Law Librarians to Meet in Seattle
by Hugh Treacy, Associate Director

Law librarians from Whittier Law School Library and a few thousand of their colleagues throughout the United States, Canada, the United Kingdom, and other nations will meet in Seattle July 12-16, 2003, to attend the 96th annual meeting and conference of the American Association of Law Libraries. This year’s theme is “Maximize Today, Envision Tomorrow.” The conference emphasizes the three major roles of law librarians: as teachers, caretakers and managers of print and electronic collections, and as providers of technologically based methods of information management.

Librarians will sharpen their knowledge, skills, and expertise on a variety of subjects, including: disaster planning, preservation of collections in various formats, licensing agreements and intellectual property issues, acquisitions in times of shrinking materials budgets, career and long-range planning, safety and security in the law library, and teaching and research techniques.

The annual meeting and conference also provides attendees with opportunities to connect with colleagues to discuss common issues, goals, and problems. Subgroups of librarians—academic, law firm, state/court/county—also meet among themselves to present programs or discuss issues related to their library types.

Don’t forget the fun! AALL provides opportunities to tour Seattle’s educational and cultural centers, sightsee, and hang out in an environment noted for its energy and scenic surroundings.

John O’Donnell Joins WLS Library Staff
by Catherine Freeman, Acquisitions Assistant

Please join us in welcoming John O’Donnell, our new Public Services Librarian, to the Whittier Law School Library!

John comes to us from Chapman University Law School Library in Orange, California, where he had been a reference librarian for several years. John graduated with a Bachelor of Arts degree in Psychology from the University of Massachusetts. He continued his studies at Indiana University, where he earned his (continued p. 5)

John O’Donnell joined the Whittier Law School Library staff on June 1.
When I saw Oakley’s sweet face on the animal rescue website, I fell in love. Who wouldn’t fall for that peculiar combination of Welsh Corgi and Golden Retriever? He’d been running with the big boys out in the Inland Empire; but with his short, stubby legs he had to run twice as fast to keep up and avoid the cars whizzing by on the freeway. Sure, Oakley had been around the block a few times in his young life, but he was eager to try another home; and I was just the person to provide him with a roof over his head, plenty of exercise, two square meals a day, and lots of love.

Now that I’m parenting this young canine, I’ve decided to bone up on my legal obligations toward those persons who come into contact with him. Aside from the prudent purchase of adequate homeowner’s liability insurance, what does the State of California and my local Orange County government require of me?

First, I must license Oakley and attach the license tag to his collar (Cal. Food & Agric. Code § 30502; OCCO §§ 4-1-70, 4-1-71). That way, if he doesn’t return to me after a “guys night out” at the local sports bar, the county will know whom to call to bring my party animal home. I had received papers from the rescue agency that handled Oakley’s transfer to me that indicated he had been vaccinated against rabies and neutered in accordance with California law (Cal. Food & Agric. Code § 30503; OCCO §4-1-60); photocopies of those documents must accompany the application for the dog license.

Disturbing the peace and tranquility of neighbors can become a legal issue. Local governments usually have pet nuisance ordinances to assist residents living near noisy animals. Orange County’s ordinance reads: “No person shall keep, maintain, or permit, either willfully or through failure to exercise proper control, on any lot, parcel of land, or premises under his control any animal which by sound or cry shall disturb the peace and comfort of the inhabitants of the neighborhood or interfere with any person in the reasonable and comfortable enjoyment of life or property…” (OCCO § 4-1-48).

On Oakley’s first day at my home, for example, I wondered if he was disturbing my neighbors by “announcing” his arrival into the neighborhood. I had no idea whether Oakley would bark continuously, play quietly, or sleep away the day. Fortunately, my neighbors reported that Oakley had created no disturbances.

If a barking dog becomes a nuisance, however, neighbors within earshot of the offending animal should try courteous contact with the dog’s owner to inform him or her of the dog’s behavior. If unsuccessful, the harmed neighbor should utilize mediation or small claims court as a last resort to force the dog owner to deal with the problem and resolve it. An excellent source of information on this subject is found in Mary Randolph’s Dog Law, published by Nolo Press, available at most bookstores, public libraries, public law libraries, and Whittier Law School Library.

Now for some biting commentary about dogs. Dogs of any size or breed have the potential to bite when angry, annoyed, mistreated, or while defending their territory. My greatest concern when Oakley moved into my home was how he would react to the behavior of the numerous small children in the neighborhood. The folks at the rescue organization told me their observations indicated he is a friendly, gentle dog, and my contact with him supports that observation. However, a prudent dog owner should carefully monitor his or her dog’s behavior and that of his neighbors in response to the animal.

California’s dog bite statute is found at California Civil Code § 3342. It is a strict liability statute, in that it imposes liability without fault on the owner of a dog that bites a person. The statute applies to all dog bites occurring on public or private property, regardless of the prior reputation of the animal and the dog owner’s knowledge of the dog’s propensity to bite (Cal. Civ. Code § 3342(a)). A California court has found the victim of a dog bite that did not even result in a wound could sue under the statute. See: Johnson v. McMahan (1998) 68 Cal. App. 4th 173.

Once a dog has bitten someone, the statute imposes a duty upon the owner of that dog to take reasonable steps to prevent future occurrences against others; and actions may be filed against owners who fail in that responsibility by any victim, one exception being a trespasser.

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Among the Student Library Assistants you will meet at the Circulation counter is second-year student Pauline Williams. Pauline began her law school career at Whittier in the Spring semester 2002, bringing with her a diverse background and many interests.

Pauline hails from the Imo State of Nigeria, where she completed all of her pre-collegiate work. She came to the United States after secondary school graduation and earned an Associate of Arts degree at San Bernardino Valley College, and a Bachelor of Science degree from California State University, San Bernardino. While a student at CSUSB, she majored in biochemistry and chemistry.

Having worked as a toxicologist and water chemist, Pauline pursued an M.B.A. at the University of Phoenix while working as a tax advisor for a Las Vegas law firm. She then began to focus on her major interest in the law.

Pauline’s favorite courses in law school are taxation and immigration. She would like to utilize her Whittier law degree as a staff attorney in a public defender’s office or in solo practice in Nevada.

Working in the Law Library has its benefits, Pauline says. She finds the experience helpful, aiding her in her legal skills coursework. She has also become very familiar with important legal treatises and resources, and their locations in the stacks. Lastly, she finds the contact she has with faculty, staff, students, and community members at work to be very interesting and rewarding.

Q.: “Two words: vending machine!!”

A.: Four words: Not in the Library! To avoid insect or vermin infestation, or damage to Library materials, we won't install a vending machine inside the Library. Food and beverages—other than water—are not allowed in the Library for the same reason.

Q.: “The PMBR books are falling apart.”

A.: We obtain free copies of bar review publications from the vendors. We'll contact PMBR and others to obtain new copies of the latest review books. Good luck preparing for the exam!
Web Cites: First Amendment Center
by Curt Jones, Reader’s Services Librarian

Do you have questions concerning freedom of speech, press, petition, assembly, and religion? A terrific place to start is:

www.firstamendmentcenter.org/.

Here you will find an FAQ section for each First Amendment right; you may well see your question listed with a ready answer. If not, you may consult the resources under various subdivisions representing these rights. Cases, law reviews, and online resources are listed under each subdivision. Be sure to scan the entire listing under each right before concluding that you will have to look elsewhere for your answer. A short cut to an answer may be navigated by simply clicking on the “Display all topics” option and then scanning all of the site’s various offerings at once.

At this time, case law under each right is cited by party’s name chronologically. Many of the cases are then linked to Findlaw for the full text. Hopefully, one day, abstracts will be provided for each case listed. Note that this website provides far more than links to First Amendment case law. Publications provided by the Center are arranged by topic, and a separate “Experts” option lists the various contributors and their background information. This type of information is often missing from many other sites.

Researchers interested in tracking particular types of First Amendment cases at the Supreme Court level will find the categorized docket of the Supreme Court for the last three years an added bonus offered by this site. In addition, the Center’s “First Amendment Library” provides a search option for case law where one will find cases by name.

Key word searches are possible; but there are over a hundred suggested topics that may be used to find articles or news stories. For example, a search for movie censorship turned up 11 Supreme Court cases arranged alphabetically, all linked to Findlaw. It was much easier to find these at the Center’s site than at Findlaw. While browsing Findlaw, I found that the Supreme Court Digest by Lexis cited 10 cases under Constitutional Law §960, but lacked eight cases cited within the Center’s website. A clever person might be able to duplicate these results in Westlaw and Lexis; but the First Amendment Center’s “Library” offers a handy path into the case law on this topic. I encountered a few problems with navigating the Center’s search options; but overall, this website is a welcome complement to what may be found elsewhere.

The First Amendment Center’s website is just one among many devoted to different constitutional rights. However, of those sites devoted to the First Amendment, the organization and search capabilities offered by the Center’s site has much to recommend it. The Copley First Amendment Center (CFAC), the First Amendment Cyber-Tribune and the Pittsburgh Post-Gazette First Amendment Forum have helpful material, but you would have to spend considerable time wading through their content to find what you might need. The focus of the American Civil Liberties Union (ACLU) website is on the entire Bill of Rights; so again, you would have to spend considerable time searching its various options. This is not to say useful material cannot be found on these sites; but the First Amendment Center’s arrangement makes its site so much more inviting to use. If the Center’s offerings are not what you need, you might explore its annotated links to other civil rights sites (Related links).

The Center hopes to expand its offerings with further subdivisions for each First Amendment right and add cases—past and present—as the site develops. The Center has made considerable progress toward its goals to develop into a comprehensive resource. In the future, a similar breakdown of state case law may be offered. This and other features may be added in time so it is worth visiting occasionally to keep abreast of its development.

The First Amendment Center is an operating program of the non-partisan Freedom Forum, a foundation formed in 1991, whose existence is “dedicated to free press, free speech and free spirit for all people.” The Center is located in the John Seigenthaler Center at the campus of Vanderbilt University in Nashville, Tennessee, and is also associated with the Freedom Forum-funded Newseum, an interactive museum of news, to be relocated from Arlington, Virginia, to Washington, D.C., in 2006. □
We Have a Winner! **Hot Shot Legal Researcher Found**

by Hugh Treacy, Associate Director

In early May, third-year Whittier Law School student Megan Hutchins submitted the winning entry to the first *Hot Shot Legal Researcher* contest sponsored by the Whittier Law School Library. The contest had been announced in the April issue of *The Library Advocate*.

Associate Dean J. Denny Haythorn and Associate Director Hugh Treacy presented Megan with a gift certificate valued at $30.00 from Borders® Books & Music stores.

The question to be answered by the contestants: “Find the citation to a U.S. District Court opinion involving an unusual way to avoid delays for birthdays and anniversaries that may occur during trial. What was the court’s solution?”

The correct answer:

Zenith Radio Corp. v. Matsushita Electrical Industrial Co., Ltd., 478 F. Supp. 889, 959 (E. D. Pa. 1979). Due to the slow pace of the trial, the judge threatened to invoke the “Time Out” rule, where deadlines would be postponed and counsel would be permitted to goof off, within limits.

Another Contest!

*Be a Hot Shot Legal Researcher*

If you’re a currently enrolled Whittier Law School student, you can enter to win the next *Hot Shot Legal Researcher* contest. Look for the next contest question and contest rules in the October 2003 issue of *The Library Advocate*. If your entry is the first correct response drawn, you win! The winner will be announced and featured in the December 2003 issue of *The Library Advocate*.

Dog Law

(cont. from p. 2)

If a dog has bitten anyone on two separate occasions, any person including a district attorney or city attorney may bring an action to obtain a court order to prevent further attacks by any reasonable means including removal of the animal or its euthanization (Cal. Civil Code § 3342.5(a-b,d)).


John O’Donnell

(cont. from p. 1)

J.D. and a Master’s degree in Library Science. Between his undergraduate education and law school, John worked for five years as a counselor in an Oregon residential half-way house for mentally ill persons. John will be supervising the Public Services staff as they provide reference and circulation services to Whittier Law School faculty and students. A major goal for John and the Public Services staff will be to get the Library’s automated circulation system up and running. He’ll also be participating in collection development with the Associate Director and other Library staff.

When not at work, John enjoys “pickup” ice hockey matches—as a player. He’s been competing on the ice since his childhood days in the Boston area. John says he’s been a Boston Bruins fan since birth. While a junior-year exchange student at the University of Oregon, John played hockey for the Ducks. Weather permitting, John also engages in a number of outdoor recreational activities, such as hiking, camping, and windsurfing.
Legal History: The Star Spangled Banner

In September 1814, Francis Scott Key composed the lyrics to The Star Spangled Banner during the British bombardment of Fort McHenry in Baltimore harbor. Ironically, the melody came from a 1780 British drinking song composed by John Stafford Smith. In 1916, President Woodrow Wilson ordered the song to be played at military functions; but, not until 1931 did Congress establish The Star Spangled Banner as our national anthem (See: 36 U.S.C. § 301). Did we have a national anthem before 1931? Surprisingly, not! A few songs served to stir our patriotism in difficult times. Most notably, My Country, 'Tis of Thee (aka America); The Marine’s Hymn; Hail, Columbia; The Battle Hymn of the Republic; America the Beautiful; I'm a Yankee Doodle Dandy; and God Bless America are among the best known.

Our national Flag is also known as The Star Spangled Banner, Old Glory (since 1831), or The Stars and Stripes. It was authorized by Congress on June 14, 1777 (Flag Day). The alternating red and white stripes signify the original 13 colonies, and the 50 white stars designate each state of the present Union. The color red signifies valor; white represents purity; and blue stands for loyalty and justice. Over the years, the Flag has evolved from many permutations and renditions, the first few being unofficial. The famous Flag purportedly sewn by Betsy Ross in 1776 contained 13 white stars in a circle on a blue field. The Flag sewn by Mary Young Pickersgill and her 13-year old daughter and flown over Fort McHenry measured 30 feet x 42 feet and contained 15 stars and stripes. Because of its size, the Flag was completed on the floor of nearby Clagget's Brewery after regular work hours.

Congress has enacted laws governing the display, care and handling, and disposal of the Flag. (See: 4 U.S.C. §§ 1-10). For those who choose to burn the Flag in public protest, the United States Supreme Court has determined that Flag burning is protected speech under our First Amendment to the Constitution. (See: Texas v. Johnson 491 U.S. 397 (1989) and United States v. Eichman, 496 U.S. 310 (1990). However, states may prohibit that activity in laws that promote the general safety and welfare of their citizens. California is one of 47 states that prohibit flag burning (See: Cal. Mil. & Vet. Code § 614). Yet, whether we salute the Flag or burn it, and sing our national anthem or not, the Star Spangled Banner represents the democratic ideals of our nation’s founding, the service and sacrifice of those who defend our nation, and the freedoms we enjoy as citizens of the United States of America.

Someone wise once said….

“Books may be burned and cities sacked, but truth like the yearning for freedom, lives in the hearts of humble men and women. The ultimate victory, the ultimate victory of tomorrow is with democracy; and true democracy with education, for no people in all the world can be kept eternally ignorant or eternally enslaved.”

—Franklin D. Roosevelt—
Speech to NEA members, June 30, 1938

Library Staff News of Note
by The Library Advocate Staff

Associate Dean J. Denny Haythorn and Associate Director Hugh Treacy attended the 96th annual meeting of the American Association of Law Libraries in Seattle, July 12—16, 2003.

John O'Donnell joined the staff of the Law Library as Public Services Librarian in June 2003. John succeeds Thomas Watts, who left in October 2002 for the University of San Francisco Law Library. John comes to Whittier Law School from Chapman University Law School Library in Orange, California, where he had been a reference librarian.

Serials Librarian Christa Balz has retired after 22 years of service to the Whittier Law School Library.

Seven former WLS Library student assistants are sitting for the July bar examinations in three states. Each of these former students earned a J.D. degree in May 2003. Brad Beckett, Tracey Sims, April Molin, and Noah Herbold are sitting for the California bar exam. Andrea Pressler is sitting for the Nevada examination; and Suzanne Baffa is sitting for the Arizona bar exam. All of us at the WLS Library wish each of them good luck and a successful career ahead!