join in for a day of service. In the past, we have also participated in KQED's fundraising drives, collected books and donations for the Children's Book Project of San Francisco, and collected toys and donations for the Sleep Train Foster Care Program at our holiday parties.

***What are the future goals of the Community Service Committee?***

It is the committee's wish to continue planning future events for NOCALL members to participate in at the PLP and other deserving organizations in our community. Stay tuned for future events!

If any member knows of any organizations that can benefit from NOCALL volunteers, please let Monica or Michael know (see emails below).

***Is there anything else you'd like the NOCALL community to know about the Community Service Committee?***

This is a fun way to meet other NOCALL members and to support the needs of our community. Members have found the experience quite rewarding.

***What would be the best way for a NOCALL member to get more information about or to participate in the Community Service Committee?***

NOCALL members can contact Monica Stam ([mstam@jmbm.com](mailto:mstam@jmbm.com)) or Michael Ginsborg ([michael.ginsborg@apks.com](mailto:michael.ginsborg@apks.com)).

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## DINNER AT MAXIMS

Michael Stoler

The Maxims of Jurisprudence. California Civil Code 3509 et seq. As the introduction to them says, they are “intended not to qualify any of the foregoing provisions of the code, but to aid in their just application.” To know them is to love them, but a lot of legal professionals don't. I surveyed (unscientifically, so please do not call me as an expert witness) some attorneys I know, and \*they\* were all familiar with the Maxims, but in a poll of law students (and one lawyer) studying late, and between semesters, at the Boalt Hall (I insist on continuing to call it that) Library, I got no positives. (Though I did get to talk, in French and Latin, to a gentleman who had studied law in Europe and commented on the comparative, or contrastive, disdain for maxims in general in the U.S.) I liken the MoJ to the little place on the corner which looks like just another convenience store but actually serves really good Afghan-style gyros and which luckily the hipsters haven't discovered yet.

If you haven't looked at them in a while, or ever, I urge you to do so; they're easy to find on Leginfo. Of the thirty-nine maxims, the first few are prescriptive about the law itself: “Where the reason is the same, the rule should be the same.” (Sec. 3511.)

The next chunk deal with how people ought to comport themselves and the consequences of doing so improperly, e.g., “Acquiescence in error takes away the right of objecting to it.” (Sec. 3516.)

Then there are the sort of tautological ones that you wouldn't think anyone could argue with, so why are they actually in the law? (E.g., “No [one] is responsible for that which no [one] can control.” (Sec. 3526.) “Things happen according to the ordinary course of nature and the ordinary habits of life.” (Sec. 3546.) “A thing continues to exist as long as is usual with things of that nature.” (Sec. 3547.)

Or the epistemological: “That which does not appear to exist is to be regarded as if it did not exist.” (Sec. 3530.) Or “That is certain which can be made certain.” (Sec. 3538. Cf. the Vulcan philosopher Kiri-kin-tha's First Law of Metaphysics, recalled by a reborn, re-aculturating Spock in “Star Trek IV: The Voyage Home” [1986 - probably the best of the series, since the crew of the Enterprise time-travel back to 80's San Francisco]: “Nothing unreal exists.”)

And the one that just leaves us scratching our heads: “Superfluity does not vitiate.” (Sec. 3547.)

And the one that just seems wrong: “The law has been obeyed.” (Sec. 3548.) I mean, if the law has been obeyed, why is anyone being prosecuted or sued for having violated it?

(By the way, the Maxims of Jurisprudence should not be confused with the Canons of Construction, even though both of them sound like weapons used in the centennial-celebrating First World War.)

But this article is not about the glories of the Maxims, or their meaning, which is a question for an attorney, but rather an issue much dearer to and suited to the skills of a law librarian: where do they come from? How did this weird stuff that hardly ever makes it into briefs or opinions get enshrined in the laws of the largest, and probably most litigious, state in the Union?

A quick glance at the legislative history tells us that they were adopted in 1872, with most of the rest of the Code. (Except the last four, adopted in 1965. More on them later.) So then the question becomes, “Where did the Civil Code come from?”

Three words: David Dudley Field.

David Dudley Field was one of the best-regarded, and, not coincidentally, the richest attorneys of nineteenth-century America. Born in 1805, he practiced law in New York until 1837, when, after the death of much of his family, he took a trip to Europe. There he learned about Continental law, which, unlike the case-based Common Law used in Britain and hence the U.S., was based on written codes tracing their ancestry back to the laws of the Romans who had ruled those countries millennia before, with additions from church law and royal decrees. Field returned to America fired with a desire to bring the same system here.

There had been efforts to codify the laws of the United States for years. One came from English Utilitarian philosopher Jeremy Bentham (1748-1832.) While the great legal scholar Sir William Blackstone had sought to codify the laws of England as they were, Bentham, railing against “judge-made law,” wanted to create a new code as he felt things ought to be. His plan failed to gain acceptance in his home country, but he imagined that the new American Republic, seeking to assert not just political independence from its mother country but legal as well, might be more receptive to his scheme. He sent a proposal to President Madison in 1811, but unfortunately, the next year was 1812, when the U.S. and Britain went to the eponymous war, and ideas from across the Atlantic became, shall we say, less popular. Bentham waited a few years, and then, having come to understand that most law in the U.S. was made at the state level anyway, sent his proposal to various governors, but it never went anywhere.

Well, there were a few exceptions. Louisiana, accustomed to European codified law under the French and Spanish, decided in 1808 to adopt the



relatively new Napoleonic Code (without which the plot of "A Streetcar Named Desire" would have been quite different.) Massachusetts adopted a code, but it was more of a statement of principles. New York had actually put into effect its Revised Statutes in 1828, but in 1846, it adopted a new constitution, which called for a commission to write a code of civil procedure. After one of the original commissioners resigned the next year, Field managed to secure his place.

The resulting Code of Civil Procedure was well received. New York adopted it in 1848, and in fact, thirty other states eventually did too. (Including California in 1850. See <http://kellenfunk.org/field-code/the-influence-of-the-field-code-an-introduction/>)

In 1857, Field was appointed to a new commission, to create a civil code and others. They published a draft in 1862 (See <https://babel.hathitrust.org/cgi/pt?id=nyp.33433066397765>. The Maxims start at 1583.) But they didn't finally finish until 1865, the unpleasant events of 1861-1865 having perhaps distracted and slowed them down a bit. This version included the Maxims of Jurisprudence at Section 1964 ff. (See <https://archive.org/details/civilcodestaten02codegoog>.) Field had drawn them from a number of sources, which he explained. Most of them were quotes back to famous British cases, and some American ones as well. But some of these in turn went back much further, to the code of Roman law compiled and organized under the 6th century Byzantine (Eastern Roman) emperor Justinian. (Who drew, in turn, from earlier Roman sources, such as the 2nd/3rd-century Papinian[us] and Ulpian[us].)

"For example, the maxim contained in § 1986 ["The law does not require impossibilities," Cal. Civ. Code 3531] is given the following sources: [Sir Edward] Coke's Commentary upon Littleton [1628], Black[stone]'s Commentaries, and the case of Schroeder v. Hudson River R.R. Co., 5 Duer 62. The original source is DIG [Justinian's "Digests"], 50.17.186." (Batiza, 810.) You can find the Digests in the original Latin at The Roman Law Library, <http://droitromain.upmf-grenoble.fr/> or in English at [http://droitromain.upmf-grenoble.fr/Anglica/digest\\_Scott.htm](http://droitromain.upmf-grenoble.fr/Anglica/digest_Scott.htm)).

Another example: (id.): Field's 1967 (Cal. Civ. 3512, "One must not change his purpose to the injury of another,") goes back to Digest 50.17.75. Others taken more or less directly from the ancient sources include 1978 (Cal. Civ. 3523, "For every wrong there is a remedy,") 1980 (Cal. Civ. 3523, "Between rights otherwise equal, the earliest is preferred,") 1988 (Cal. Civ. 3533, "The law disregards trifles," well-known even in the Latin, as "De minimis non curat lex,") and 1991 (Cal. Civ. 3536, "The greater contains the less.")

Field had great hopes for his code. According to Fisch (497), he even anticipated its benefits to \*our\* profession: "enumerat[ing] the advantages to be obtained through codification: (1) saving of shelf space for law libraries; (2) saving of vast labor in legal research ..."

But there was one big problem with Field's 1865 code: with the possible exception of law librarians, no one liked it. Some members of the legislature felt that it oversimplified the law and that there would be too many situations left uncovered. Attorneys worried that it would make them obsolete, or at least, less in demand, if the law was too accessible to the common folk. (Field imagined this same problem had arisen in the time of Justinian: when the law "was thus reduced, though, no doubt, [it was] to the disgust and dismay of many a lawyer of that period." (Field, xvi.)) One opponent simply called it "a bad code." (31 Law Mag.) And another: "(1) The arrangement is defective; (2) No provision is made for growth; (3) The draftsmanship is bad; (4) The principles of the common law are often misapprehended." (Lewinsohn, 306)

Some even objected to the Maxims! A Mr. T. L. Murray Browne wrote:

"Again, we must take exception to the selection of legal maxims incorporated in the Code, and forming Part IV of the last Division. What is the use of inserting in a Code such propositions as the following?-"  
 "§ 1983. The law respects form less than substance."  
 "§ 1986. The law never requires impossibilities."  
 "§ 1991. The greater contains the less."

We are familiar with the latter as a proposition of Euclid, but we never expected to see it in a Code of Civil Law.” (Browne, 16.)

So Field’s Civil Code was never adopted in New York, though Field kept trying into the 1880’s. (Twice it was passed by the legislature but vetoed by the governor.) We shouldn’t feel too bad for him, though.

First of all, he was making huge quantities of money representing the plutocrats and kleptocrats of the time, such as Jay Gould and New York’s notorious Boss Tweed. (Subrin (320) attributes many of the provisions of the Code to Field’s desire to protect moneyed interests and the laissez-faire economic system that allowed them to thrive.)

Second, he did manage to get his Penal Code adopted in 1881 (though his Political and Criminal Procedure Codes were rejected.) His 1876 “Outline for an International Code” (see <https://babel.hathitrust.org/cgi/pt?id=coo1.ark:/13960/t8tb1ph46>) while never adopted, was hailed in some countries.

And third, and most relevant to us, in 1872, the California Legislature adopted ALL of Field’s codes -- including the Civil, which was significantly expanded, from Field’s 2034 sections to the over 3000 we know. Just why Californians liked it so much is not clear. It may have been due to the influence of David’s brother Stephen, who had moved to California in 1848 and served in the Legislature, then on the California Supreme Court, including as Chief Justice. But he was appointed to the \*U.S.\* Supreme Court in 1863, so he would have been out of the picture by 1872. Blume (702) discounts his role. A writer in the Albany Law Journal in 1871 suggested that the familiarity of codified law under Spanish and Mexican rule might have had something to do with it.

But other jurisdictions adopted it as well: the Dakota Territory, so that it is still part of the North Dakota Code; Montana, and Guam. And, like us, they have incorporated the Maxims of Jurisprudence as the law of the land. (See North Dakota Century Code Section

31-11-05 at <http://www.legis.nd.gov/cencode/t31c11.html>; Montana Code 1-3-101 at [http://leg.mt.gov/bills/mca/title\\_0010/chapter\\_0030/part\\_0010/sections\\_index.html](http://leg.mt.gov/bills/mca/title_0010/chapter_0030/part_0010/sections_index.html); and 20 Guam Code, Ch. 15 at <http://www.guamcourts.org/compileroflaws/GCA/title20.html>.)

There is still one other question, though. As I noted above, and anyone can see, the last four sections of the California version are not found in the Field Code or those of the other states. Where did \*they\* come from? The legislative history says they were added in 1965, by Stats. Chap. 299. Looking that up, we find that is indeed the case (p. 1357 of the Statutes of California, Regular Session, from the Assembly Clerk’s website. I’ve said it before, and I’ll say it again: I \*love\* the Assembly Clerk’s website. I like to imagine that when my withholding gets to the Franchise Tax Board, rather than mixing it into the General Fund, they immediately earmark it and send it straight to the Clerk. But you know what else I love? Hathitrust, Google Books, and Archive.org, where I found imaged, searchable versions of so many of the historic documents I needed for this article. Oh, and HeinOnline, whence most of the articles.)

The bill, AB 333, was sponsored by Assemblymen Alfred Song, George Willson, John Foran, William Stanton, and James Whetmore, with Senator James Cobey as a co-author. Its purpose was to create a separate Evidence Code from the Code of Civil Procedure. Since 1872, Sections 1959 to 1963 of that dealt with “presumptions,” defined as “deduction[s] which the law expressly directs to be made from particular facts.” Section 1963 specifically dealt with “disputable presumptions,” which can be controverted by other evidence, but if not, are considered “satisfactory.” It contained forty subdivisions. The Song-Cobey Evidence Act, Section 110, repealed all of Chapter 5 of Title 2 of Part IV, that is, Sections 1957 to 1963. But it set up almost all of the presumptions in Evidence Code 630 ff. (Division 5, Chapter 3, Article 3.) EXCEPT FOR Subdivisions 19, 28, 32, and 33 of Section 1963, which were set up by Sections 11 to 14 of the Act as four new sections of the Civil Code, to become the last four Maxims. (Everyone following this? Too many different “sections”?)

Now, *\*why\** did they do this? In April 2004, the President of the Orange County Bar Association, Kim R. Hubbard, now Her Honor Judge Hubbard of the Probate Court, published an article in which she challenged readers to explain the change – and the origin of the rest of the Maxims as well. In a phone conversation she was good enough to find time to have with me, she said that no one had ever picked up her thrown gauntlet. It would have been hard, since though California is generous about providing bill histories, including Legislative Analyst’s analyses and committee reports, on the Assembly Clerk’s Archive, it doesn’t have as far back as 1965.

It’s at times like this when one breaks the glass and pulls the red lever that deploys EMERGENCY LRI. Legislative Research and Intent ([www.lrihistory.com](http://www.lrihistory.com)), founded by Carolina Rose and now run by Lisa Hampton, combs the state archives and libraries for documents explaining legislative history. They were able to provide me with a preassembled report on AB 333. (They can also assemble custom reports from a wider array of sources, but these take longer, though often, much to my joy, not as long as the original time estimate!) The documents in the report, though, which include letters to the governor from legislators and state agencies, are almost all general, endorsing the creation of the separate Evidence Code, but not describing individual sections of the Act, which is not surprising, since it runs over seventy pages.

But deep within, there is a memo from the Department of General Services whose analysis “is based upon anticipated difficulty in administration of its provisions, and is not directed toward the advisability of the policy that it reflects.” Among the “provisions [that]... cause concern” are the one on Presumptions. In the explanation, it says:

“It would appear that the drafters of the proposed Code of Evidence have reason for eliminating the treating of presumptions as evidence. Whatever may be the benefits to be attained by such a change in courts of law, the results of the change will be detrimental in proceedings under the Administrative Procedures Act...” The provisions they do not think

should be removed are the presumption of innocence, and that identity of person can be established from identity of name.

The California Law Revision Commission also has some material, at [http://clrc.ca.gov/Menu3\\_reports/publications.html](http://clrc.ca.gov/Menu3_reports/publications.html). Publication 64 (Vol. 7, 1965) is about the new Evidence Code, with official comments. On p. 1095, it discusses the presumptions in their new location, and questions the applicability of some of them, and starting on p. 1312, under Amendments, Additions, and Repeals, it discusses the repeal of CCP 1963, and tells why some subdivisions were eliminated, but not why the future Maxims were kept. BUT, on p. 1293, it goes into the Civil Code. And here’s what it has to say:

“Sections 3545-3548 are new sections added to the Civil Code. They recast the presumptions declared by subdivisions 19, 28, 32, and 33 of Code of Civil Procedure Section 1963 as maxims of jurisprudence and supersede those subdivisions. These superseded subdivisions of Section 1963 of the Code of Civil Procedure are not continued in the Evidence Code as presumptions for a variety of reasons. Some do not fit the definition of a presumption contained in Evidence Code Section 600 in that they do not arise upon the proof of a preliminary fact. Others seem to be little more than truisms. They are cited most frequently in the appellate cases to uphold lower court decisions that could be sustained anyway either on the ground that the party with the burden of proof failed to persuade the trier of fact or on the ground that the evidence would support the inference drawn by the trier of fact.

Accordingly, these propositions are continued as maxims of jurisprudence, not as presumptions. As maxims, they are not intended to qualify any substantive provisions of law but merely to aid in their just application.”

I think that the only way to know more would be to ask the sponsors, but Alfred Song died in 2004, and James Cobey in 1993.

A few other states, it appears, still have the presumptions. From text searches on Justia and Westlaw, and “Jones on Evidence” (Section 4.34), they’re found in Oregon Revised Statutes, Evidence, Section 40-135 ([https://www.oregonlegislature.gov/bills\\_laws/ors/ors040.html](https://www.oregonlegislature.gov/bills_laws/ors/ors040.html)). It omits the presumption of innocence, but keeps the presumption of identity, and the ones that in California became Maxims. Nevada has them at NRS 47.250 (<https://www.leg.state.nv.us/NRS/NRS-047.html#NRS047Sec250>), without the presumptions of identity or innocence, and not all of the Maxims-to-be. North Dakota has everything (<http://www.legis.nd.gov/cencode/t31c11.html>.) And Hawai’i at Hawai’i Revised Statutes Chapter 626, Section 301 ([http://www.capitol.hawaii.gov/hrscurrent/Vol13\\_Ch0601-0676/HRS0626/HRS\\_0626-0001-0303.htm](http://www.capitol.hawaii.gov/hrscurrent/Vol13_Ch0601-0676/HRS0626/HRS_0626-0001-0303.htm)). If anyone knows of other states (out of the many that adopted Field’s CCP) that have retained them in some form, I’d be interested to know.

And I think that with this discussion of presumption, it is a good time for me to conclude.

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*Spotlight on...*

**Jocelyn Stilwell-Tong**

***How did you choose law librarianship as a career?***

Law librarianship has been a wonderful match as a career, and looking back at my life, it seems like it was an inevitable choice – I loved legal theory and reading cases in my undergraduate Constitutional Law course so much, it led me to law school. But once there, I realized that much of the work involved in being an attorney wasn't appealing to me. I liked researching things, getting answers to questions, reading, talking to my fellow students about those issues, and listening to them bounce ideas off of me. But I didn't enjoy legal writing, especially when I had to approach a problem from a set viewpoint (...like a client's viewpoint). So, I looked around for the career that seemed to best match the things I liked doing. My Advanced Legal Research Professor, Ron Wheeler, made law librarianship seem very fun, and after talking with him and some other librarians at the University of New Mexico School of Law (my alma mater), I decided to pursue it. It was a great decision, I love my career.

***If you were not working as a law librarian, what would you most likely be doing?***

If I could live two lives and have two careers, I would be a chocolatier. The mix of science and art in that career is fascinating. I only hope that prolonged exposure would keep me from eating all of my product! Of course, what if I ended up getting sick of chocolate? That would be tragic.

***What's the best advice you've ever received working as a librarian?***

The hardest thing to learn, and the hardest thing to train someone on, is knowing when to stop researching, and accept that something you're looking for either doesn't exist, or isn't available with the resources you have (how often have I thought, "But I need to check just three more places..."). Keeping a list of the places you've checked for information, and how you conducted your search, is critical – if you can't find an answer, you need to be able to show due diligence.

***What is your favorite legal book and why?***

I love the "Words and Phrases" section of the West's California Digest. So often, we need to know how a word has been interpreted by the courts in the past, and this is a quick and easy way to see that information in California cases exclusively. Using the "WP(“\_\_ \_\_”)" connector on Westlaw is similar, and is arguably better because it finds statutory definitions as well... if I could only have one, I'd go with the version on Westlaw. But I still really like the little paragraphs in the print edition.

***How (or which) books influenced your childhood?***

When I was in the 4th grade, we moved to a house in Taos Canyon (New Mexico) for the summer, and we had absolutely no television reception. That summer, I went from a reluctant reader to a voracious reader. From that summer until 6th grade, I tore through the YA section of the library, and especially loved C.S. Lewis' Narnia series, Robin McKinley's Damar novels, and the Torall novels by Tamara Pierce – anything with a magical or fantastical element. When I hit the 6th grade, I discovered adult Science Fiction and Fantasy novels, after wondering why there was a giant spider pictured next to a dude with a sword on the cover of a library book

(one of the early Piers Anthony Xanth novels) – why was the spider so big? He and the guy with the sword seemed to be talking, not fighting – what kind of idiot would talk to a spider that big? Yes, I was judging a book by its cover. Little did I know that this would be the start of a lifetime of spending all of my extra time and money on genre fiction. Now that I have a young daughter, I'm going back and reading all the new YA Fantasy novels I missed as a kid. Millie, my daughter, will never have a shortage of books.

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## EREADER LIBRARIAN'S DIGITAL BOOK REVIEW

*Reviewing free and low cost digital books for Kindle, iPad, Nook and other tablets*

**Elisabeth McKechnie**

**UC Davis School of Law, Mabie Law Library**

### A Word of My Own Where I Get Free/Low Cost E-Books

I have already discussed the various sources for free e-books: Amazon and other commercial sellers, Project Gutenberg and the Internet Archive, sources for out of copyright works and electronic libraries like OpenLibrary. There is another resource available that will keep you updated on what has been recently published: e-Newsletters.

I currently subscribe to several that put lists of low cost and free books into my mailbox on a daily basis. None of these lists will cost you anything. Here are some of the ones I've found useful.

#### **BookGorilla.com**

BookGorilla sends a daily e-mail with twelve potential downloads from Amazon and Nook. You can set your own preferences at the home page so that, for example, if you hate science fiction but love romance, you will get a list closer to your liking. The book covers are shown and I find them helpful to weed out the bodice-rippers from the historical fiction.

#### **eReader Café**

This newsletter will give you 10 offerings labeled either "Bargain" or "Freebie" with a link at the page bottom if you want to see more. The home page will have expanded offerings for both Kindle and Nook. The "Help" section offers links for those who want to get e-newsletters with offerings of Christian books, mysteries or romances.

#### **BookBub**

Looks and set up just like the other two newsletters, except the choices are Amazon or Apple iBooks, about eleven items. There can be considerable duplication of offerings among these providers but I do find some differences among them. BookBub tends to be a bit more varied than others.

#### **The Portalist**

This newsletter is science fiction specific, also offering articles discussing various themes in sci-fi, then listing books within that category. There are fewer purchase options but much more varied and professional than you'll see in the other lists. Formats are Amazon, Nook and iTunes.

#### **How I Evaluate Free/Low Cost E-Books**

I have been reading free and low-cost e-books for several years now and have developed a few tricks that help me separate self-published trash from worthwhile reading. I'd like to share them here.

First, I look closely at the book blurb or outline of what the book is about. Spelling or grammar errors render an immediate veto, since an author who can't describe his book clearly, probably didn't edit the book well either.

I look to see whether the book has been reviewed by a professional reviewer (i.e. Kirkus, Library Journal, PW). That alone tells me that this book may be more professionally prepared than otherwise. Ditto-I look at the bib record to see who the publisher is. If the book

originates from a known publisher (i.e. a Random House or a MacMillan) I view it in a more positive light and am willing to pay more for it under the assumption that it has been well-edited with higher quality writing.

If the book is clearly self-published (which many good ones are), I read the personal reviews, focusing on the negative ones. I always look closely at the nature of the readers' complaints. If every reviewer notes the same problem, I take it as a given and decide whether it's something I can live with. I also pay attention to the spelling and punctuation of the reviews themselves, sorry-elitist, I know, but to determine whether I believe their review at all. I'm picky, but I'm willing to try out a problematic book that might be a diamond in the rough. Many self-published books have turned out to be unexpected treasures and I've sought out other books by the same authors.

Because my time has value and I hate reading junk, I currently avoid books that are free giveaways or short books that advertise themselves as the first in a series. Usually if the author places no value on the book, there are problems with it. A book that's free because you subscribe to Kindle Unlimited is different. Those tend to be a mix of self-published dreck and professional quality books. They aren't strictly free since I've subscribed to the service, effectively an online library.

When you find a book that is just terrible or a true gem, please leave a review for others! Give details about what you liked or hated about it. You will be helping other readers determine whether they are likely to enjoy it.

### Recommended Books

**Great Ladies: The Forgotten Witnesses to the Lives of Tudor Queens**, by Sylvia Barbara Soberton

Available at: Amazon

Published: 2017, no publisher listed

Price: \$2.99

Having read and watched all the Tudor historical fiction available, Alison Weir publications, television

and movies, I had thought there was nothing more to know about the era and the courts of the Tudor monarchs. I was wrong. This book describes the court and the lifestyles of the courtiers and royals through the eyes of the great ladies who served there. It's a refreshing, non-stuffy read and reasonably priced.

**Imperial Lady**, by Andre Norton

Available at: Amazon

Published: Worldbuilders' Press

Price: \$3.99

Although Andre Norton is known as a grand master of science fiction, her regular fiction is just as good. She tells a story of ancient China, in which the Lady Silver Snow, daughter of a disgraced general, tries to return honor to her family when she is sent to be a concubine to the Emperor. She is sent to make a political marriage and through her intelligence and diplomacy tries to avert a war. A fictionalized true story.

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## BOOK REVIEW: INSOLVENCY EXPLAINED

Patricia Rodi Monk

Alameda County Law Library

Cook, David J. *Insolvency Explained: Bankruptcies, Assignments, Bulk Transfers, Receiverships, Probates, and Workouts*. Chicago: ABA Book Publishing, 2017. 192 pages, index, Paperback, \$89.95. ISBN: 978-1634255639.

The American Bar Association has been publishing for more than 125 years. Its goal is to publish quality, practical legal texts for busy, practicing lawyers. In *Insolvency Explained*, author David J. Cook makes complicated subjects understandable drawing on his more than 42 years of practice experience. With humor and wit he explains the real world implications, issues cautions and "offers you insight into what is not written in the law." (p. v). This book would be a valuable acquisition for law firm libraries, county law libraries, academic libraries and

individual practitioners. The author is well-known for representing Ronald Goldman's father in collecting the multi-million civil judgment against O.J. Simpson. *Insolvency Explained* is the third book in the field of commercial law that David J. Cook has published with ABA Book Publishing.

Insolvency covers federal bankruptcy law as well as assignments for the benefit of creditors; bulk sales, receiverships, workouts; and probates which rely on state law. Depending on the federal circuit, the Fair Debt Collections Act (FDCPA) does or does not apply in bankruptcy proceedings.

This book is a "tell me what I need to know book" without reading the book from cover to cover. The first section, chapters 1-9, is a general discussion of insolvency and the requirements common to each proceeding so that you can quickly ascertain what is important when confronted with a situation. Every insolvency proceeding has its own unique and mandatory claim filing requirements, distribution procedures, risk of claim objections, and peculiarities. The second section, chapters 10-15 covers each specific type: bankruptcies, assignments for the benefit of creditors; bulk sales; receiverships; adjustments and workouts; probates and trust proceedings; and statutory funds, bonds and mass tort funds.

Chapter 16 is a list of actions to take to protect a client from the financial collapse of a customer or vendor.

The author dispenses good, practical advice on the protection a properly filed/recorded financing statement affords the creditor. A secured creditor has a consensual lien like a UCC filing or a non-consensual lien like a judgment or attachment lien or levy to rely on.

Keep informed by requesting special notice so you receive everything and set up a permanent P.O. Box so you are consistently easy to notify. Always file claims on time. Is there judicial supervision, are there side deals, are there safeguards against fraud, are claims objections heard, when should payment be expected,

is this worth pursuing? The format is well thought out. The table of contents is informative and descriptive with meaningful chapter names. Bold subtitles within a chapter, short questions and answers, and numerous lists heighten comprehension. Important time limits are often in bold. The index provides sufficient detail to help the busy lawyer easily locate pertinent material.

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## NOCALL BOARD MEETING MINUTES

**April 27, 2017, 2017, 11 a.m.**

**Via conference call**

*Present:*

Michael Ginsborg  
Coral Henning  
Mary Johnson  
Jean Willis  
Leslie Hesdorfer  
Ramona Martinez  
Ellen Platt

President Michael Ginsborg called the meeting to order at 11:00 am.

### **1. Approval of Minutes**

Michael Ginsborg moved to approve the proposed minutes of special Board Meeting on February 10, 2017. Coral Henning seconded. The minutes were adopted as written.

### **2. Spring Institute Report**

Ramona Martinez reported on the recent Spring Institute. The institute went well, with 58 registrants. She has sent the expense report to AALL for grant reimbursement, and will be sending a DVD of the videotaped sessions to AALL today. She will send information to the listserv on accessing the videos online when available.

Ramona felt that the UC Davis location worked well for the Institute, and was happy to have found free speakers. She believes that keeping venue



costs low is key to staying on budget.

Attendee evaluations showed that they were generally very pleased with the Institute. The only concerns expressed were about holding the event on a Saturday, and having concurrent sessions on related topics.

### 3. Budget Report

Jean Willis provided a spreadsheet with current income and expenses. She notes that it is incomplete, as it does not include funds in our PayPal account that have not yet been transferred to the bank. Overall, NOCALL is doing well financially.

### 4. Special Allocation Request

Michael Ginsborg requests that the board approve a special allocation of funds to purchase a gavel (\$97.70) and cable car bell (\$37.99) to replace those that were lost. The board approved this expenditure.

The gavel will be laser engraved; Michael is checking with the engraver to determine if it can be done in time for the May Business Meeting. Coral Henning will order the bell.

### 5. Awards Committee Update

Ellen Platt has been trying to contact the plaque provider for several weeks, and has only recently been told that she will soon be provided with the proofs. She is becoming concerned that the plaques will not be ready in time for the May Business Meeting. The plaques will be shipped to Ellen, and Ellen will forward the invoice to Coral Henning for payment.

### 6. Joint Pacific Chapters' Reception

Little progress has been made so far. The reception is scheduled for Saturday night, but there are few venues located near the convention center. RSVPs are typically due about a month before the event. Coral will do some investigation into possible venues, and contact Ellen.

### 7. May Business Meeting Update

The May Business Meeting will be held at the Marine's Memorial; a deposit has been placed with the venue, and they have our billing information for use closer to the event.

Incoming Secretary Jodi Collova cannot attend the May Meeting to be sworn in. Michael Ginsborg moved that the Board recognize Jodi as our Secretary, effective June 1st, until she can be sworn in at the next opportunity. Coral seconded the motion. The motion was approved.

The Mascot Task Force has been compiling a list of candidates to become the NOCALL Mascot. Michael is working with Jocelyn Stillwell to determine the top three candidates. These will appear on the March 2018 ballot, along with the Executive Board candidates.

### 8. Membership

#### a) Recommendation to require membership for access the job postings page of the NOCALL website

The most-accessed page of our website is the Job Postings page. This number may be skewed due to the fact that it is frequently accessed by the Placement Chair as she posts jobs, to ensure that formatting, etc., is correct, and by the employer, to confirm that the post is accurate.

The board discussed this recommendation, and felt that implementation would likely lead to a significant drop in website statistics, as there is very little other substantive information on the website. It may discourage employers from listing jobs with NOCALL, since the reach would be drastically reduced. Additionally, since NOCALL does not charge for position listings, there is no financial reason to restrict access. The Board considered that students and the unemployed could access placement services by paying just \$10 to join NOCALL, and that the Special Libraries Association has this requirement for its members. No AALL Chapter responded to an

inquiry about whether it has a membership requirement.

The board decided not to restrict access at this time.

**b) Cross-membership**

Michael Ginsborg has been in discussions with SANDALL President Michele Villagran about an idea to allow cross-membership between our chapters. When renewing with your local chapter, you could also register with the other chapter for a nominal fee. Further discussion of this issue is deferred to a later meeting

**9. Open Committee Chairs**

- a) Holly Riccio will assist the board in recruiting her successor as the Education Committee chair.
- b) Ramona Martinez will talk to David Holt, to determine if he will continue on as Chair of the Membership and Technology Committees, since he is the incoming VP/President-Elect.
- c) Monica Stam has agreed to become Chair of the Community Service Committee
- d) Public Access Committees and Archives committees still need chairs
- e) Michael Ginsborg would like to resume chairing Public Access in June, when his term as President is finished. He has an idea for a pro bono project that he would like to pursue, but recommends that if this project does not take off during the year, the Committee be retired.
- f) Emily Bergfield would like us to find a successor Chair of Public Relations.

Over the past several years, we have had difficulty recruiting chairs for several of the committees. This may indicate that these committees are no longer needed, or that NOCALL members are no longer interested in these areas. At some point, the board may want to consider retiring some of these committees.

**10. Committee Annual Reports**

Mary Johnson asked all committee chairs to submit their annual reports by 5/5. So far, she has received 4 reports. She will send a reminder to the chairs early next week.

**Constitutional Amendments and Resolution**

Chuck Marcus will conduct a vote at the May Business meeting, asking the members to approve two amendments to the NOCALL Constitution - one on anti-discrimination, and one on succession procedures in the event of a vacancy in the office of President.

Michael Ginsborg will conduct a vote at the May Business meeting, asking the members to approve a resolution of NOCALL's support of AALL's position statement on Executive Order 13769.

**11. Archiving key internal NOCALL documents**

Michael proposed using Google Drive as an interim digital archive for officer-created documents. The board had some initial concerns about the effectiveness of Google Drive for this purpose, including:

- a) To access the entire drive, would users need to login to the [president@nocall.org](mailto:president@nocall.org) account, which requires sharing the password and possibly creating a security risk?
- b) Documents may be shared with specific people, but how would users locate/view documents that have not been specifically shared with them (e.g., historical documents)?
- c) How well can documents be organized within the drive?

The board agrees that further investigation is needed before this decision can be made.

**12. Google Calendar**

Mary Johnson reported on three options for using Google Calendar as a NOCALL Master Calendar. Each option has a significant drawback. The Board decided to forego a traditional calendar, in favor of creating a timeline-style list of important dates. This document can be updated and shared with board members, committee chairs, etc., as appropriate.

**13. Other technology issues**

**a) Login information**

Michael proposed designating the Technology Chair as the custodian of all logins and IDs. The board briefly discussed the topic of passwords, and agreed that we need to implement a better system of password management. Further discussion of this issue will take place at a future meeting.

**b) Request approval of purchase of digital recording equipment**

(cost not to exceed \$80)

The equipment would be used to record educational events, like the Fall Workshop and Business Meeting speakers, so that videos can be shared online with members. Concern was expressed about YouTube limitations on uploading lengthy videos without upgrading to a professional account. More information is needed about that issue before a decision can be made about purchasing equipment.

President Michael Ginsborg adjourned the meeting at 12:00 pm

Respectfully submitted,

Mary Johnson  
NOCALL Secretary

**PROPOSED**

**NOCALL BUSINESS MEETING MINUTES**

Marines Memorial Club  
San Francisco, CA  
May 18, 2017

President Michael Ginsborg called the meeting to order at 12:30 pm.

**OLD BUSINESS**

Secretary Mary Johnson presented proposed minutes for the January 19, 2017, Business Meeting. Jean Willis moved to approve proposed minutes, Coral Henning seconded the motion. The minutes were adopted as written.

**PRELIMINARY BUSINESS**

President Michael Ginsborg acknowledged Thomson Reuters for their generous sponsorship of both the Spring Institute and the May Business Meeting.

**NEW BUSINESS**

**1. Proposals to amend the NOCALL Constitution**

Chuck Marcus, Chair of the Constitution and Bylaws Committee, presented two proposals to the members for approval:

- a) Amendment of NOCALL Constitution Art. IX to add "gender identity" to the antidiscrimination article. This proposal was approved by a unanimous vote of all members in attendance.
- b) Amendment of NOCALL Constitution Art. V, Sec. 4, to modify succession procedures in the event of a vacancy in the office of President. This proposal was approved by a unanimous vote of all members in attendance.

**2. Proposed Resolution on Executive Order 13769 and NOCALL's Core Values**

Michael Ginsborg presented a proposed resolution of NOCALL's support of AALL's position statement on Executive Order 13769. The resolution was adopted by a vote of all members in attendance.

### 3. First round of voting for the NOCALL mascot

At the 2016 AALL Annual Meeting, MAALL challenged NOCALL to select a mascot. To meet this challenge, a NOCALL Mascot Task Force was created, and a list of mascot candidates was crowdsourced from our members.

Mascot selection will take place in two steps. The first vote will whittle down the list of candidates to the top three contenders. These three will appear on the Executive Board ballot in March 2018. The ballot will also include an option to vote for/against having a mascot at all.

The first-round candidates presented were:

- Owl of Athena
- Marian the Otter
- Bob Bearing
- Bulldog
- Sea Otter
- Red-Tailed Hawk
- Mission Blue Butterfly
- Book truck
- Doc the Golden Retriever
- Dudley and Steven the Sea Lions
- Goldie the Golden State Retriever
- Hedgehog
- Giraffe

April Eudy conducted a vote of all members present, with members clapping for their favorite candidates. David Holt officially determined which three candidates received the loudest applause. The three candidates moving on to the next round are Bob Bearing, Bulldog, and Red-Tailed Hawk.

### 4. Treasurer's report

Treasurer Coral Henning presented a spreadsheet showing NOCALL's current finances. We have been very frugal over the past two years, and it has paid off. We have over \$44,000 in the treasury.

### 5. Committee reports

#### a. 2017 Spring Institute

The Spring Institute was held April 1 at UC Davis, which was a great venue. The theme was California Regulations. Overall, the response from

attendees was very positive. Thanks to generous sponsorship from Lexis, Thomson Reuters and CEB, and a \$2500 Bloomberg/AALL grant, the institute was financially successful.

#### b. 2018 Spring Institute

David Holt reported that he has tentatively decided on Advocacy as the theme for the 2018 Spring Institute. He has contacted a librarian advocacy organization, EveryLibrarian, about participating. He hopes to have EveryLibrarian provide the morning session, and then have three tracks in the afternoon, covering legislative advocacy, advocating the library's value to the parent organization, and advocating for librarians' involvement in skills training.

#### c. Membership & Technology Committees

David Holt reported that the Technology Committee has substantially reduced the amount spent on our website by moving it from wordpress.com to the Amazon cloud. David and Website Administrator Julie Horst have recently finished a complete redesign of the NOCALL website, to make it more modern and functional.

The Membership Committee is now using Wild Apricot to handle membership registration and online registration for NOCALL events. The switch from Memberclicks to Wild Apricot is saving NOCALL approximately \$1700 per year.

#### d. Education Committee

The Education Committee is in the black this year. Thanks to CEB's sponsorship, the Fall Workshop netted a profit of \$683. Holly Riccio expressed her thanks to the committee members for their work in putting together a great workshop. Holly is looking for a replacement chair for the committee. She will stay on as a committee member to assist the new chair.

#### e. Placement Committee

Leslie Hesdorfer reported on behalf of the Placement Committee that they have been very busy posting positions – seven were posted in April.

**f. Grants**

Cathy Hardy announced Ramona Martinez was awarded a grant to attend the AALL Annual Meeting.

**g. Public Access (renamed: "Access to Justice")**

Michael Ginsborg will resume chairing this committee. He hopes to launch an initiative that matches our members' skills with the needs of advocacy organizations. If this project does not come to fruition in the next year this committee will be sunsetted.

**h. Community Service**

Michael Ginsborg reported that Monica Stam has agreed to chair this committee. She is reviewing what we have done in the past, and is looking for other opportunities for NOCALL members to provide community service. She welcomes any recommendations.

**i. Public Relations**

Michael Ginsborg reported that committee chair Emily Bergfield would welcome submissions for articles to appear in the *Daily Journal*.

**6. Crossover meeting**

Ramona Martinez will soon send out a Doodle poll to determine the date and location of the June crossover meeting.

**7. AALL Annual Meeting announcements****a. Programs involving NOCALL members**

Jeremy Sullivan is chairing the PLLIP Summit. He will also be moderating a panel discussion at the AALL Meeting, "It's 9 am in Beijing, who can help me with my research?" Denise Pagh has been a member of the PLLIP Summit Planning Committee.

**b. Joint Chapters Reception in Austin**

Ellen Platt reported that she is having trouble finding a venue near the Austin convention center that can host 75 people for a sit-down dinner. The reception may need to be an event with drink tickets and appetizers instead.

**c. NOCALL Social**

April Eudy is planning the NOCALL Social at the AALL Annual Meeting, to be held Tuesday evening. She has tentatively selected the Cedar Door Grill as the location for this event.

**8. AALL Awards****a. 2017 AALL Chapter Professional Development award.**

Michael Ginsborg offered congratulations to the Education Committee, including Chair Holly Riccio and Committee members Maureen Moran, Julie Horst, David Holt, and Jessica Brasch, for receiving the 2017 AALL Chapter Professional Development award for the Fall Workshop.

**b. Funding Research Opportunities Grant**

Sarah Lin has received a grant to pursue "Ellen's List," a project that would allow for the donation of deaccessioned materials to county law libraries in need. With this project, Sarah will assess the needs of county law libraries and determine how other libraries can support them. She hopes to develop an online venue for matching needs with available materials

**9. NOCALL Awards**

Ellen Platt presented the awards, and shared the following comments.

***Coral Henning, recipient of the NOCALL Professional Achievement Award***

This Award recognizes a NOCALL member for notable and enduring contributions to the Chapter and the profession. It represents a cumulative evaluation of an individual's career and emphasizes local activity and leadership of an exemplary nature.

Coral has been an active and influential member of NOCALL since the 90s. In addition to years of committee service, most notably as Chair of Public Access, Public Relations and Nominations, and a number of Spring Institute planning committees, she has been our leader. She served as President in 2007/08, as a Board Member in 2002/03 and is just

ending a super-sized term as NOCALL Treasurer where she was integral to implementing more stringent processes for managing NOCALL's finances.

In addition to her day job and prolific involvement with NOCALL Coral is also actively involved with the California Council of County Law Libraries, where she has also served on the Board, chaired committees, advocated for access to justice, and mentored other members.

She has been an active member of AALL, serving on national committees and in leadership positions in the Gov't Law Libraries SIS.

Throughout her career she has been dedicated to planning and presenting information about libraries and legal materials to her colleagues, other librarians, legal professionals and the public. Her activities have ranged from presentations at AALL and California Library meetings, to a sustained initiative to create the Civil Self Help Center. Under her leadership the Sacramento County Public Law Library offers a broad range of classes for public patrons, paralegals and law office staff, state and local agency staff and MCLE programs for attorneys.

Coral definitely deserves many accolades and much acknowledgement for her stellar professional achievements across the arc of her career, I can think of no one more deserving.

***Judy Janes -- recipient of the NOCALL Advocacy Award (David McFadden to accept the award on Judy's behalf.)***

The purpose of the Advocacy Award is to recognize notable and enduring contributions affecting law librarians, law libraries, and legal information patrons everywhere. It represents NOCALL's appreciation and encouragement to continue these valuable advocacy contributions.

Judy's advocacy is not a recent phenomenon. In 1996 she was a member of the NOCALL/SCALL Gov't Relations team which worked to pass SB 1507, and

ensure that legislative records and agency rulemaking files would be retained, preserved and made publicly available at the California State Archives.

Both SCALL and NOCALL received an AALL Presidential Certificate of Merit in July 1997 for their efforts.

In 2012, Judy was part of the California UELMA team that worked with the California Legislative Counsel, Diane Boyer-Vine, to help enact S.B. 1075. The Uniform Electronic Legal Material Act (UELMA) addresses the concerns posed by online publication of state primary legal material.

Her article "Why States Should Adopt UELMA", appeared in the AALL SPECTRUM ONLINE, and was widely quoted and noted. She attended committee hearings as UELMA wound its way through the legislature, and testified in support of UELMA at these hearings.

In 2015, our UELMA team members received the AALL Robert L. Oakley Advocacy Award. Diane Boyer-Vine, California Legislative Counsel, sent the following statement to AALL:

"I hope you will agree with me that Judy's past – and ongoing – work in legislative advocacy are significant contributions that have furthered and enhanced NOCALL's reputation for the support of access to government information."

**10. Swearing in of NOCALL Officers**

Incoming board members were sworn in: Ramona Martinez, President; David Holt, Vice-President/President-Elect; Coral Henning, Treasurer; Sarah Lin, Member At-Large; Cindy Beck Weller, Member At-Large; Michael Ginsborg, Past President. Incoming Secretary Jodi Collova was not present; a special resolution was adopted by Board recognizing Jodi as Secretary effective June 1st, until she can be sworn in at the next opportunity.

**11. Closing comments**

Past President Michael Ginsborg expressed his gratitude to NOCALL members, particularly those

who assisted him during his terms. He then passed the gavel to President Ramona Martinez and rang the NOCALL cable car bell.

## **12. Presentation of plaque to Past President Michael Ginsborg**

Ellen Platt presented Past President Michael Ginsborg with a plaque, and shared the following comments:

With the passing of the gavel we, all NOCALL members and past and present Board members, are pleased to recognize your year as NOCALL President by presenting this plaque.

The Presidential year is the most active year of a three year term of office where members put the responsibility of assuring the continued well-being and forward momentum of NOCALL in the hands of a trusted member.

Under your guidance and with the support of the current Board and Committee Chairs, you have left NOCALL invigorated and in a more firm financial position.

Thank you for your service!

The meeting was adjourned at 1:30 pm.

Respectfully submitted,

Mary Johnson  
NOCALL Secretary

## NOCALL OFFICERS 2016 - 2017

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## UPCOMING EVENTS

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