Faculty Partnership Program Launches

Whittier Law School librarians have launched an exciting new program designed to benefit our faculty and students. The Faculty Partnership Program supports the research and teaching activities and resource needs of the Law School faculty. Each faculty member is paired with a librarian partner who offers his or her legal research skills and problem-solving abilities to benefit the faculty member directly in their academic activities.

We can prepare in-class presentations to educate your students about specific Library resources and help them improve their legal research skills. We would be delighted to orient you and your students to the print and electronic resources we offer; and we would like to educate your students about materials that will prepare them for course work, research, bar exam preparation, and law practice success.

Our librarians will collaborate with you as you research and write for publication. We will help you identify and obtain for you any needed materials. Your Library partner will assist you with access issues and search tips for best use of our electronic resources. We also offer a “current awareness” program to provide you with tables of contents or searches on your topic of interest using any of our online services.

Document delivery, whether via interlibrary loan or direct purchase, is available; contact your Library partner for more information. We are happy to accept requests for print titles and recommended electronic resources within our budget.

Remember, we are your partners in teaching, research, and resource acquisition! Your Library partner will be contacting you very soon.

Boston!

Whittier Law School librarians J. Denny Haythorn, John O’Donnell and Curtis Jones attended the 108th annual meeting of the American Association of Law Libraries in Boston, July 21-24, 2012. The theme of the conference was “Learn! Connect! Grow!” See inside this issue for summaries of several interesting programs.

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**Academic Success and the Law Library Connection**

When each first-year class member steps on campus to begin his or her law school experience at Whittier, our students face many challenges. Law school is rigorous; students must learn new methods for studying, test-preparation and test-taking, and master unfamiliar legal concepts to “think like a lawyer.”

Professor Jenny Homer leads the Academic Success Program (ASP) within the Institute for Student and Graduate Academic Support at Whittier Law School. All new and continuing students are urged to participate in the programs, classes and workshops designed to improve students’ study and test-taking skills. At orientation, Professor Homer and her Graduate Fellows provide each 1-L with a packet of information about the ASP programs, and they also present a skills workshop series each semester. Students learn effective methods for study, outlining, briefing cases, mastering IRAC, issue-spotting and other important test-taking skills, and time management, all transferable skills for later ventures like bar exam preparation and law practice.

The ASP Program capitalizes on each student’s individual learning style. ASP takes into account that students are aural, tactile, or kinesthetic. Professor Homer seeks to find the best methods to succeed in law school. As she reminds her students in the ASP program, “Do what’s best for you.”

The Law Library supports the great work of Professor Homer and her staff. Both the ASP and the Law Library maintain exam files, in print and online at the Law School website. We acquire many useful study aids and research guides for students. We have initiated the Faculty Partnership Program (see page 1), which assists Professor Homer and all faculty with their teaching and research activities. Whittier Law librarians are available to all faculty to provide formal and informal presentations to students on legal research strategies. We also provide direct support for faculty research. The Library staff continues to look for ways to support the important work of our Whittier Law School colleagues and students.

—Hugh J. Treacy—

**Library Open During Construction**

The Law Library remains open during the construction of the Kiesel Advocacy Center, Whittier Law School’s beautiful, expanded moot courtroom. You may have noticed that the Law Library’s front entryway has been halved during construction to allow authorized personnel and equipment direct access into the construction zone. Please stay to the left as you enter the building and Library lobby. If you are interested in the progress of the construction project, take a look at the photo timeline on the temporary wall inside the Library. New photos are added regularly. Completion of the project is expected in January 2013. We apologize for the construction noise which sometimes carries into the front portion of the Law Library. The Library has many quiet study areas not affected by the construction project.

**A Gentle Reminder...**

Please do not bring food or beverages into the Library. You may bring water into the Library if it’s in a sealed container.

Please be considerate of others in the use of your cellphone in the Library. Shut off your cellphone ringer while you are in the Library. Do not take or make calls inside the Library, including the computer labs and restrooms. If you must text, please text quietly.

Thank you for complying with these important Library rules.
Library Prepares for Sabbatical Visit by ABA

Whittier Law School is accredited by a several organizations. These organizations send teams of volunteer inspectors to the schools and colleges to do a first-hand collection of data. The teams write a factual report which is then reviewed by the organizations accrediting committee. The committee’s review and report are then sent for approval or amendment by the accrediting body. Among organizations which regularly visit and review our law school are the Western Association of Schools and Colleges (WASC), our regional accrediting association, and the American Bar Association (ABA). The Law School is also a member of the Association of American Law Schools (AALS) and a number of other professional organizations such as the American Association of Law Libraries.

I have served as a volunteer inspector for the ABA teams visiting other schools and the task is daunting. Over the years the standards have changed from counting things to looking at whether the school meets the goals of the standards. Inspectors have to be familiar with all the requirements of the organization, but understand that approaches to meeting the standards vary widely among law schools based upon the mission of the school. Accrediting organizations realize there are various ways to meet the standards and are not attempting to force all schools to take the same path. There can be many ways to meet the standards.

All of these accreditations and memberships are important to the School and validate the quality of the legal program here at Whittier. These groups have regular reviews of member institutions which we call sabbatical inspections. WASC has a 5-year recurring inspection rotation while the ABA returns every seven years. Last year, WASC inspectors went to the College and visited the Law School as a part of the institution. As usual the volunteer inspectors found much they liked, but always identify a few items for follow-up information.

Next March we will have our regular (or sabbatical) ABA inspection along with about 14% of all other fully-approved schools. [Provisionally approved schools are reviewed annually by the ABA.] The Library treats all reviews seriously and we have been preparing for this inspection for the past few years. While faculty and staff are preparing documents describing their activities and plans, Library staff members are doing the same for the Library.

Whittier Law Library’s prime goal is to serve the research and class preparation needs of the faculty and students of our School. We also have as a goal to support our alumni who may continue to use our resources.

Tracking the evolution of the accrediting standards, our library planning has changed from a narrative of the current state of the Library to a process that analyzes whether the Library is meeting its goals. The process is generally to identify a goal, establish a path to meet the goal, assess progress toward the goal, and repeat the process. I studied this concept in the Air Force with its “Continuous Process Improvement,” though now this process is known by other names as well: CPI, six sigma, lean, or a combination of terms. Whatever the name, we have been engaged in it for a few years, not only for the inspection, but also so we can provide a Library that truly meets the needs of our students and faculty.

Our focus has been managing a transition from ownership of information, mostly as print, to access of information, primarily through online resources. The staff has met to analyze usage patterns of print and determine whether it makes sense from a student’s point of view to substitute an online subscription. As the collection changes so does the role of the staff, from maintaining a print collection to providing direction to the online products.

This transition will continue, although we will not discard the large print and fiche collections we own and that have been the signature of our Library for years. I also expect the print collection of individual books to continue to grow, perhaps at a faster pace. Finally, we are developing closer relations with the Whittier College Library.

In the next few years, you may be asked to participate in surveys and focus groups to help us analyze our progress toward these goals. I hope you will be willing to spend some time helping us determine whether we are meeting your needs as students and successful alumni. As we continue with this process, I will continue to think about the changes in our Library as we move toward our 50th anniversary in 2016.

Other articles in this newsletter discuss programs at the American Association of Law Libraries meeting last summer in Boston. Both John O’Donnell and Curtis Jones discuss changes in how the legal community has access to and uses legal information. I was at the meeting as well and I want to underline the importance of acknowledging the changes you will experience in your legal career, but also how well you will be able to take advantage of these changes with your Whittier degree.

—J. Denny Haythorn—
Civil Rights Anniversary: *Ole Miss* Desegregated

September 30th marked the 50th anniversary of the desegregation of the University of Mississippi, popularly known as “Ole Miss,” located in Oxford. The event was triggered by the attempted registration in 1962 of James Meredith, an African-American native of Kosciusko, Mississippi, and U.S. Air Force veteran. Meredith had applied for admission a year earlier, but his application had been rejected when he disclosed his ethnicity to the registrar.

Meredith remained steadfast in his effort to register at the university; reluctantly, he accepted legal counsel from the NAACP Legal Defense Fund but made no attempt to gain support from the African-American community.

Represented by NAACP lawyers Constance Baker Motley (1921-2005) and Derrick Bell (1930-2011), Meredith filed suit in U.S. District Court in Jackson, Mississippi. Remarkably, the judge found the evidence presented did not indicate that Meredith was denied admission because of his race. On appeal to the 5th Circuit Court of Appeals, however, the lower court ruling was struck down. [See: *Meredith v. Fair* 202 F. Supp 224; reversed 305 F.2d 343 (1962).]

Having won injunctive relief against the University, Meredith attempted to enter the Lyceum at Ole Miss to register on September 20, 1962. His path was blocked by Alabama governor Ross Barnett, and Meredith was verbally assaulted by racial slurs. Other opponents, including white supremacists across the country, descended upon the campus.

Meredith again attempted to register on September 26th, but this time Lt. Gov. Paul Johnson blocked his path. On the 27th, both Barnett and Johnson were found in contempt of court and subject to large daily fines.

Gov. Barnett appeared at the Ole Miss/Kentucky football game on September 29th. Striding to midfield at halftime, the governor yelled into a microphone, “I love Mississippi! I love her people! Our customs! I love and respect our heritage!”

On Sunday, September 30, 1962, James Meredith was escorted into the campus secretly through a back entrance to rooms in Baxter Hall dormitory. Later in the afternoon, a large number of U.S. marshals flew into Oxford and assembled in front of the Lyceum. Armed only with tear gas, the marshals confronted an armed mob that grew to 2,500 persons. Before President John F. Kennedy sent U.S. Army troops into the city, two persons were killed by unidentified individuals within the mob.

Meredith registered at the Lyceum on Monday, October 1, 1962, while the riot spread from the campus to the city of Oxford. More than 23,000 troops finally quelled the violence by 10:00 am. Although Meredith was harassed throughout the academic year, he graduated in August 1963 without incident.

Today African-Americans make up more than 12 percent of the student population at Ole Miss. Its first black student body president was elected in 2000.

James Meredith is now 79 years old and lives in Jackson, Mississippi. He enjoyed a career as a lawyer, civil rights leader, and public speaker. Governor Ross Barnett died in 1987. Constance Baker Motley’s legal career included writing the original complaint for *Brown v. Board of Education of Topeka* 347 U.S. 483 (1954); and ten appearances before the U.S. Supreme Court, the first of which made her the first African American female attorney to appear before the Court. Ms. Motley was later appointed to the federal bench in the Southern District of New York, becoming the first black female federal judge in U.S. history. At Harvard Law School, Derrick Bell became the first tenured African American law professor and is best known for advancing critical race theory to counter existing liberal and conservative views on racial issues.

―Chris Osborne—
I attended this year’s AALL conference in my hometown of Boston. Having been much more involved in teaching legal research lately I was especially interested in the many programs related to teaching legal research. Since the theme for the conference was Learn, Connect, Grow, there were many opportunities.

The first program, creatively titled, You CAN Handle the Truth: Using Pop Culture to Teach Legal Research, focused on the practical use of using brief clips of pop culture in the classroom. First, the program speakers discussed the pedagogical support for using culturally familiar characters and settings. Each speaker provided examples and demonstrated best practices for prepping and integrating video clips, songs, comics, and other pop culture references into a legal research lesson.

Presenter Julie Graves Krishnaswami discussed the theoretical bases underlying the use of using pop culture as a teaching tool. The theories mentioned were Behaviorism, learning outcomes, and Constructivism. Constructivism focuses on finding knowledge that the students already know and then use as a scaffolding for the instructor to build upon. In this way, higher level skills may be achieved more quickly. Additionally, the speaker stated that cognitive science teaches us that when students receive information in multiple ways they will retain more of that information. Other theories the attendees were encouraged to research on their own were: Schemas, Intertextuality, and Shared Knowledge Theory. The presenter mentioned said that ages 21-31 actually expect to see videos in the classroom.

Kate Irwin-Smiler showed attendees how not to use pop culture through the fictitious “Professor Puff and Stuff.” This professor could not work the equipment or find the sound so she ended up just describing the video clip without actually showing it. This description, of course, made no sense what so ever. This lead to a discussion of how to properly set up a clip. The major mistakes Professor Puff and Stuff made were discussed. For example, she did not describe what the clip was, provide any context of the clip, or focus the student’s attention on the important parts of the clip leaving many focusing on some of the distracting elements within this clip.

Deborah Schander discussed the well-known clip of Marcia Clark in the O.J. Simpson case. In this case Marcia Clark stated that there were no cases that applied to a particular statute. However, Judge Ito said that when his law clerks Shepardized the statute, they did find cases that applied to this particular criminal statute. Mar-
What’s New at the Law Library?

For the benefit of our new and returning law students on campus, the Law Library has been making some noticeable changes. On June 25th, construction began on the Kiesel Advocacy Center, our new Law School moot courtroom located adjacent to the Law Library in Building 4. Crews erected an insulated, temporary wall to separate the construction project and some of the noise from our Library users. Posted along the wall are photos showing the progress of the project, slated for completion in January 2013.

New shelving totaling 821 linear feet has been erected in several locations. This additional stack space will relieve overcrowded shelves on the east side of the Library. One portion of the new stacks will also serve as a faculty and alumni publications display area. We’re proud of our faculty and alumni and we want them to know it!

The Law Library will very soon be providing faculty and student access to Bloomberg BNA and CEB’s OnLaw online databases. Bloomberg BNA is a compilation of primary and secondary legal resources, and CEB’s OnLaw is the online version of all CEB looseleaf resources on California law.

Lastly, since most Library users now have notebooks, netbooks or tablets, you won’t miss the large computer lab (now repurposed as part of the Kiesel Advocacy Center project). Whittier Law students without personal Internet access devices may use the computers in the Lexis and Westlaw labs. A printer for general purposes is available in the Lexis lab. Printers specifically for Lexis and Westlaw research are also available in their respective labs.

Welcome to our new first-year class, and welcome back to our returning students! We wish you much success in the new academic year.

—Hugh J. Treacy—

You CAN Handle the Truth (cont.)

using sports references may not work well with a mostly female class.

Kate Irwin-Smiler discussed copyright issues related to using pop culture clips. She stated that many of our academic uses are covered by fair use. The performance or display of works in the course of face-to-face teaching activities is an exception to the Copyright Act (17 U.S.C. sec. 110). The Digital Millennium Act also has some restrictions relating to the editing of video. In 2010 exceptions existed relating to screen capture options (sec. 1201). Kate commented that many online sources such as online comics clearly state that anyone may use the comic as long as credit is given to the author.

Deborah Schander discussed a collaborative effort in the form of a new wiki that serves as a repository of movie, new clips, and cartoons. At the wiki there were a few examples of clips from the X-Files, Star Trek, Buffy the Vampire Slayer, and the movies All the President’s Men and Erin Brockovich. The advantage of the wiki is that all of the clips were categorized by concepts the clip illustrates. Some of the concepts listed included: cost-effective research, print v. electronic, using a legal encyclopedia, and search parameters. In the wiki the title of the clip is stated along with the episode number, clip start and end times, and the total run time of the clip. In the main body of the particular entry is: a brief description of the scene, any background information, and the legal concept or research technique that the clip illustrates. One can post a post a comment about finding a video. One poster asked where they could find a clip of Elmo testifying in front of Congress. I did not even know that Elmo had testified in front Congress!

This wiki can be found at:

http://ivegotahit.pbworks.com/w/page/24124315/FrontPage

—John O’Donnell—
Tomorrow's Legal Marketplace: A Transformation

An internationally recognized legal commentator on the intersection of law and technology, Richard E. Susskind delivered the keynote address at the 105th annual AALL conference in Boston. His address to the librarians about technological change in our profession, the future of law practice, and the economic downturn was unsettling to say the least, but difficult to dismiss.

Since the 1990’s Susskind has become an expert on the impact of technology on the practice of law; some of the possibilities he suggested in the past have become commonplace. Many changes within the practice of law have been reflected in the changes occurring within law libraries.

Susskind boldly led off with the idea that what clients need today and tomorrow will be the driving force of the future developments within the legal profession. To succeed in the future, attorneys and law librarians must anticipate the direction of change just as hockey star Wayne Gretzky anticipated where the puck would be sliding instead of where the puck was at the moment.

Attorneys and law librarians must project the recent past into the future to stay ahead of technology that will make possible what was thought impossible before. Technological change will continue to develop new services that did not previously exist as both automation and innovation impact the increasingly global, very competitive legal marketplace.

Susskind sees three factors driving the transformation of legal services—the need to do more for or with less, the liberalization of legal services, and ongoing developments in technology. Susskind feels these factors will force the “handmade suit” approach to legal services to be forever altered. Efficiencies can be found by moving away from a traditional approach to a standardized, then systematized, and finally to packaged delivery of legal services. This commoditization of legal services as well as collaboration made easier in today’s online environment will continue to impact the legal profession and law librarianship. Legal research services will certainly become correspondingly more commoditized and packaged for attorneys and their clients.

With respect to the litigation process, Susskind sees it from a different viewpoint. To save time, money and to take advantage of others’ expertise, the litigation process can be deconstructed into its component parts—document review, legal research, project management, litigation support, electronic disclosure, strategy, tactics, negotiation, and advocacy. These need not be viewed as a single entity to be handled by only one firm, but something that can be broken down and farmed out. Previous models of law firm practice are also being upset by the many multi-sourcing options now available, such as insourcing, de-lawyering, relocating, offshoring, outsourcing, subcontracting, co-sourcing, leasing, homesourcing, open sourcing, computerizing and no-sourcing.

The second factor, liberalization of legal services has also opened up the legal market place. The Legal Services Act of 2007 was mentioned as a step in that direction, with England cited as a leader in this trend. As this is occurring, Susskind sees the pace of change in the third factor, technology, as a major factor in transforming legal services. He suggested that if you can have an online pet, why not an online lawyer? He views artificial intelligence (AI) as already here and that the processing power now available can mine data and create new ways of utilizing “big data” so trends can be discovered that predict the future in a manner not previously possible. The range and power of these technological advancements coupled with liberalization break the monopoly previously held by the legal profession and drive the current demand for greater access to legal services. As an example, Susskind used the four stages of grief (denial, anger, depression, acceptance) to emphasize how persons initially resist change then eventually accept what will inevitably occur.

Susskind drew from recent changes in the legal marketplace by citing examples such as the outsourcing at mining giant Rio Tinto to illustrate what is already occurring. Susskind outlined why the legal profession cannot remain unchanged by listing the top 13 disruptive legal technologies that will continue to impact the legal

—continued on next page—
Getting to Know You: Tyson League

One of the student library assistants you may meet at the circulation desk is third-year Tyson League. He’s been with the Law Library since the summer after his first year. Originally from Nebraska, he came to California during high school. He earned a degree from Chapman University in political science and worked in a congressional office before starting at Whittier. His favorite class has been White Collar Crime, and he likes working for the Library because of the opportunities he has to familiarize himself with research materials and prepare for class. In his spare time, Tyson likes to watch college football. After he passes the California Bar Exam, he wants to work in criminal law. We’ll be sorry to see him go, but the staff at the Library are grateful for the time he’s spent here, and we look forward to his future success in his vocation.

—Petrina Walker—

Tomorrow’s Legal Marketplace (cont.)

market place—automated document assembly, relentless connectivity, electronic legal marketplace: e-learning, online legal services, legal open-sourcing, closed legal communities, workflow and project management, embedded legal knowledge, online dispute resolution, intelligent legal systems, “big data,” and AI-based problem solving.

These disruptive legal technologies led to Susskind’s conclusions as to the future of the legal profession and for librarians as well. He sees traditional lawyering giving way to new jobs such as legal knowledge engineering, legal technology, legal hybridization, legal process analysis, legal project management, ODR partitioning, legal management consultation, and legal risk management.

As a result, Susskind calls on legal educators to move away from the traditional model of legal education to a more flexible team-based model. He sees that legal education ill prepares graduates for today’s practice where alternate sourcing, commoditization and decomposing are taking place, and where globalization, modern business management and information technology must be embraced to survive.

In Susskind’s opinion, law students must be exposed to new ways of doing things and legal education should be at the cutting edge, not stuck in the past.

Richard E. Susskind is a prolific author and holds professorships at three British universities: Oxford, Gresham College and Strathclyde University. He is also the Information Technology adviser to the Lord Chief Justice of England and Wales. He has been a specialist in legal technology since the early 1980’s.

— Curtis W. Jones—

Library Staff News of Note

Serials/Government Documents Librarian Margot McLaren volunteered to serve on the Whittier Law School Events Committee, which meets monthly to plan social and other events on campus. Read In the Loop, the Events Committee newsletter, for more details.

Associate Dean and Director of Library and Information Services J. Denny Haythorn, Public Services Librarian John O’Donnell, and Reader’s Services Librarian Curtis Jones attended the 108th annual meeting of the American Association of Law Libraries in Boston, July 21-24, 2012. The theme was “Learn! Connect! Grow!”