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HEAFEY HEADNOTES

November 1994

Volume 5 Issue 1

Serving The Incarcerated

Heafey Law Library's Prisoner Request Program

By Leslie M. Campbell

You may have noticed someone at the staff copier in the afternoons and evenings, busily copying cases and codes, and wondered what they were up to. They are the moving force behind our Prisoner Request Program. Under this program, Heafey Library's staff has been providing copies of cases,

statutes, and secondary materials to incarcerated individuals, for a fee, since the early 1970's.

This service grew out of the Habeas Corpus Project, a student student run program which provided free legal assistance to inmates of Solidad prison in preparing habeas petitions. Currently,

The Internet

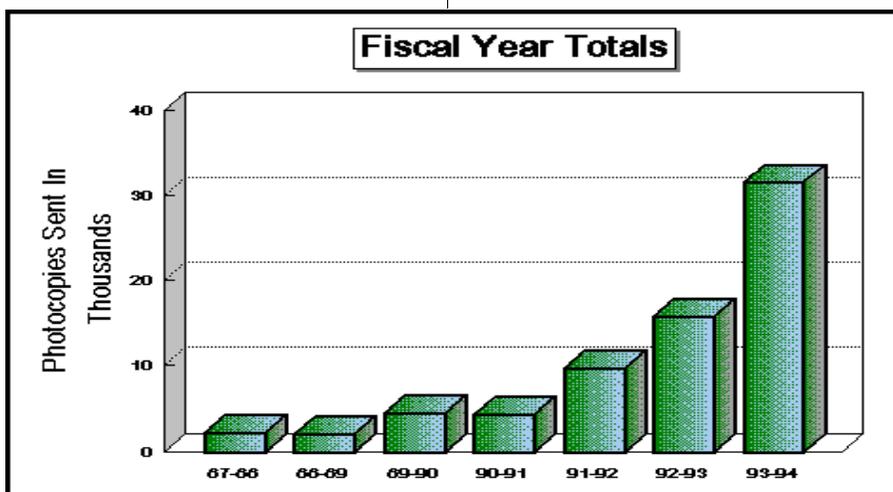
WHAT CAN IT DO FOR ME?

by Lynn Snyder

Most people have heard of the Internet nowadays, but is it so important that it warrants a regular column in *Heafey Headnotes*? Why all the excitement? And, you're probably asking, what possible effect can a computer network, albeit the "network of networks", have on the life of a law student or faculty member? Well, the answer is A LOT!

Although the Internet, originally begun as an experimental network called ARPAnet, was developed by the government for use by computer scientists and engineers, the Net has grown enormously in the past five

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Norman Davidson, the Evening Circulation Supervisor, is in charge of the program which sends more than 30,000 copies of requested legal materials annually to prisoners in nearly 20 states.

Details of the program

Under the program, we provide copies of legal materials requested by

their appeals or researching the law governing prison conditions write to us. We have had requests from across the country, though the majority of requests come from within California.

Although prisons are required to provide access to legal materials, that access is often limited. Certain prisons only allow their inmates to have access to the library for 2

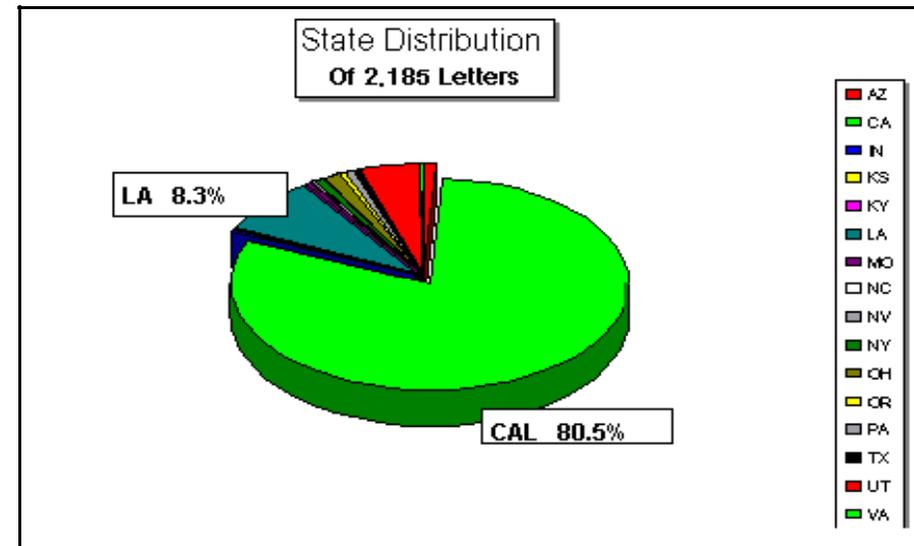
access truly meaningful.

"Why provide cases to criminals"?

We have been asked throughout the years "why are you helping 'those' people?" or "why should our school use its limited resources to provide legal information to inmates?" Part of the reason is the great need of the incarcerated population. Norman has been closely tracking the use of this service for several years and the statistics clearly demonstrate the need. The annual output has jumped from 2,311 pages in 1987-88 to 31,650 pages in 1993-94; in 1993 alone there was an 100% increase in photocopies.

This project was also a response to an effort in the early 1970's by the Social Responsibilities Section of the American Association of Law Libraries to urge law libraries across the country to provide legal materials to prisoners. As law librarians, we "have a duty actively to promote free and effective access to legal information." (AALL Code of Ethics.)

It seems especially appropriate to us that the law library of a school such as Santa Clara, which has such a strong focus on public interest law, should incorporate some of that public interest philosophy into



prisoners. The first 25 copies per year are provided free. Once a prisoner has used up his or her annual allotment of free copies, we charge .20 per page. The inmates must send us a written request with complete and accurate citations. The inmates may also send money in advance to set up an account.

Who Uses Our Services and Why?

Inmates interested in fighting

hours every 6-8 weeks. Those individuals use their time in the library for researching and gathering citations. They then use our service to provide copies of the cases which their system does not allow them the time to read in the library. In some prisons, such as Pelican Bay, there are no photocopy facilities for inmates. So for many, though they have access to library materials, our service helps to make that

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years. There are now newsgroups that discuss every subject you can imagine (and many you wouldn't want to). There are remote databases where files are accessible via anonymous ftp. You can TELNET to a large array of international library catalogs and databases just to browse.



Many find the vastness of the Net threatening, but there is a host of search and navigation tools available. More importantly, you don't have to be a computer scientist to figure out how to use them. Archie, Veronica and Jughead may sound like old comic book characters to you, but on the Net they are useful search tools. And although a gopher might conjure up images of a furry, burrowing rodent, on the Net you'll find gophers crucial in your own burrowing through the cyber-maze of remote databases and library catalogs.

TELNETting is another useful way to get around in the cyber-universe. **TELNET** is an application program that allows you to log into another remote computer system anywhere in the world and browse a database or run a

program as if you were sitting at that location. TELNET allows you to access library catalogs, federal and state bulletin boards, government databases; you can even access the text of "USA Today." All you need to have is the correct Net address and knowledge of some very basic commands.

If you have a VAX account on campus, the following instructions will TELNET you into Washington & Lee University's Law Library--a gateway to an amazing amount of Internet legal resources.

At your name prompt type :
telnet liberty.uc.wlu.edu

At the login prompt type :
lawlib or **guest**

And you're in. The only other crucial command to know is **quit**.

Finally, ftp'ing is a wonderful way to retrieve interesting text files, software, and graphics from remote databases. **ftp** (file transfer protocol) is the Internet's way of transferring a file from a remote computer to your computer or vice versa. There are now many sites that allow anonymous ftp,

which means you don't have to have an account on the remote system; you just log in anonymously and are allowed access to a select group of files.

For instance, with the development of Project Hermes, the opinions and rulings of the United States Supreme Court are available electronically within minutes of their release. Case Western Reserve University is one of the sites the Supreme Court supplies with this information. You ftp to the correct address, search the database, and retrieve interesting files.

Each search and navigation tool can lead you to a whole world of information you may not have realized existed. All of these tools can be accessed from the VAX here on campus, and each will have an entire article devoted to its use in later "Heafey Headnotes" issues. Of course, you can hop on the Net and explore, hoping you stumble across useful pockets of information. If you don't have that kind of time, the purpose of this column will be not only to explain **how** to use the tools on the Net, but also to point out what resources are out there, especially sources relevant to the legal field.

The next Internet column will

Lexis and WestLaw UPDATE

Use of WESTLAW and LEXIS is a Privilege

By Prano Amjadi

You may have noticed the signs in the WESTLAW/LEXIS computer room that caution students not to print materials that are available in the library. You may have also noticed the overflowing recycling box with all the unnecessary print jobs that are regularly discarded.

Abuses, similar to those experienced here, have compelled the University of San Francisco Law Library to remove the student laser printers from their computer room. (USF has recently decided to reinstate the WESTLAW printer with severe daily limits, but not LEXIS because the limits cannot be enforced.)

At Stanford the problem has been completely avoided. Stanford law students have never been given the option

Associate Library Director M to send print jobs to a stand-alone laser printer.

It would be unfortunate if the privilege were lost here at Santa Clara because of the practices of a minority of students. Continually printing materials that are available in the library is a bad habit, one you will have to break quickly when you enter a firm (since you will be charged per line for printing.)

Printing unnecessary documents (even if they are not available in the library) is another major problem. Not only is it expensive to print materials indiscriminately, but it also leads to sloppy searching. And this hasn't even taken into account the "green" issues that arise from using so much paper.

Before you go to print out a document ask yourself if you would be willing to pay 10 cents a page for that document (what you would pay at the copy machine). Also try to take advantage of abbreviated formats like the LEXIS KWIC.

For Educational Purposes Only

Another concern that could endanger access to WESTLAW and LEXIS

altogether is the use of your student password when working for a firm or judicial externship. Your law school password is intended for classwork, for playing around and discovering new search skills, for assisting faculty with their research, and for job searching. It is not to be used when you are working for someone else.

It doesn't matter that they didn't ask you to use the on-line service, or that they need the materials for research and not for a client. You just can't do it. If they do not provide you with a password, then you are limited to books.

If you encounter a gray area and you are not sure, ask a librarian or a LEXIS/WESTLAW student representative. Individuals found doing research that does not fit within the "educational use" parameters may have their passwords canceled. If LEXIS and WESTLAW investigate instances of abuse the entire law school can lose its contract. This has happened at more than one university.

The librarians and the student reps do not want to become computer police. Every student agrees to adhere to the Code of Student Conduct. Violating your WESTLAW/LEXIS "educational use only" contract would also be a

A PEEK OVER OUR SHOULDERS

A glimpse of what the
library staff is currently
reading

by Diane Cascio

Associate Library Director Mary Hood's literary taste runs to murder mysteries and legal fiction. Apparently thinking that you can't get enough of a good thing, she relaxes from a busy day of sleuthing-out reference questions by solving puzzles and second-guessing detectives. She always carries a book with her and finds time to read while waiting to pick up her two children from their various functions.

Currently in her tote bag - Tickled to Death by Joan Hess. This is one of a series set in Arkansas and featuring Claire Malloy, a female book store proprietor/amateur sleuth.

Kevin Schweikher, Library Specialist III in the Circulation Department, prefers 19th century literature and classics. He enjoys the intricate plots and character development and is

willing to forgive the occasional five page moral rumination or description of decor.

At this time Kevin is reading - Framley Parsonage by Anthony Trollope, the story of a parson's fall from grace at the hands of a neighboring landowner.



Meet The Staff

The Library has two major departments: Public Services and Technical Services. Technical services includes Acquisitions (purchasing and selection of materials), Cataloging (creating the on-line records which describe the materials and classifying them so you can find the items when you need them) and Processing (preparing the books for your use.) In this issue we would like to introduce you to the staff of Technical Services.

Regina T. Wallen, has been the Director of the Technical Services department since 1977. Unfortunately for us, she has just taken a job as Director of Technical Services for Stanford

Law Library. This is a real loss to the library, and we will all miss Reggie very much. We wish her all the best in her new endeavor.

Prano Amjadi, is a cataloger in technical services. Prano, who just last year earned her J.D. at SCU, also has an A.B. from Duke and an MSLS from University of North Carolina at Chapel Hill. She has worked at Heafey since 1988. (She also works half-time in the reference department).

Kendra Anderson, is the head of Acquisitions; she oversees the purchase of library materials. She has a J.D. from Hastings and an MLIS from the University of Oklahoma. She began work at Heafey in 1990.

Diane Cascio, is a cataloging assistant in technical services. She supervises the processing of all library materials and is responsible for the management of the bibliographic portion of the OSCAR database in Heafey. She has been employed here since 1987. She has a B.A. from SUNY New Paltz.

Dolores De La Fuente, as an acquisitions assistant, oversees the processing of periodicals, the bindery shipments, and the mail. Dolores has a great deal of experience in libraries (including

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as a bookmobile person for Santa Clara County library system) and has worked for Heafey since 1989. She has a B.A. from, and is working on her MLS degree at, San Jose State. (Dolores works half-time in reference; she is in charge of Interlibrary Loan.)

Marilyn Dreyer, has worked for Heafey since 1986. She does original and copy cataloging and maintains certain files on the OSCAR database. Marilyn is about to finish her course work for her MLS degree at San Jose State.

Lynn Snyder, has been an acquisition assistant since 1990. Beginning this month, Lynn will be the Law School's new Computer Sciences librarian. Lynn has a B.A. from University of Rochester and an MLS from San Jose State University. She has been with Heafey since 1990.

Overseeing all of the library's varied functions is **Mary B. Emery**, Associate Dean, Professor of Law and Director of the Law Library. Dean Emery, an SCU graduate, has been on the faculty of SCU since 1963 and director of the library since 1972.

Dean Emery is ably assisted by **Patti Hallead**, who has worked

at Heafey since January 1991, as the Dean's Administrative Assistant.



Heafey Headnotes: What's in a Name?

The law library is named for Edwin A. Heafey Sr. (1898-1979), a graduate of the pre-law studies program and a generous supporter of the law school. His contributions made possible the construction of the law library in 1963 and an addition in 1972. He was president of the State Bar in 1957-58 and a Fellow of the American College of Trial Lawyers.

As you all know by now (or as you first years who are in legal research and writing are about to find out), a **headnote** is a summary of each point of law in a judicial or administrative opinion. Headnotes are usually printed above the opinion itself. (They are also referred to as "squibs" or as the syllabus of the case.) In cases published by West, the "Keynote" numbering

system assigns a topic number and name to each headnote; this gives subject access to every case published by West. Headnotes are an ingeniously useful tool to help understand a case and find other cases on a particular point of law.

We hope that you find the *Heafey Headnotes* both useful and entertaining.



**H e a f e y
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New Acquisitions

HELLO from the Acquisitions Department:

Each issue of HEAFEY HEADNOTES will include a column on New Acquisitions featuring some exciting new additions to the Library, and brought to you by one of the staff.

Hope you enjoy it. If you would like to see your favorite subject highlighted here, don't hesitate to contact us.

Kendra Anderson
Acquisitions Librarian

U.S. SUPREME COURT and U.S. CONSTITUTIONAL HISTORY

Annotations by Lynn Snyder,
Acquisitions Department

DREAM MAKERS, DREAM BREAKERS: THE WORLD OF JUSTICE THURGOOD MARSHALL.
Carl T Rowan. Boston, MA:
Little, Brown, 1993.

This biography of Justice Marshall presents a fascinating portrait of his life and career. Drawing upon access to closed NAACP Legal Defense and Education Fund files and conversations with Marshall, Rowan chronicles Marshall's early years as a successful civil rights lawyer through his twenty-four years on the Supreme Court.

THE REJECTED: SKETCHES OF THE 26 MEN NOMINATED FOR THE SUPREME COURT BUT NOT CONFIRMED BY THE SENATE.
Myron J Jacobstein and Roy M Mersky. Milpitas, CA: Toucan Valley Publications, 1993.

From President Washington to President Reagan, 16 of the 39 Presidents have had one or more of their nominees rejected.

THE REJECTED illustrates that politics have always played a prominent part in the appointment process. It also provides valuable insight into the political issues that were dividing the country at the time of each nomination.



RACE AGAINST THE COURT: THE SUPREME COURT AND THE MINORITIES IN CONTEMPORARY AMERICA. Girardeau A Spann. New York: New York University Press, 1993.

In this controversial book, Spann argues that although the Supreme Court is believed to be the guardian of minority rights, the Court has never successfully performed this function. Instead, the actual function of the Court has been to perpetuate the subordination of racial minorities by acting as an agent of majority preferences in the political process. Spann stresses the dangers inherent in allowing the Court to formulate U.S. racial policy.

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OF POWER AND RIGHT: HUGO BLACK, WILLIAM O. DOUGLAS, AND AMERICA'S CONSTITUTIONAL REVOLUTION. Howard Ball and Phillip J Cooper. New York: Oxford University Press, 1992.

A scholarly account of the competing visions of two great Supreme Court justices. The authors relate each man's handling of the issues before the Court during a period of social and political upheaval. They also discuss the debates that often resulted from their differing emphasis on democratically exercised power and individual freedom.

JUSTICES AND PRESIDENTS: A POLITICAL HISTORY OF APPOINTMENTS TO THE SUPREME COURT. 3rd ed. Henry J Abraham. New York: Oxford University Press, 1992.

An analysis of the presidential motivations behind each nomination and an evaluation of how each appointee's performance on the bench fulfilled, or disappointed, presidential expectations.

THE SUPREME COURT AND LEGAL CHANGE: ABORTION AND THE DEATH PENALTY. Lee Epstein and Joseph F Kobyłka. Chapel Hill, NC: University of North Carolina Press, 1992.

Using a case-study approach to the issues of abortion and the death penalty, the authors examine the impetus for some striking shifts in Supreme Court decisions. Traditionally, these shifts have been attributed to personnel changes on the Court, or the political or moral climate of the country. But Epstein and Kobyłka argue that the way litigants frame their legal arguments is equally important in bringing about legal change.

JUSTICE VS. LAW: COURTS AND POLITICS IN AMERICAN SOCIETY. Eugene W Hickok and Gary L McDowell. New York: Free Press, 1993.

Hickok and McDowell discuss the nature and extent of judicial power, the history of the Court's interpretation of the rule of law, and the impact of individual personalities on the Court. They argue that the true purpose of America's courts is to uphold the law, not to engage in politics, and not even to pursue justice.

THE WARREN COURT IN HISTORICAL AND POLITICAL PERSPECTIVE. Mark Tushnet, editor. Charlottesville, VA: University Press of Virginia, 1993.

In a series of essays, nine well-known legal scholars and historians explore how each

justice contributed to making the Warren Court so distinctive in Supreme Court history. The essays examine the Court's political role, as well as how the Court contributed to and reflected changes in American liberalism.

THE CONSTITUTION IN CONFLICT. Robert A Burt. Cambridge, MA: Harvard University Press, 1992.

Burt attacks the accepted notion of judicial supremacy that views the Supreme Court as the "ultimate" interpreter of the Constitution. Instead, he argues for a more "communally interpreted document" in which the Court plays an important, but not predominant role.

SUPREME COURT AND AMERICAN DEMOCRACY. David G Barnum. New York: St. Martin's Press, 1993.

Barnum examines the place of the Court in the American judicial system and details the process by which cases move from the lower courts to the Supreme Court. The book also explores the tension between the Supreme Court's power of judicial review and the fundamental principles of American majoritarian politics.

