



# The Library Advocate

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

Whittier Law School began the Fall 2003 semester in August with the largest entering class in its history. As of September 24, 2003, 394 students—276 full-time and 118 part-time — were enrolled. □

The Legal Aid Society of Orange County has installed I-CAN! kiosks in the WLS Library and in the Children's Rights Clinic at Whittier Law School. I-CAN! provides kiosk- and web-based access to legal services for low-income persons and self-represented litigants. More information will follow in the January 2004 issue of *The Library Advocate*. □

Students! Enter the **Hot Shot Legal Researcher** contest and win! Details and rules are found on page 8. □

## Summertime Reflections

by the Whittier Law School Library Staff

As the song goes, "Summertime, and the livin' is easy." It's the perfect time to rest, recreate, recharge our "batteries" and prepare for the academic year ahead. We thought it would be interesting to share some of our summertime travel and activities with our readers; so, what follows are selected highlights presented by a number of WLS Library staff members.

*Hugh Treacy, Associate Director*

I've made it a habit to tack on a few extra days to vacation in and around the city where the American Association of Law Libraries holds its annual conference. So, I flew with my wife to Seattle—this year's conference site—and, after the conference ended, we toured the city and spent additional time in the San Juan



*The scenic Puget Sound near Seattle.  
(Photo by Hugh Treacy)*

Islands. Nearly every year, my birthday falls inside the conference dates. Some birthdays have come and gone with me attending conference programs or meeting with colleagues in my profession. This year, however, was an exception.

When a certain important birthday comes around, one might want to commemorate it with something a little more special than professional

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## The "New" Whittier College Library

by John O'Donnell, Public Services Librarian

Whittier College recently completed a \$14 million expansion and renovation project of its Bonnie Bell Wardman Library. Dr. Philip O'Brien, Library Director, hosted a tour of the newly-completed facility for me, Whittier Law School Library Director J. Denny Haythorn, and Associate Director Hugh Treacy. Dr. O'Brien praised the changes to Wardman Library, emphasizing the space, connectivity, and technology built into the project. The "new" Library boasts 72,000 square feet of space, 400 seats, and 12 new study rooms. The Library now has  
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*Bonnie Bell Wardman Library at Whittier College  
Whittier, California  
(Photo by Hugh Treacy)*

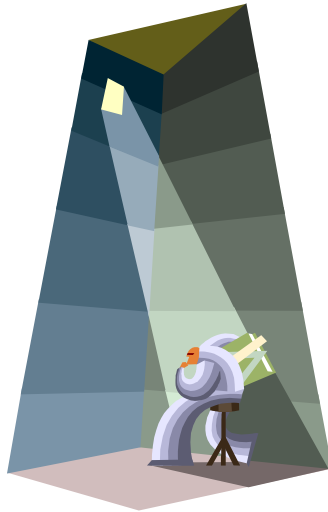
# Righting Wrongs, Exonerating the Innocent

by Hugh J. Treacy, Associate Director

He sat languishing in prison for sixteen years, convicted of a terrible crime for which he had been sentenced to life imprisonment. Yes, he had his day in court. Evidence was presented and challenged. The prosecutor and defense counsel argued and, at trial's end, a jury convicted him after careful deliberations. The judge pronounced sentence, and the defendant was delivered into the custody of the state's corrections department to begin his incarceration. He appealed, of course, but lost each effort to win his freedom. One significant difference separated this man from other inmates imprisoned with him. He did the time, but someone else did the crime.

His name is Gene Bibbins, and his Louisiana case was one of 131 across the nation (as of late July 2003) in which a group of attorneys and law students proved conclusively through post conviction examination of DNA evidence that an innocent man had been charged, convicted, and imprisoned for a serious crime. The name of the organization that freed Mr. Bibbins and 130 other prisoners since 1992 is the Innocence Project, a non-profit legal clinic formed at New York's Benjamin Cardozo School of Law, Yeshiva University, by attorneys Barry C. Scheck and Peter J. Neufeld. The staff of the Innocence Project examines cases for which post conviction testing of DNA evidence can result in conclusive proof of innocence.

Over the last decade, the Innocence Project has developed into a network of groups and legal clinics associated with more than 40 law and journalism schools across the United States. (See the complete listing available at [www.innocenceproject.org](http://www.innocenceproject.org).) These regional or statewide Innocence Project clinics handle claims of actual innocence or cases of wrongful conviction



tions that may or may not hinge on DNA evidence. For example, in California two Innocence Project clinics operate within its geographic boundaries to investigate prisoner claims of actual innocence. The California Innocence Project at the California Western School of Law in San Diego accepts actual innocence cases from California inmates south of San Luis Obispo. The Northern California Innocence Project at Santa Clara University School of Law investigates claims of actual innocence by prisoners located north of San Luis Obispo.

Another such clinic, the Innocence Project Northwest (IPN) operating within the University of Washington Law School in Seattle, was featured among the educational programs of the American Association of Law Libraries at its annual meeting and conference in Seattle in July. The IPN investigates claims of actual innocence in the northwest states of Alaska, Washington, Oregon, Montana, and Idaho. Professor Jacqueline McMurtrie, Director and a co-founder of Innocence Project Northwest, spoke at length of the efforts made by the attorney volunteers, legal staff, and law students of IPN to free 11 innocent prisoners since 1997. She also related the infamous story of the "Wenatchee Sex Ring" cases of the 1990's in which dozens of residents in that Washington community were arrested,

charged, convicted, and imprisoned for various child sexual abuse offenses that were supported by weak or non-existent physical evidence, false confessions, mistaken identification, ineffective assistance of counsel, or unreliable testimony from highly suggestible children. The IPN has worked to exonerate some of these innocent individuals who have not already served the full length of their prison terms.

DNA testing is a key element used by the Innocence Project to investigate claims where DNA evidence is available. About three-fifths of the states have enacted laws providing some degree of access to DNA testing on behalf of convicted prisoners who make reasonable claims of factual innocence. However, there are many problems with some of these laws, according to Peter Neufeld.

While these laws are helpful, they vary widely in their provisions. Some laws limit DNA testing to prosecutorial discretion; other laws contain sunset provisions that provide narrow time limits in which DNA testing may be performed post-conviction. That's why Mr. Neufeld and others associated with the Innocence Project and in death penalty reform advocate passage of the proposed *Innocence Protection Act of 2003* (See: S. 22, Title VI, § 6001 et seq. of the proposed *Justice Enhancement and Domestic Security Act of 2003*; and See: Testimony of Peter Neufeld before the U.S. House Judiciary Committee, Subcommittee on Crime, Terrorism, and Homeland Security, July 17, 2003). The federal law would ensure the availability of post-conviction DNA testing in appropriate cases, and it would require preservation of DNA evidence. Passage of this federal law would result in an increased number of exonerations.

(continued p. 4)

## Getting to Know You: Catheryne Chen, Ph. D.

by John O'Donnell, Public Services Librarian

Few students realize that when checking out a book at the Circulation counter, they may well be dealing with a scientist. Catheryne Chen earned her Ph.D. in cancer biology from Wayne State University. Catheryne says that "cancer biology is a series of 'baby step' investigations which allows one to understand the biology of the cell at a micro level." Her contributions to science include ten articles in peer-reviewed journals such as "Experimental Cell Research" and "Cancer Research," and numerous presentations at international scientific conferences.

Catheryne says, "Someday the world will understand the processes of the cell and learn to control it in order to cure cancer." After earning her Ph.D., she completed a two-year post-doctoral appointment at the National Institute on Aging, where she studied the premature aging disease called Cockayne Syndrome.



*Catheryne plans to be a patent attorney.  
(Photo by Hugh Treacy)*



After studying and researching science for many years, she decided to study law. Catheryne began her law school career at Whittier in the Fall semester 2002. She would like to combine her science and law degrees for a career in intellectual property, specifically patent law.

"The excitement of scientific breakthroughs can be felt more at the forefront of the patent process." She thinks that with the tremendous increase in scientific innovations and the development of other countries in the field of science, there will be an increasing need for patent lawyers with dual degrees.

Catheryne says that working at the Law Library exposes her to the research aspect of law and that she enjoys the interactions with other people who come to visit the Library. In her free time, Catheryne loves to travel, and to learn and see new things. □



### Out of the Box

by Chris Osborne, Public Services Assistant

#### **Pulled from the Suggestion Box recently...**

*Q.: Would you please inform Library patrons and students that they should not wear noisy, distracting flip-flop sandals or slippers in the Library? Also, please remind students that only bottled water is permitted inside the Library. Thank you.*

*A.: It's probably true that many of us are annoyed by repetitive sounds like the snapping of flip-flops, particularly when our attention is focused on our work and study. Although there is no dress code in the Library, we hope that visitors will be as considerate of others as possible. Wear your favorite clothing—yes, make noise—no. Water in sealed containers is permitted in the Library, but other liquids that might attract insects or vermin are not. We wish to make your study environment as pleasant as possible, and protect Library resources as well.*

*Q.: Please stop people from using the Computer Labs for socializing and cell phone conversations.*

*A.: We enforce reasonable quiet for the benefit of our visitors. Students should use other campus gathering places for socializing. Cell phone use is strictly forbidden inside the Law Library. Please bring violators to our attention. □*

## Righting Wrongs

(cont. from p. 2)



In addition more DNA testing would increase the number of criminal perpetrators apprehended on the basis of DNA databank “hits.” As Mr. Neufeld stated in his testimony, “DNA testing is a win-win proposition for all Americans who believe in the ideals of justice and fairness. As Attorney General Ashcroft has said, forensic DNA operates as a truth machine with the power to convict the guilty and protect the innocent in a way that will improve dramatically the efficacy of the criminal justice system. It not only enhances the ability of law enforcement to apprehend and punish the guilty and free the innocent, who languish in America’s prisons, it also insulates innocent suspects from prosecution, protects potential crime victims and brings a measure of certainty and finality to crime victims and loved ones. In this way, DNA testing injects a measure of truth into the criminal justice system’s search for true justice.”

Yet, a majority of cases investigated by the Innocence Project clinical network do not involve DNA evidence. During her Seattle AALL conference presentation, IP Northwest Director Jacqueline McMurtrie informed me and other law librarians that there are many reasons why wrongful convictions occur, including witness misidentification, false confessions made under duress, misuse or misinterpretation of forensic evidence, prosecutorial misconduct, and ineffective assistance of defense counsel. The most common reason for wrongful conviction, according to Professor McMurtrie is faulty witness identification; according to Peter Neufeld, ineffective assistance of defense counsel can do the most damage to a factually innocent defendant’s case.

Both experts agree that the frequency of wrongful convictions can be lessened through reforms such as video recording of all custodial interrogations and independent audits of crime labs and other forensic facilities. Mr. Neufeld stated in his congressional testimony that reform of the court-appointed attorney system is necessary to eliminate or prevent cases of wrongful conviction. Incompetent defense by some counsel—whether based on the attorney’s lack of skill, or personal problems like alcoholism—and underpayment of court-appointed defense attorneys, were a few examples offered by Mr. Neufeld of where reforms

are needed.

Meanwhile, the work of the Innocence Project network continues, each victory won with the uneasy knowledge that every wrongfully convicted prisoner that remains behind bars or is executed illuminates another serious malfunction in the application of our criminal justice system.

Our nation prides itself on principles of law and justice that are inscribed in its governing documents, and etched and displayed high above its courthouse doors. We expect “equal justice under law” for others and ourselves. We may recite the familiar expression, attributed to Blackstone, “the law holds that it is better that ten guilty persons escape than that one innocent suffer.” Unless we truly believe in these sentiments—that justice be applied fairly, and that the innocent not suffer—and transform them into action, they become hollow words leading to broken promises and shattered lives. □

For more information about the Innocence Project, and other related organizations and resources, consult the books listed below, all of which are available at the Whittier Law School Library.

### Select Bibliography

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[www.innocenceproject.org](http://www.innocenceproject.org)

## The “New” Whittier College Library

*(cont. from p. 1)*

space to expand its collection to 350,000 volumes. In addition, the entire Library is “wired” so that students may connect to the campus computer network without having to leave the comfort and convenience of their study spaces.

The spacious and inviting first floor of the “new” Library houses the circulation counter and reference desk, staff offices, and study space. Once inside the main entrance, visitors are greeted by the circulation counter and the long curved reference desk, both constructed of maple finished in warm, natural tones, as are all wood surfaces throughout the Library.

Most of the Library’s collection is located on the mezzanine level and the second floor. Both floors project a light, airy feel due to the new, light-colored furnishings and the expanse of windows, all part of the plans for the improved facility. Both floors present ample views of the attractive campus, including a courtyard, trees, and other greenery of the campus. Group study rooms with windows are found on each floor as well.

The Special Collections room, located on the ground floor, will contain collections by former President Richard Nixon, a Whittier College alumnus; the College namesake, poet John Greenleaf Whittier; and numerous Quaker authors, including Jessamyn West and Jan de Hartog. Next to the Special Collections room is an “after-hours” reading room for the convenience of Whittier College students.

In addition to these two rooms, the ground floor also houses a brand-new computer lab, an instructional lab, and a multimedia room. Computer resources previously had been located in the campus’ science building; but now this valuable resource will be found in the same building where students conduct research, study, and work on class projects. The new computer lab contains more than 40 computers, and the instructional lab contains an additional 20 computers.

During the renovation and expansion project, students and faculty endured a temporary structure erected in the Harris Amphitheatre parking lot. Renovations began with the east end of the Library in early 2002, and were completed very recently, in time for the start of the Fall 2003 academic term.

For more information about the Wardman Library and the renovation/expansion project, log into its web page: <http://www.whittier.edu/library/>. □



*A view of the main reading room (left) and the mezzanine level study area and stack level (right). The warm tones of the maple wood and natural finish, along with natural light from ample windows create a very pleasant work and study environment.*

*(Photo by Hugh Treacy)*



*The first floor reading room. Note that all tables are wired for access to the Whittier College computer network. Also, the wooden study chairs at these tables rock slightly and are quite comfortable for long periods of use.*

*(Photo by Hugh Treacy)*

## Summertime Reflections

(cont. from p. 1)



development! I played hooky; then, we embarked with twenty other thrill seekers on a six-hour guided tour of Seattle. The weather started getting rough; our tiny tour ship was tossed. If not for the knowledge and wit of our fearless guide.... Well, anyway, what I enjoyed most about the tour was the opportunity it provided to view the immense beauty of the Puget Sound as we hopped ferry rides from island to island; and in Seattle, the close-up view of the salmon debating whether to climb the fish ladder at the Lake Washington Ship Canal.

After the conference ended, my wife and I ferried ourselves to San Juan Island and overnighted in beautiful, quaint Friday Harbor, all the while enjoying the excellent ice cream and views of the boats anchored there. Whale-watching near Victoria, B.C. was an excursion we'll not soon forget. Three pods of Orcas sliced through the water near our boat!

It was a quiet time for rest, reflection, and the peaceful enjoyment of life.



The ferry departing at twilight from Friday Harbor, San Juan Island, Washington.

(Photo by Hugh Treacy)

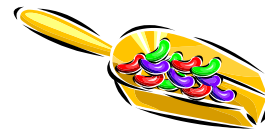
*Chris Osborne, Reference Assistant*

I departed from my usual focus on historical sites this summer to explore the natural wonders of Crater Lake National Park in southern Oregon. After a two-day drive to nearby Medford, Oregon, I was ready to begin my exploration of this breathtaking wonder of nature.

The wide rim of the Lake is approximately 7,000 feet high; in July, I saw isolated patches of snow at the summit. Azure blue in color, the Lake was formed by

the eruption of Mt. Mazama 9,000 years ago, and filled over time by rain and snow that fell into the volcano's crater. Two islands sit inside the crater—"Wizard Island" and a large rock formation called the "Phantom Ship." I recommend that visitors drive around the circumference of the Lake to enjoy its full beauty and scenic splendor.

Working my way back to California, I revisited Mt. Lassen National Volcanic Park. This volcanic peak still has "hot spots" from its last eruption in 1915; and at its high point 8,500 feet above sea level, I found a few boiling "mud pots" and two foul-smelling sulphur vents. Here, as in Crater Lake, I was amazed to see snow and ice above the 7,000 ft. level in July.



On a more amusing and delicious note, I capped off my vacation by taking in the famous Jelly Belly® jelly bean factory in Fairfield, California, northeast of Berkeley. This factory is the distribution site for the famous gourmet jelly beans that may be purchased online and at the supermarket. Among its many products, the factory sells large bags of jelly beans that don't quite pass muster—the so-called "belly flops." I purchased a large bag for my coworkers. No sooner had the beans spilled into the candy jar, they disappeared in the blink of an eye. Apparently, the jelly bean connoisseurs of my local Law Library community were not put off by the unusual shapes of this delectable treat!

*Catherine Freeman, Acquisitions Assistant*

Vacation—while the idea is to simply escape and have some family fun, I never hesitate to sneak in something educational. I couldn't have picked a better, more affordable summer getaway—San Diego.

Rich in history and packed with plenty of entertainment, this was the spot for us this summer. My children and I spent several sunny days visiting four of 12 museums at Balboa Park, exhausting ourselves at Sea World, and making a short stop in Old Town to visit a favorite game store. The Fleet Science Center would likely be voted the favorite during our stay. It's packed with hands-on activities that will delight young and old alike for hours.

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# Summertime Reflections

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*J. Denny Haythorn, Assoc. Dean and Library Director*

I had an opportunity to help a friend relocate his 70 ft. motor boat, *Voyager*, from Ft. Lauderdale to the Chesapeake and Delaware Canal at the north end of Chesapeake Bay. Four of us flew out to Florida to board *Voyager* and begin the trip north. We would enter the Atlantic Ocean at Ft. Lauderdale, travel offshore into the Gulf Stream, around Cape Hatteras, and into the Bay. *Voyager* is a trawler-type motor yacht, designed for long, open water passages, but not for speed. With a full 3,000 gallons of diesel, she has a range of 6,000 miles at her cruising speed of 10 knots per hour. I was glad not to be buying the fuel!

The trip began uneventfully; but near the end of the first day, we spotted an abandoned wooden raft, and after looking for anyone on board, we radioed its position to the Coast Guard.



*"OK" means the Coast Guard has investigated the craft and picked up any occupants aboard.*  
*(Photo by J. Denny Haythorn)*



*A container ship passes off our port bow.*  
*(Photo by J. Denny Haythorn)*

We took four days to motor more than 800 miles north to our first port in Maryland. We worked in shifts, two of us always on watch in or near the pilothouse. The trip was uneventful, and even the seas at Hatteras, the "Graveyard of the Atlantic," were mostly calm. Most of the time we traveled 150 miles offshore. Our main concern was the commercial vessels traveling in the area. A 70 ft. boat might seem large, but we were moving at only 10 knots and not projecting a strong radar image. A container ship travels at 25 knots and is so much larger that the crew would not feel a shudder if their boat were to strike us. That thought kept us awake on watch at night!

Once we reached our first port in Solomons, Maryland, just north of the mouth of the Potomac River, we relaxed and enjoyed regular sleep and better food. Chesapeake Bay is an interesting area with many little port towns and sights to see. We took full advantage, visiting maritime museums and historic places. Throughout the Bay, old "screwpile" lighthouses, many of odd designs, stood in its waters. I took many pictures of commercial ships and navigation aids, both old and new, for my Admiralty class.

A week after leaving Ft. Lauderdale, we brought *Voyager* into her summer port on the Chesapeake and Delaware Canal, just inside Delaware. Our 1,000 mile trip was over; it was time to wash the boat and head back to Los Angeles. Next time I make this trip, I'd like to travel south in the Intercoastal Waterway. This voyage was a great experience I'll not soon forget. □



*Voyager docked at her summer port on the Chesapeake and Delaware Canal.*  
*(Photo by J. Denny Haythorn)*

# Contest: Be the Next “Hot Shot” Legal Researcher!



The staff of *The Library Advocate* challenges all currently enrolled Whittier Law School students to find the answers to this multi-part question: “*Who was known as the ‘Father of the Yellow School Bus?’ What is the official name for the standard yellow color found on school buses? In what year was the standard school bus color chosen? Cite all relevant federal and/or California law regarding school bus color.*”

**Contest Rules:** Each contestant must be a currently enrolled WLS student to enter. Submit only one entry please. Each contestant must provide the complete (“bluebook”) citation, and the answers to the questions, on a plain white 3” x 5” card. Please include your name and telephone number on your entry. Each contestant must submit his or her written entry at the Circulation counter inside the Law Library. Contestants may use any online system or manual method to identify the correct answer. The contestant who submits the first entry, containing “all correct” answers, drawn from the responses submitted by the contest deadline wins. Deadline for submission of responses is 5:00 pm on October 31, 2003. **Prize:** A valuable prize will be awarded by the Law Library’s impartial judge, Associate Dean J. Denny Haythorn, on Monday, November 3, 2003, to the contestant who submits the winning entry. The winner will be notified on that date and announced in the January 2004 issue. □

## Legal History: The First Monday in October . . . For Now



It’s certainly no ordinary day. Many Americans know that the United States Supreme Court convenes each new term on the first Monday in October (See: 28 U.S.C. § 2 and S.C.R. 3). Throughout our history, the United States Congress has exercised its

constitutional authority to establish the starting date of each Supreme Court session (See: U.S. Const. Art. III, § 1). The Judiciary Act of 1789 established the start date for *two* terms—on the first Mondays of February and August. These dates were modified by the Judiciary Act of 1801, which prescribed terms in June and December. The Judiciary Act of 1802 established a single term, beginning on the first Monday in February, to allow time for the Justices to conduct their circuit-riding duties. In 1827, Congress again changed the start of the Court’s term to the second Monday of January, then moved it to the first Monday in December in 1845. In January 1873, Congress changed the new term to commence on the second Monday of October (See: c. 64, 17 Stat. 419). Beginning in 1911, the Court could determine its own Terms of Court under its own Rules (See: c. 231, § 230, 36 Stat. 1156), and it affirmed the existing start date followed since 1873. However, in 1916, the Court moved the next Term of Court to the familiar first Monday in October (See: c. 448, §1, 39 Stat. 726). The “first Monday in October” was reiterated in 1948 (See: c. 646, 62 Stat. 869), and continues to this day. Whew! □

### Someone wise once said....

*Next to my wife, my library has been the source of my greatest pleasure and devoted attachment.*

*James Kent, 1828*

Happily married and a lover of libraries, James Kent (1763—1847) was an attorney, New York State legislator, law professor at Columbia College (now Columbia University), Justice of the New York Supreme Court (predecessor to the current New York Court of Appeals), Chancellor of the New York Chancery Court, adviser to the Governor of New York, and author of *Commentaries on American Law*. He is the namesake of the Chicago-Kent School of Law in Chicago. □

### Library Staff News of Note

Systems Coordinator **David Louie** is immersed in a 16-week online course entitled *Supporting Windows 2000 Professional Server*, offered through Coastline Community College in Fountain Valley, California.

Cataloger **Bill Nazarro** attended the RLIN Users Group Forum at The J. Paul Getty Museum in Los Angeles, July 16, 2003, to view a demonstration of the new RLIN web-based system.

Associate Dean **J. Denny Haythorn** was a featured panelist at the 76th Annual Meeting of the State Bar of California, in Anaheim on September 5, 2003, speaking on the topic “How to Use Internet Resources and Service Providers to Enhance Your Practice.” □

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