



The Library Advocate

Quarterly Newsletter of the Whittier Law School Library
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Points of Interest:

Reader's Services Librarian Curt Jones examines two outstanding books on an interesting facet of the Holocaust and international law. See page 3. □

WLS Library Student Assistant Johnathon Hewko wins latest *Hot Shot Legal Researcher* contest! See page 6 for details. □

Lock your laptops in the Library! See page 7. □

The 100th anniversary of piloted, powered flight is history.... What connection does that remarkable achievement have with the law? See the Back Page for details. □



Margot McLaren Joins WLS Library

by the Whittier Law School Library Staff



The Whittier Law School Library is pleased to announce the arrival of its new Serials/Documents Librarian! Margot McLaren joins the staff on January 12, 2004. For the past four years, she has been the Cataloger/Head of Technical Services at the University of La Verne College of Law Library in Ontario, California. Margot supervised cataloging, serials, acquisitions, and government documents functions.

While at ULV, Margot served as newsletter editor for the Southern California Association of Law Libraries (SCALL). She brings to us much enthusiasm for *The Library Advocate* and promises to be a frequent contributor to our publication.

Margot's experience and interests are multi-faceted. She holds a diploma as a diamonds graduate, an expert in determining the four C's of diamond quality.

Margot worked as a research librarian at the Gemological Institute of America in Carlsbad for several years.

Margot has worked as collections cataloger at the Maine Historical Society; and she was reference archivist for the Rhode Island Secretary of State. She was Technical Services Librarian and State Publications Clearinghouse Director at the Rhode Island State Library. Margot is a skilled teacher, having been visiting lecturer at the University of Rhode Island Graduate School of Library and Information Studies.

Margot earned her B.S. degree in Human Development and Family Counseling, and her master's degree in Library and Information Studies, at the University of Rhode Island.

Welcome, Margot!

Inside:

<i>Heroes</i>	2
<i>Book Reviews</i>	3
<i>Electronically Yours</i>	4
<i>New Laws for the New Year</i>	5
<i>We Have a Winner!</i>	6
<i>Out of the Box</i>	6
<i>Lock It or Lose It!</i>	7
<i>Legal History</i>	8
<i>Quiet on the Set!</i>	8
<i>Someone Wise Once Said</i>	8
<i>Staff News of Note</i>	8

I-CAN!® Legal Self-Help Available

by Hugh J. Treacy, Associate Director

Self-help legal assistance for lower-income individuals and self-represented litigants has come to the Whittier Law School campus.

Of course, for more than 25 years the mission of the Law School has been to provide legal education through its diverse curricula and centers; service to the community through its legal clinics and student externships; and legal information through the Law Library's strong collection of books, journals, microforms, and computer-based resources.

Now, in conjunction with the Legal Aid Society of Orange County (LASOC), the Law School offers visitors access to the I-CAN!® self-help legal software program developed by LASOC to permit self-represented litigants the opportunity to create legal forms to file in support of their civil cases related to family law and domestic relations, landlord/tenant, and small claims.

One I-CAN!® workstation is located in the Children's Rights Clinic; the other is located in the Law Library. Visitors who come to either location to access the I-CAN!® software may find the self-guided tutorial especially helpful. In addition to providing a tour of the court itself,



(continued on page 7)

Heroes

by Hugh J. Treacy, Associate Director

We all have our heroes. Heroes in uniform saved many lives, often at the cost of their own, in New York City on September 11, 2001. Ordinary citizens defended themselves and others, yet lost their lives, when they attempted to retake control of a hijacked passenger jet in the skies over Pennsylvania that same day.

We have also been inspired by the courage of a mountain climber as he reaches the summit, a long distance runner as she breaks the tape at the finish line, a baseball player who hits the winning run in the last game of the World Series, or a friend or a loved one who courageously battles a life-threatening illness.

Some heroes are never actually born, yet live in our minds nonetheless. In June 2003 I was pleased to learn that Atticus Finch, the central but fictional character in Harper Lee's 1960 novel, *To Kill a Mockingbird*, and in the motion picture of the same name released in 1962, was voted to be the top heroic figure at the American Film Institute's televised tribute to "100 Years...100 Heroes & Villains."

Portrayed so skillfully in the book by Ms. Lee and displayed on the silver screen so adeptly by the late actor Gregory Peck, Finch was for me the ideal lawyer. He was devoted to his family, his profession, and life in a small, hot and dusty Alabama town during the 1930's. To the dismay of his community, Atticus Finch took on the defense of a decidedly unpopular client, a black man falsely accused of raping a young, white woman who lived in the town.

Lawyers are frequently portrayed as

less than noble, and some attorneys do little to improve the negative stereotypes they encounter while practicing law in their communities. Atticus Finch took a case that sorely tested his sense of personal safety, financial gain, and acceptance by the community, to do the right thing. He stood for values he knew were morally and ethically right, and he risked much of himself to do all he could to uphold them within a climate that favored another, more violent result.

Of course, to be a hero, one need not be an attorney who represents indigent clients against powerful legal opponents; a soldier in battle; a police officer who battles gun-wielding suspects; or a firefighter who works to halt raging fires. Undoubtedly, there are heroic men and women who are at this moment engaged in these selfless acts of courage. True heroes, whether real or fictional, risk something of themselves to help others, perhaps with the hope of victory or success, but without any guarantees.

Our country is rich with history brought about by ordinary people taking extraordinary steps to help others. When we acknowledge our heroes, we reinforce positive values and ethics that are the basis for selfless acts of courage. When by our deeds we pass on these values and ethics to others, we become heroes, too. □



FEMA search and rescue teams searching for survivors at the site of the World Trade Center towers, attacked and destroyed by terrorists on September 11, 2001.

(Photo by Andrea Booher, from FEMA News Photo Archives. Used with permission.)

"We need role models and mentors and local heroes, but by limiting our heroes to people we know, we restrict our aspirations. Public heroes—or imperfect people of extraordinary achievement, courage and greatness of soul whose reach is wider than our own—teach us to push beyond ourselves and our neighborhoods in search of models of excellence. They enlarge our imagination, teach us to think big, and expand our sense of the possible."

Peter H. Gibbon, Ph.D., Harvard Graduate School of Education, author of *A Call to Heroism: Renewing America's Vision of Greatness*, published by Atlantic Monthly Press in July 2002.

"Nurture your mind with great thoughts. To believe in the heroic makes heroes."

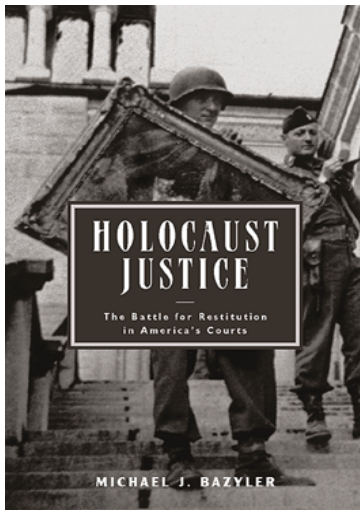
Benjamin Disraeli, 1804-1881

"Our nation was built on a foundation of sound moral principles. The heroes of American history responded to threats to their freedom by choosing to fight for these timeless principles, assuming duties that superseded their self-interest."

President George W. Bush,
speaking to a joint session of Congress,
September 20, 2001

Heroes and Villains of Holocaust Restitution: Book Reviews

by Curtis Jones, Reader's Services Librarian



Michael J. Bazylar, *Holocaust Justice: The Battle for Restitution in America's Courts*. NY: New York University Press, April 2003. 410 pages. \$34.95 ISBN 0814799035.

In an unprecedented age of story telling, filled as it is with superheroes and super villains both real and imagined, it would seem we would be adept at spotting the hero and the villain in any scenario. When it comes to the story of Holocaust restitution at the end of the twentieth century, however, the hero and the villain would depend a great deal not only on who is telling the story, but also from which countries they come.

Whittier Law School Professor Michael Bazylar's *Holocaust Justice* and Stuart Eizenstat's *Imperfect Justice* are two attempts to tell us that story from the American perspective. In both books the opening piece centers on the noble attempt of a few American lawyers to take on the Swiss banks in a last ditch attempt to provide aging Holocaust survivors some access to bank accounts placed beyond their reach by "the system."



Stuart E. Eizenstat, *Imperfect Justice: Looted Assets, Slave Labor, and the Unfinished Business of World War II*. NY: PublicAffairs/Perseus, January 2003. 400 pages. \$27.50 ISBN 1-58648-110-X.

The story literally explodes from there with a quest for restitution for Nazi-era crimes across Europe on the part of a small band of class action attorneys, representatives of a few notable Jewish organizations, and the help of the good offices of Stuart Eizenstat, President Clinton's Special Representative on Holocaust-era issues. A quest to reveal bank accounts uncovered surprising new partners in evil and moved on to include restitution for insurance claims, looted art, personal and communal property, and compensation for slave and forced labor during that time.

The story is told quite differently in the two books even though the tale is inhabited by many of the same people and events. The different perspectives of the authors add a three-dimensional effect to these events that is helpful, considering the scope and scale of the unprecedented and never-to-be-repeated events covered. For this reason I recommend both books.

Tolkein readers will enjoy the personalities depicted in Eizenstat's telling. His characterizations of the persons involved are chilling at times. A host of heroes and villains occasionally changes hats. The reader will come away with an understanding of why the details of Eizenstat's mediation are likened to the making of sausages and laws, activities that Bismarck noted should never be publicly viewed.

However, Eizenstat's version is in the first person and he is certainly the arch-hero in his story. He literally flies all over the place, as one would expect a superhero to do. The quest for "rough justice" for Holocaust survivors and other victims of Nazi era crimes is actually achieved, Eizenstat concedes, albeit in a far from perfect manner through a studied fusion of American and European approaches.

Bazylar sees these events not as the accomplishment of one man or even of groups of men, but as a triumph of the American legal system that has evolved to the point where it is able to right injustice not just in the present time and place, but across time and across the world. His narrative is not populated with personalities as much as it is with the actions taken by the parties involved and particularly the class action lawyers who are not barred by European statutes of limitation. Bazylar's focus is on how and why the American legal system was instrumental in forcing a number of European nations to confront their human rights violations within the events surrounding World War II.

One may see why this window of wartime justice was so narrow and not opened until the end of the twentieth century. The crimes of World War II were seemingly less significant than the titanic nuclear cold war conflict between the United States and the Soviet Union. Possible allies in this struggle could be

(continued on page 7)

Electronically Yours: Online Databases at WLS Library

by John O'Donnell, Public Services Librarian

No doubt all law students are aware of electronic resources such as Lexis and Westlaw. But wait, there's more!

- **Hein Online**

Are you trying to find a law review article published before 1980? Westlaw and Lexis index law reviews dating back only to 1980. Do you see yourself standing for hours in front of a photocopier, copying countless pages? Hein Online to the rescue! A recent product of the W. S. Hein & Company, Hein Online provides full-text digital cover-to-cover images of 375 legal periodicals, with more to come. Whittier Law School Library is one of many law schools across the country that subscribes to this invaluable resource.

Hein Online is branching out to additional sources of information. For example, it now can provide researchers with the complete *Federal Register* from 1955-1980. No other resource available contains the complete text online. Law review articles and the *Federal Register* appear identical in appearance to the hard copy versions.

- **JSTOR**

JSTOR is a full-text database of selected science and social science journals. Students and other researchers will find numerous titles in fields such as anthropology, education, economics, history, general science and mathematics, sociology, and political science. Journal titles in JSTOR begin with volume 1 and run nearly to the most recently published volume of that title. Remember, journal titles too old to be found in a Westlaw or Lexis search may be found in JSTOR. Law students who are interested in law-related topics that touch upon other disciplines such as economics, history, and political science, should remember to access JSTOR.

JSTOR is accessible either from the Whittier Law School campus or the campus of Whittier College. On the web, browse under www.whittier.edu/library. Under "Research Tools," click on "Periodical Indexes and Databases," then scroll down to the JSTOR icon. Make your selections from there; and while you are doing that, remember how much time and effort you have saved in your research!

- **Shepard's Online**
- **LexisNexis on CD**

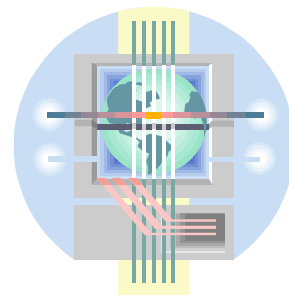
Within the family tree of LexisNexis Group, *Shepard's Citations* online version and *LexisNexis on CD* (formerly Matthew Bender publications CD version) are accessible from one computer workstation in the Media Center of the WLS Library, beside the *Shepard's Citations* print version. From here, you can access Shepard's Citations online (web) version as well as California and Federal practice libraries on CD-ROM, including Matthew Bender's California Forms of Pleading & Practice, California Legal Forms, Bender's Federal Practice Forms, and Moore's Federal Practice Guide. You can also Shepardize, retrieve full-text case law, and access law review articles.

- **Government Documents Online**

At this workstation next to *Shepard's Citations*, legal researchers may access United States government publications from the Executive, Legislative, and Judicial branches. Many California state publications, and documents from other states, are accessible here as well. Certain foreign and international documents, such as constitutions and policy statements, are found here, too.

- **Popular CD-ROM Databases**

At this workstation, next to the Government Documents computer in the Media Center, is a collection of CD-ROM databases that most students and researchers find very helpful. Law review and bar journal citations are found in LegalTrac and Index to Legal Periodicals; California regulations are available through Barclay's California Code of Regulations; and among other titles, Folk on Delaware General Corporation Law, is located here. □



New Laws

by John O'Donnell,



for the New Year

Public Services Librarian

“Dude, No Smoking, I’m Trying to Surf!”

Last year, the California legislature passed a bill forbidding smoking within 25 feet of playgrounds, tot lots, and sandboxes where children congregate. This year local lawmakers want to extend that ban to playgrounds with real sand—your local beach.

The Solana Beach City Council started the trend by voting 5-0 for an ordinance banning smoking in its beaches and parks. Similar efforts are underway in Los Angeles and Orange Counties. Los Angeles City Councilman Jack Weiss stated that more than 300,000 cigarette butts were picked up during a single day during the 2002 Coastal Clean-up. Opponents of the ban claim snack wrappers and plastic bottles create more litter than cigarette butts. In addition, they say the effects of secondhand smoke at the beach would be negligible compared to the smoke found in the close confines of a restaurant or bar.

“Psst! Hey Kid, Wanna Buy Some Mountain Dew?”

A California law that goes into effect on July 1, 2004 will ban public elementary and middle schools from selling soda to children. Instead, schools will provide fruit juice, milk, and water from vending machines (SB 677).

Large school districts in Los Angeles and San Francisco already have policies limiting soft drink sales. San Francisco instituted a nutrition policy that promotes healthier food in its school cafeterias and vending machines.

The new law will not affect high school students. Some high schools receive as much as \$40,000 in revenue from the sale of soft drinks. This revenue often funds athletic programs and clubs. In addition, some legislators see high-school students as having greater capacity to make choices regarding their own health than elementary or middle-school children.

“Oh, That’s Just the Wind! Aren’t the Curtains a Beautiful Shade of Magenta?”

A new law requires sellers to disclose airport noise to potential home buyers (AB 2776). It requires those renting an apartment or selling a house to disclose if the residence is within an airport zone. Each county is permitted to set its own disclosure zone. However, determining the size of the zone may be problematic. If the

zone is too small, residents near the airport could claim the county is not complying with state law. A larger zone may prevent these types of lawsuits, but may unnecessarily discourage potential home buyers.

Some airports already have “airport influence areas,” but these areas were created to limit the occupancy in and height of buildings near airports, not to address airport noise. For smaller airports, these areas tend to encompass a few miles surrounding the runways.

“First Enron, Then the Stock Market and Mutual Funds...Now Homeowners’ Associations?”

Last September former Governor Gray Davis signed legislation that requires homeowners’ associations to open their books, records, and minutes to inspection by members (AB 104). Information that must be disclosed includes salaries of community managers, contract terms, and vendor payments made by associations. The association retains the right to sue a member if that disclosed information is misused.

Another law prohibits homeowners’ associations from banning United States flag displays on residents’ property (AB 1525). This issue arose after the terrorist attacks on the United States on September 11, 2001. Residents living within association communities having a “no flags” rule are now permitted to display the national colors from their property.

“Dave, Slow Down! Someone Might Be Watching Under the Hood!”

The legislature passed a bill protecting the privacy of vehicle owners who drive cars or trucks equipped with “black boxes” (AB 213). These “black boxes” record data that would indicate brake pressure, seat belt use, and angle of the steering wheel at the moment the airbag deploys during an accident. The legislation requires that sellers disclose the presence of this device to buyers when a new vehicle is sold.

Automobile manufacturers installed these devices to determine under what conditions airbags would deploy prematurely. However, some of the information retrieved from these devices has found its way into court. Some of the legal issues raised by these “black boxes” include who owns the information stored within, and how the information when used might violate a motorist’s right against self-incrimination. The law goes into effect in July 2004. □

Winner! Hot Shot Legal Researcher Found

by Hugh Treacy, Associate Director



Third-year WLS student Johnathon Hewko read the last issue of *The Library Advocate* and is certainly happy he did! Johnathon became the latest winner of the Hot Shot Legal Researcher contest, announced in the October issue of the newsletter and sponsored by the WLS Law Library. In November, I presented Johnathon with a valuable gift certificate from the WLS Bookstore.



Johnathon Hewko accepts a Whittier Law School Bookstore gift certificate for submitting the winning entry.

April 1939.

Cite all relevant federal and/or California law regarding school bus color. *Although school bus color is standardized, the only relevant law regarding school bus color is found in state regulations. In California, regulations require that "[E]ach school bus shall be identified as follows: Whenever in this section the color yellow is specified, it shall mean National School Bus Yellow unless otherwise stated. Exteriors (except bumpers, grilles, lamp bodies, and other accessories) shall be yellow."* Quotation cited from 13 Cal. Code Regs., Div. 2, Ch. 6.5, Art. 8, § 1256.5, regarding school bus color and signs.

Here again are the questions, and the correct answers, from the most recent contest:

Who was known as the Father of the Yellow School Bus? *Frank W. Cyr (1900-1995).*

What is the official name for the standard yellow color found on school buses? *National School Bus Chrome or National School Bus Yellow.*

Perhaps none of us will look at school buses in quite the same way again! □

In what year was the standard school bus color chosen?

Out of the Box

by Chris Osborne, Public Services Assistant

Pulled from the Suggestion Box recently:

Q.: Why are cell phones allowed in the Library at all? Why not confiscate them at the front desk? Put a big sign in the Computer Lab that says cell phones are not permitted. I shouldn't have to tell people to take their conversations outside.

A.: We can't forbid visitors (students, faculty, community members) from bringing in personal property such as cell phones. We do ask that all persons entering the Library turn off their cell phones or set them to vibrate, and take all calls outside the Library. Neither can we confiscate cell phones—all sorts of constitutional issues involved.



We can display signs in the Computer Lab requesting cell phone users to be considerate of others. Signs sometimes don't work well, however; highway speed signs are one example of posted signs that are often not heeded. But, it's worth a try! When you see specific violations of our cell phone policy, let us know, and we'll take action against the violators.

Q.: Kill the crickets! Kill the crickets! They are driving us crazy!

A.: We're undertaking cricket countermeasures that we hope will be successful. To avoid disturbing those students who may be cricket fanciers, and to avoid annoying students as they study in the Library, we're going to work on the problem at night. We hope to have the problem resolved soon.

Q.: Please clean the upholstered chairs and the computer keyboards in the public areas of the Library.

A.: Yes, we agree some of the upholstered chairs need to be cleaned; but, we'll have that done this summer when our student population of Library users drops to smaller numbers. We'll look into the computer keyboard situation and assign some of our Library student assistants the responsibility to keep them clean. Thanks for bringing this to our attention. □

Heroes and Villains

(cont. from page 3)

alienated over questions of their actions, especially if those actions involved apparently marginal people such as Jews.

Both books point out that class action suits and the threat thereof helped move the action along in the Swiss, German and French negotiations, but the authors differ on how they weigh them as to the overall outcome. Both presentations confront the reader with a host of factors that contributed to the “imperfect justice” and a realization that economic pressure and the court of public opinion made an impact in the negotiations. The defendants wanted to color all the proceedings as humanitarian gestures; but they also wanted the certainty of a legal judgment that would free them forever from the villainous class action lawyers. The enormity of many of these crimes can be felt in both books. They help one to see the “legal peace” bought by these money agreements may have been a great comfort to the survivors, especially those from Jewish

communities in Europe and across the world who feared that this litigation would again move them into the world stage as villains in search of money. Tens of thousands of survivors who did not live to the end of the century and the millions that were killed outright were not factored into these settlements except through the money set aside for long-term education. These persons were considered simply beyond the reach of human justice.

Both authors draw lessons from the negotiations and final settlements, though no legal precedents have been set. They focus attention on how the Holocaust era settlement process could be used in other cases involving human rights and the need for restitution. Eizenstat’s “rough justice” could also settle such historical injustices as apartheid or American slavery, of concern to millions of people yet still unresolved. □

Note: Professor Bazylar’s book is found in the WLS Library stacks at KF6075 .B39 2003; Mr. Eizenstat’s book is found at D804.7 .E26E59 2003.

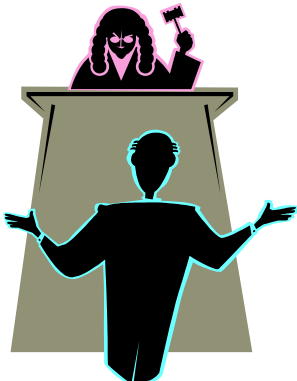
I-CAN!® Self-Help

(cont. from page 1)

the tutorial explains how to fill out California Judicial Council-approved forms, print them, and file them with the court.

Eventually, the Law Library will provide users with a dedicated printer at the I-CAN!® workstation; for now, however, print the forms needed, then proceed to the Circulation counter and ask the Library staff to retrieve the printed forms for you.

A complete list of locations where interested persons will find I-CAN!® kiosks or workstations is available online at the LASOC website, www.legal-aid.com. Additional information about this valuable resource is also found there. □

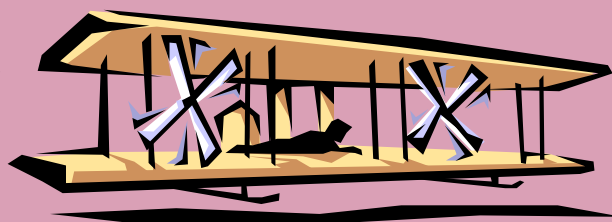


Lock It! — Don't Lose It!

The story is very familiar—every year some WLS students leave their work in the Library “for just a few minutes,” only to find their laptop computers stolen, their class notes and outlines gone with the wind. Now, you can lock up that electronic lifesaver at every carrel and most study tables throughout the Library. Invest in a strong laptop/notebook computer lock and attach your device to the I-bolt provided at each location. Security “corrals” are not yet available at the Segerstrom Reading Room tables, but soon you’ll find them there, too. □

Legal History: 12 Seconds Over Kill Devil Hills

On December 17, 1903, above the windswept sand dunes at Kill Devil Hills, near Kitty Hawk, North Carolina, two bicycle shop owners from Ohio launched their Wright Flyer into the first successful piloted powered flight in history. This twelve-second flight signified the start of unparalleled progress toward the conquest of the sky and space. It was also the start of some very interesting legal wrangling and patent infringement cases between the Wright brothers and their competitors in the fledgling aviation industry.



One series of cases involved the Wright brothers and their company as plaintiffs and another aviation pioneer, Glenn H. Curtiss and his company, as defendants. Simply put, the Wright brothers claimed that Curtiss' company infringed the 1906 Wright patent that protected the unique design of the Wright Flyer's wing surfaces that allowed them to twist or "warp," thereby permitting the pilot to change the direction of the craft in flight. The Wrights claimed Curtiss and others had copied this patented design into their aircraft, and after an arduous legal battle ending in 1913, the federal courts agreed with Orville Wright and his late brother Wilbur. Curtiss then employed Henry Ford's lawyer to stay the verdict of the federal appeals court; but it took World War I to effectively end all patent litigation on the matter. Free exchange of ideas, designs, and inventions occurred among all aircraft manufacturers of that time. After the war ended, Orville sold his business and retired. He lived until 1948, long enough to see the advent of the jet age and the immense progress made in aviation since that historic first flight. □

Staff News of Note

Elizabeth Estes, a former WLS Library Student Assistant who graduated in May, passed the July 2003 California Bar examination. Elizabeth worked in the Law Library serials section from January until August 2002. She left the Law Library as a student to work in the law firm of Buckner, Alani, Khouri, Chavos & Mirkovich in Costa Mesa, California. Congratulations, Elizabeth!



Congratulations also to 2003 WLS graduates and former Library Student Assistants **Noah Herbold** and **Andrea Pressler** for passing the California and Nevada Bar examinations, respectively! Much success to these fine new attorneys!

Welcome, **Margot McLaren**, to the Whittier Law School Library! Margot is our new Serials/Documents Librarian, effective January 12, 2004. Margot had been Technical Services Librarian at the University of La Verne Law School Library in Ontario, California. □

Someone wise once said....

"...I'm no idealist to believe firmly in the integrity of our courts and in the jury system—that is no ideal to me, it is a living, working reality. Gentlemen, a court is no better than each man of you sitting before me on this jury. A court is only as sound as its jury, and a jury is only as sound as the men who make it up...."



Atticus Finch for the defense, excerpted from his 1935 closing argument in *State of Alabama v. Tom Robinson*, as described by author Harper Lee in *To Kill a Mockingbird*, Popular Library Edition, 1962, p. 208. □

Quiet on the Set!



One of Whittier Law School's moot courtrooms and two staff offices in the Law Library served as background locations for the filming of two segments of *Mostly True Stories*, a TV series exploring urban legends that airs on The Learning Channel. The first program—"Junk Food Justice"—recreated the 1978 murders of San Francisco Mayor George Moscone and Councilman Harvey Milk, and the trial of Dan White, wherein the famous "Twinkie defense" was introduced. Look for it to air on March 11, 2004. The second production is called "Exam Scam" and looks at a university cheating scandal. No air date has been set yet for this segment. □

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