Former WLS Library Staffer Elected to AALL Board
by Margot McLaren, Serials / Documents Librarian

Former Whittier Law School Library Public Services Assistant Cornell H. Winston was recently elected to a seat on the Board of the American Association of Law Libraries (AALL).

Cornell is originally from El Paso, Texas. He received his B.A. in History from the University of California, Irvine (1983) and his M.A. in Theology from Fuller Theological Seminary in Pasadena (1989). While pursuing his undergraduate degree, Cornell secured his first library position as a student employee for the A. F. Parlow Library of Health Sciences at Harbor-UCLA Medical Center. After graduation, he was hired as the library’s Circulation Clerk. Cornell then decided to pursue his Master’s in theology at Fuller Theological Seminary. While in graduate school, he worked as a substitute teacher for the ABC Unified School District, and in 1985, he secured a full-time position as a Public Services Assistant for the Whittier College School of Law Library.

When asked what made him decide to pursue a career in law librarianship, he confided: When I worked at Whittier Law School, I really thought I wanted to be a theology professor. That was the reason why I was attending graduate school.

In 1992 Cornell became Law Librarian for the Los Angeles office of Orrick, Herrington & Sutcliffe, and in 2001, he secured a position as Law Librarian at the U.S. Attorney’s Office for the Central District of California. His biggest challenge while at Orrick, Herrington & Sutcliffe was establishing the library to meet the needs of the Los Angeles attorneys and the staff. Cornell states: The firm never had a full-time professional librarian. The San Francisco office handled all of the reference requests and library maintenance. What worked in San Francisco was not necessarily what was best for Los Angeles. As a librarian, it is important to establish credibility with the attorneys you serve. At Munger, an oft-quoted saying was, “The best source of business is the work on your desk.” I took that admonition to heart. I sought to answer the reference questions quickly and correctly, and I had to establish that I was there to offer a service, which would add value to the work the attorneys were doing.

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As a member of the Southern California Association of Law Libraries (SCALL) since 1988 and AALL since 1992, Cornell has chaired and served on numerous committees. He currently serves on SCALL’s Third Joint California Institute Committee, and served as President (2002-2003) and as Vice President/President-Elect (2001-2002). He currently is a member of AALL’s Annual Program Committee and Awards Committee, and has served on the Council on Chapter Presidents (2002-2003), Indexing of Periodical Literature Advisory Committee (1999-2002) and as Chair (2000-2001), Nominations Committee (2000-2001) and as Chair (2001), the Annual Meeting Local Advisory Committee (1997-1998), and as Chair of the Annual Meeting Closing Banquet (1998).

In 2003, Cornell was invited to be a guest speaker at the AALL Council of Chapter Presidents Meeting where he presented, “Coordinating Chapter Milestones Events.” He also served as a Moderator/Coordinator for one of the programs at AALL’s 2002 Annual Meeting entitled, “Law Firm Mergers: A Roadmap Through the Minefield.” In 2004, Cornell moderated the State, Court and County Strategic Directions listserv discussions.

Cornell is a member of AALL’s State, Court and County, and Private Law Librarians Special Interest Sections where he served on the Membership and Mentoring Committee (2003-2005); as a member of the Education Committee (2001-2002); and Grants Committee (1994-1997) and Chair (1995-1996).

When Cornell is not immersed in his career and in professional organizations, he loves to cook and enjoys eating the fruits of his labor. His true passion in life is to be the best that he can be as a husband, father, minister or law librarian, and to provide excellent service and dedication to the task at hand before him.

Cornell’s advice to new law librarians aspiring to be law library directors: Work hard and try to learn as much as possible. I have been privileged to be associated with several librarians who have been sources of help and support in my career. I sought to learn from them as much as I could, and I did. Also, getting involved in SCALL and other law library organizations is important. When you volunteer for a committee, you open yourself to other law librarians. You learn and grow from shared experiences.

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Cell phone use is prohibited everywhere in the Law Library.....
The current national interest in the nomination and confirmation of a candidate acceptable to both Republicans and Democrats—and the recent confirmation of the Honorable Chief Justice John Roberts—has sparked tremendous political debate, as well as numerous discussions around office water coolers, over the process by which candidates for Supreme Court vacancies are selected and considered for confirmation. The Constitution provides some guidance, but the application of this language to the often-stressful process belies those seemingly simple words.

Article II, Sec. 2, cl. 2 states in part that the President “... shall nominate, and by and with the advice and consent of the Senate, shall appoint ...judges of the Supreme Court, ....” The Framers of the Constitution did not indicate any required methods for selection, nor did they indicate any particular qualifications required of the candidates for seats on the High Court. With so little said about the President’s nomination power, one may infer from the Constitution many possibilities.

First, the President may choose anyone, literally, to stand for appointment to the Court. The President’s choice may be a person of either gender, any sexual orientation, race, creed, ethnicity, occupation or profession, educational attainment, or personality. However, merit and political considerations have often limited selection to candidates who closely represent the President’s point of view or whose pre-nomination career, pre-selection writings and other evidence suggest they stand the best chance of confirmation by the Senate.

Men have been nominated overwhelmingly in all but three occasions, the exceptions being Sandra Day O’Connor, Ruth Bader Ginsburg, and Harriet Miers. African-Americans were not nominated until Thurgood Marshall in 1967; Clarence Thomas became the second nominee of color.

Historically, candidates with religious affiliations tended to be men of various Protestant denominations; exceptions include Roger B. Taney, Frank Murphy, Sherman Minton, William Brennan, Jr., Antonin Scalia, Anthony Kennedy, Clarence Thomas, and John Roberts, all Roman Catholic; and Louis Brandeis, Benjamin Cardozo, Felix Frankfurter, Arthur Goldberg, Abe Fortas, Ruth Bader Ginsburg, and Stephen Breyer, all nominees of the Jewish faith. Although one criteria for selection of a candidate might hinge on the candidate’s religious affiliation, there seems to be less emphasis today on filling a so-called “Catholic” or “Jewish” seat on the Court.

Second, the President is not constitutionally barred from selecting nominees who will likely support his political agenda. In fact, this common sense practice has been done since our nation’s founding. Surprisingly, however, a number of modern era Presidents have suffered the frustrating experience of having their nominees, once confirmed, unexpectedly change their positions in key cases. Republican President Eisenhower rued his selection of both Earl Warren and William Brennan to the Court, because they formed the basis for the “Warren Court” and its liberal stance on civil liberties. One of President Nixon’s nominees, Justice Harry Blackmun, wrote the majority opinion in the controversial Roe v. Wade abortion decision in 1973, then changed his position on capital punishment in 1994.

Third, the President need not nominate candidates having prior judicial experience, particularly at the federal circuit level. Some of our nation’s most illustrious and revered justices never served as judges prior to their confirmation to the High Court; most notably, John Marshall, Joseph Story, Louis Brandeis, Charles Evans Hughes, Felix Frankfurter, Robert Jackson, Earl Warren, and William O. Douglas.

Former Associate Justice Arthur Goldberg once said, “Court of Appeals Judges are largely parochial. What you really need in the Supreme Court are really worldly people.” In fact, during Justice Goldberg’s service on the Court, his colleagues’ backgrounds proved his point: Chief Justice Warren had been a state governor; Justice Byron White had been a corporate attorney; Justice Goldberg himself had been a labor lawyer; and Justice William Brennan had been a state court judge.

How are selections made by the President today? When President George W. Bush received a letter of resignation from Associate Justice Sandra Day O’Connor, his selection apparatus was already in motion; speculation had been high that the President would have two or more opportunities during his second term to nominate candidates to fill Court vacancies. In addition, Chief Justice Rehnquist’s health was known to be failing and, despite the Chief Justice’s determination to continue to work during his well-fought battle with cancer, the White House must have presumed an eventual opportunity to replace the ailing Chief Justice.

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President Bush worked with Attorney General Alberto Gonzales, Chief White House Counsel Harriet Miers, and other advisers to create a list of candidates from which to choose. Thorough background checks were conducted by the FBI and key White House staff, including extensive research into each prospective nominee’s personal, educational, and legal backgrounds. Following this process, a federal appellate judge, John Roberts, was announced as the President’s nominee to succeed retiring Justice O’Connor, then to replace the late Chief Justice William Rehnquist.

A committee of the American Bar Association—now known as the Standing Committee on the Federal Judiciary—has since 1948 provided evaluations of candidates for federal judgeships, including the Supreme Court. Nominees were evaluated as “Well Qualified,” “Qualified,” or “Not Qualified.” These evaluations have been and continue to be used by the Senate supporters and detractors of particular candidates to justify their positions toward the nominees.

In March 2001, however, President Bush decided not to provide the ABA with a list of candidates for appointment to federal judgeships prior to their nomination. The ABA continues to provide its evaluation of nominees’ professional qualifications to the White House, the Senate, and the public. Their evaluations are routinely publicized by the news media and remain important to the President, the Senate, and Court watchers throughout the nomination and confirmation process.

Once a candidate has passed a background investigation and is determined by the President to be his top choice, the White House announces the name of the nominee who, almost immediately, makes a series of “courtesy calls” to members of the Senate Judiciary Committee and other Senate leaders to acquaint them with the nominee and his or her record prior to the hearings. John Roberts did so, impressing Senators on both sides of the aisle with his intellect, scholarship, legal training—including a clerkship with the late Chief Justice—and his subsequent government service. After two days of hearings, the Committee voted to pass his nomination to the Senate floor for a vote by the full Senate; John Roberts was confirmed by a vote of 78-22 despite some concern that his written responses to questions and oral testimony had provided few clues as to how he might vote on key issues.

In contrast, President Ronald Reagan’s 1987 nominee, Judge Robert Bork, had provided detailed information and testimony about his judicial philosophy and position on hot-button issues. Like Judge Roberts, Judge Bork was acknowledged by Democrats and Republicans alike as having a brilliant intellect, a record of outstanding scholarship, and experience as a federal judge. The successful Roberts confirmation process may indicate that skillful handling of issue-related questions posed by Senators is one very important ingredient of successful confirmation proceedings.

President Bush’s second nomination, that of his Chief White House Counsel Harriet Miers to replace retiring Justice O’Connor, was withdrawn on October 27, 2005 by the nominee. Notable conservative Republican critics were dismayed by the President’s choice, whom they felt was under-qualified and her position on key issues too obscure; many liberal Democrats were content to sit on the sidelines, preferring to watch Republicans sink her chances of confirmation before the hearings that were to begin on November 7th. The Supreme Court nomination and confirmation process continues to be enmeshed in the politics of the day as it has throughout our nation’s history.

Notes


Selected Bibliography

All of these titles are available at Whittier Law School Library.


"My student worker position saved me from flunking out!"

No, this isn’t the Library’s latest attempt to market student library positions to our new law students. Instead, it’s a completely unsolicited comment from this issue’s profiled student assistant, third-year Troy Garrett. According to Troy, his position as student library assistant forced him to be “more connected to the school and network with students.” Troy found that just being physically present at the Law School more often was conducive to more efficient study habits. “I learned from other SLAs and class members, who were often in the Library, different ways to approach briefing cases and other assignments,” he explained. Troy also feels that the Circulation desk position is one of the most social student jobs on campus.

After graduating from UCLA with a bachelor’s degree in political science, Troy worked full-time as a sporting goods store manager. Troy benefited from the management training program offered to him at the store; but, although he enjoyed working for the company, shortly after he received his first paycheck he decided to apply to law school.

Troy was accepted at Whittier Law School and began classes as a part-time student in August 2003. He found that law school was much more difficult than he had imagined, and he realized that his grades reflected the fact that he was still employed full-time during his first semester. After leaving his managerial job, Troy raised his grade point average substantially during his second semester and has been doing quite well academically.

Troy experienced another major change as a first-year law student; he married his fiancée Khaki during his second semester. No large wedding was possible due to time constraints presented by law school, so Troy and Khaki were married at the local courthouse. Later, they regretted not having the traditional wedding with family and friends, so during the summer of 2004 they flew to Hong Kong, Khaki’s native land. While in Hong Kong, Troy learned much about Chinese culture and learned he would have to endure meals with spicy food now and again. Troy’s parents also wanted a big celebration. Including the two celebrations, said Troy, the wedding lasted many months!

 Ideally Troy would like to practice immigration law or intellectual property law. Since his wife is a recent immigrant to the United States, and all of her family would like to emigrate to the United States someday, Troy jokes that he will have a large client base ready for him after he graduates and passes the bar examination.

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**Quiz: Do You Know the Answers??? Win a Prize!!!**

- What Whittier College location was used in filming an early Zorro motion picture?
- In Walt Disney’s Zorro TV series (1957-1959), who played the role of Zorro and what was Zorro’s horse’s name?

**Contest rules:** Open only to currently enrolled Whittier Law School students. Answers must be emailed and received by Friday, January 13, 2006. Send to htreacy@law.whittier.edu. Type ZORRO QUIZ in the subject line. First correct set of answers drawn, wins! Winner notified by return e-mail.
When I tell people that I work in a Library, the usual reaction is an assumption that I am a librarian. Though there are several librarians who work here, I am not one of them; I’m the Budget and Acquisitions Coordinator for the Whittier Law School Library.

As the title implies, keeping an eye on the budget is one of my duties. Once a month, I receive a copy of all the expenditures that the Library has made since the beginning of the fiscal year. It's my job to reconcile it; it’s not unlike balancing a checkbook, though somewhat more complex. I make sure that the money to pay for an item or service was the correct amount, and that it came out of the right account. It's vital to keep an eye on how much money is spent every month; we don't want to run out of book money three months early, or worse, have money left over! The data that I pass on to our directors helps them to keep the budget on track.

The Acquisitions part of my job does have to do with the purchase of books and serials for the Library. The Library's Associate Director and other members of the Acquisitions Committee decide what books and serials the Library will purchase. They pass these choices on to me. I start the process by making sure that we haven't already ordered or received the titles in question. The Library secretary enters them on a spreadsheet, and then I send the orders out to the vendors and publishers. When the items we've ordered arrive, they're checked in by the Serials Librarian, her Assistant, or the Acquisitions Assistant, who makes certain that what we received is what we had ordered. When that is confirmed, I receive the invoices for the new materials, and I pay them.

This is another of my duties: I handle the accounts payable for all the materials used by the Library. Copy paper, printer toner, books, office supplies, computer software, newspapers ... if you see it, chances are I handled the payment of it. I don't actually write the checks, but I do gather invoices, I make sure that we're paying for a good or service that we requested and that we haven't already paid for, and I send the check request to the campus Business Office. I receive the checks a few days later and mail them out to our vendors and service providers.

There's a lot of contact between the Budget and Acquisitions Coordinator and the vendors who provide the materials and services that students, faculty, and staff members use at the Library. What I've described so far seems pretty clear-cut, but it isn't always so easy. Books arrive damaged, sometimes not at all, or a vendor sends us two sets of pocket parts when we only ordered one; when this happens, it's my job to contact the vendor and correct the problem. I also renew subscriptions for magazines, newspapers, journals, and serials. If there's a discrepancy between the price that was quoted and what we're actually charged, I sort it out.

Even though I first entered the doors of Whittier Law School as a student intern from the Library Technology program at Santa Ana College, most of my work experience has been in the banking industry. Several of my duties there prepared me for this position: reconciling customers' statements for them, maintaining the tellers' balancing records on Microsoft Excel, filing, customer service and telephone etiquette, and familiarity with computers. A course at a community college taught me basic accounting and bookkeeping concepts.

After nine months, I find that I'm still learning new things in this position. And no two days are alike; things are never boring. I joined the staff at the Whittier Law School Library this last February, and I'm delighted to be working here.
Children’s Rights Timeline
by Hugh J. Treacy, Associate Director

<table>
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<tr>
<th>Year</th>
<th>Event</th>
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<tr>
<td>1639</td>
<td>First recorded trial for child abuse in the American colonies.</td>
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<td>1836</td>
<td>Massachusetts law enacted requiring working children to receive at least 3 months of schooling each year.</td>
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<td>1842</td>
<td>Massachusetts and Connecticut limited the work day to 10 hours for children working in textile mills.</td>
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<td>1848</td>
<td>Pennsylvania outlawed child labor in factories for children under the age of 12.</td>
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<td>1904</td>
<td>The National Child Labor Committee is formed.</td>
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<td>1909</td>
<td>First White House Conference on Children held.</td>
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<td>1912</td>
<td>Congress established the Children’s Bureau.</td>
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<td>1916</td>
<td>The Owen-Keating Act prohibited sale of goods made with child labor (later ruled unconstitutional).</td>
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<td>1938</td>
<td>The Fair Labor Standards Act was enacted, restricting child labor to children aged 16 and older.</td>
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<tr>
<td>1961</td>
<td>Dr. C. Henry Kempe coins the term “battered child syndrome” to describe intentional injuries to children.</td>
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<td>1972</td>
<td>The C. Henry Kempe National Center for Prevention and Treatment of Child Abuse and Neglect is founded.</td>
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<td>1974</td>
<td>Congress enacted the Child Abuse Prevention and Treatment Act (CAPTA).</td>
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<tr>
<td>1994</td>
<td>Whittier Law School created its Center for Children’s Rights (CCR) to address children’s issues, including abuse, neglect, and other legal matters.</td>
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<tr>
<td>1995</td>
<td>Congress enacted the Sex Crimes Against Children Prevention Act.</td>
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Whittier Law School founded its Center for Children’s Rights in 1994 to address the legal needs of children who are the focus of proceedings involving abuse and neglect, termination of parental rights, delinquency, mental health commitments, paternity, adoption and other legal matters.

The Center provides up to 20 fellowships with financial assistance to entering Whittier Law School students who, through coursework, clinical experience, field placements, required colloquia, and other special programs will gain valuable education and experience in children’s rights advocacy.

The School provides pro bono legal assistance to families and children through its clinical programs, including the Children’s Rights Clinic, Special Education Clinic, Family Violence Clinic, and others. In collaboration with the CCR, WLS students publish the Whittier Journal of Child and Family Advocacy. The School also hosts the National Juvenile Law Moot Court Competition, the only one of its kind in the nation. CCR Fellows develop a solid foundation to become children’s advocates through a specialized curriculum geared toward that goal; a variety of externships in children’s rights and advocacy are also available.

The WLS Library supports the work of the Center for Children’s Rights by supporting the curriculum offered to CCR Fellows and other WLS students engaged in child advocacy training in the classroom and in the field. The Library systematically collects monographs, serials, and government publications in all relevant subjects, including family law, constitutional law, criminal law, civil procedure, contracts, torts, real property, juvenile justice, and lawyering skills. Each of these areas of the law is vitally important to the development of outstanding children’s advocates.

WLS Library Public Services staff provide circulation, reference assistance, and interlibrary loan to CCR Fellows and all faculty, staff and students who work in the School’s legal clinics engaged in child advocacy. For details about reference and circulation policies, contact Public Services Librarian John O’Donnell (x-485); for interlibrary loan policies and procedures, contact Reader’s Services Librarian Curt Jones (x-487).
Library History: John Marshall, Acquisitions Librarian?

For most of his 34 years as our nation’s fourth Chief Justice of the United States, John Marshall had no library he could call his own. In fact he and his fellow Justices, and their predecessors at the United States Supreme Court, had to ask permission of Congress to use its facility. In 1812 Congress authorized the Justices to use the Library of Congress, located in the Capitol at that time, but as all American school children know, the British burned federal law enacted in 1832 and still 137) established a Law Library for Chief Justice. Nearly 700 law books to the Library of Congress to replace Law Library, along with more than nucleus of the new facility. The Law umes by 1899. It emerged into the center with publication of authorita- tional law. When the Supreme Court ever, a separate collection of Ameri-there, ending an historic connection that had lasted more than 100 years. Yet, the Law Library continues to provide the Court with books and other materials on foreign and international law whenever needed. The Law Library of Congress now contains more than 2 million volumes, including 65,000 volumes of reference materials. Its mission is “to provide research and legal information to the U.S. Congress as well as to U.S. Federal Courts and Executive Agencies, and to offer reference services to the public...” through the world’s largest collection of law books and other legal materials from the United States and all countries of the world. The Law Library of Congress is moving increasingly toward digitization of legal information around the world.

Library Staff News of Note

Serials/Documents Librarian Margot McLaren attended the Fall Business Meeting of the Southern California Association of Law Libraries (SCALL) held at the University of Southern California’s University Club on October 18, 2005. The meeting featured Julie Werner-Simon, Assistant U.S. Attorney for the Central District of California, an expert on the topic of identity theft.

Catalog Librarian Bill Nazarro and Margot McLaren attended the Southern California Innovative Interfaces Users’ Group (IIUG) meeting held at California State University, San Marcos on October 6, 2005. A vendor representative updated attendees with news about 2006 enhancements to the catalog, circulation, serials, acquisitions, and interlibrary loan modules offered by the vendor.

Credits: “Law” Mosaic, East Corridor of Main Reading Room, courtesy of Law Library of Congress.

Library Hours

Fall 2005

Monday—Thursday
8:00 am—12:00 pm

Friday
8:00 am—10:00 pm

Saturday
10:00 am—8:00 pm

Sunday
10:00 am—12:00 am

Someone wise once said….

We must not make a scarecrow of the law, Setting it up to fear the birds of prey, And let it keep one shape, till custom make it Their perch and not their terror.

—William Shakespeare, Measure for Measure, Act 2, Scene 1—