4-1-1996

Heafey Headnotes, Vol. 6, No. 4

Santa Clara University - Heafey Law Library

Follow this and additional works at: http://digitalcommons.law.scu.edu/headnotes

Automated Citation

REFERENCE QUESTIONS

The 10 most commonly asked questions or "You've got questions, we've got answers"

By Leslie M. Campbell

1. IS THIS REFERENCE?
Don't be mislead by the Information Services sign!! We changed the sign from "reference" to "Information Services" since we do more than answer reference questions (like InterLibrary loan and Faculty Liaison service.) But we are also there to help you with research problems, with using library resources and with Lexis and Westlaw searches, etc.

Happy National Library Week!!!
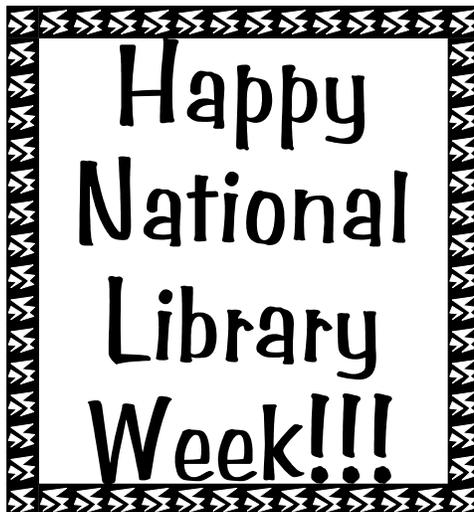
2. WHERE IS THE U.S. CODE?
There are three different editions of the United States Code: **U.S. C.** is the official code published by the federal government. **U.S.C.A.** is the United State Code Annotated published by West. **U.S.C.S.**

"Famous" Librarians

Gathered by Leslie Campbell

In honor of National Library Week, we thought we would share with you some of Librarianship's greats (and not so greats!!)

Christopher Columbus Langdell, the inventer of the case method of the study of law, workd in a law library as a student. (Bet you wished he spent more time in the library!).

Julie Nixon Eisenhower was reputed to have wor ed at Smith College in the library. (There are also rumors surrounding an incident involving a book card and a broken toe!!)

is the United States Code Service published by Lawyers Co-op. They are all on the first floor, north end of the library, central aisle on the right. Remember the official can be up to 2 years out of date!

3. WHERE IS THE CALIFORNIA CODE?

There are two editions of the California Codes: **Deering's**, and **West's.** (Call # KFC30.5 D4 or KFC30.5 W4) These are in the second range of shelves in the California Collection, first floor, just off the main reading room. (West's is the big blue set; Deerings is brown.)

4. MY CITE SAYS "CAL. 3D." IS THAT A SUPREME COURT OR APPELLATE COURT CASE?

Cal. / Cal. 2d. / Cal. 3d. / Cal. 4th (C2, C3, C4 in Shepards) are the Official **Supreme Court** reports.

Cal. App. / Cal. App. 2d / Cal. App. 3d / Cal. App. 4th (CA2, CA3, CA4 in Shepards) are the Official **Appellate Court** reports.

Cal. Rptr. (CR in Shepards) is the Unofficial; it includes **both Supreme Court & Appellate**

cases.

P / P.2d is the Pacific **regional** reporter, which contains **California Supreme Court** cases (as well as cases from Washington, Oregon, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico. Despite being the "pacific" it also includes Kansas and Oklahoma!)

5. IF I KNOW THE NAMES OF THE PARTIES BUT NOT THE CASE CITE, HOW DO I FIND THE CASE?

Its important to know the jurisdiction--federal or state? Which circuit? Which state? Use the appropriate case name index from the **Federal Digest, West's California Digest or American Digest System**. or On Lexis or Westlaw, choose the relevant case database and search the case name field Lexis:

name(penoyer and neff) Westlaw: ti(united states and nixon).

6. I HEARD ABOUT A CASE ON T.V. (OR IN A NEWSPAPER OR FROM MY PROFESSOR) WHERE THE JURY AWARDED $5 MILLION IN DAMAGES. CAN I SEE THAT CASE?

Remember: juries don't write opinions; so no, you can't see that case. Your best bet is to find newspaper or journal articles about it. Use **LegalTrac on OSCAR** or Lexis/Westlaw to search for articles. It helps to know parties' names, jurisdiction, dates etc.

7. THE LEXIS (OR WESTLAW) PRINTER IS OUT OF PAPER (OR INK). CAN YOU HELP ME?

Yes, the reference librarians can help you! If one of the high speed printers is beeping and driving you crazy, please come and get us. (You can also help yourself by not printing items that are in the library--we have all academic law reviews, all state and federal cases and all state and federal statutes--since this uses up copious amounts of paper and ink.)

8. WHAT DOES "ORRADRE" MEAN?

Orradre is the main library on campus, located across from Benson Center. OSCAR will show you both our collection and Orradre's materials.

9. WHERE IS STAUFFER?
Stauffer is the reserve collection behind the circulation desk. You may browse those stacks but anything you take out of the Stauffer room must be checked out. All course reserve materials and the more frequently used treatises, hornbooks and looseleaf sets are located in Stauffer.

10. IN ORDER TO SHEPARDIZE THIS 1965 SUPREME COURT CASE, DO I REALLY HAVE TO LOOK AT ALL OF THE VOLUMES OF SHEPARDS FOR U.S. REPORTS?
Yup. Whenever you shepardize you have to look in every volume of shepards needed to cover the period from the time your case was decided up until today (or as close as Shepards gets to today.) This usually means one (or more) bound volumes, a gold paperback volume and a red paperback volume. (Sometimes there is a newsprint-like pamphlet or a blue pamphlet, too!)

The Truth about Reference Librarians

In honor of National Library Week, a little humor. Adapted from "Will's World", American Libraries, February 1996.

Reference Librarian Top 5 Pet Peeves:

1 Patrons who ask you if you had to go to college to "do this".
2 Patrons who ask unanswerable questions like "how many wild birds starve every year in Maryland?"
3-5 Laser Printers and their attendant multitudes of problems; toner, paper, jams, misfeeds. . . (We can't believe we actually did go to college AND graduate school to "do this!")

Reference Librarian Bad Habits:

1 Distrusting all library administrators.
2 Distrusting all catalogers.
3 Distrusting all patrons.
4 Drinking too much coffee and then going out to the reference desk with a caffeine buzz.
5 Purposefully staying ignorant about legislative history research techniques.

Top 5 Sources of Job Satisfaction:

1 Patrons who say "Thank you."
2 Library directors who say "Thank you."
3 An occasional night and weekend off.
4 A living wage for a family of one.
5 Finding the "unfindable".

Lexis and WestLaw UPDATE

by Prano Amjadi

Summer Access

As the school year begins to wind down, it is time to think of summer access on LEXIS and WESTLAW. Both systems do restrict access to students over the summer months. The basic reasoning behind this reduction is to ensure that students are not tempted to use their school passwords for research in summer clerking positions.

As you have heard many times, your LEXIS and WESTLAW accounts are intended for **educational purposes only**. You should never be asked by any employer to use your student password while working for them; nor should you offer to do research using these online databases.

Both vendors monitor for illegal uses of their systems.

Individuals, and even institutions, have has their privileges revoked for misuse.

Career Info Available

All returning students will continue to have access to the career databases on both systems throughout the summer. Use of these databases can be helpful in obtaining summer positions. If you do not use your password during the summer months, it will automatically be reactivated when Fall classes begin. Please do not discard your password, it will be used until you graduate.

Graduating students will have access to the LEXIS Careers library for 30 days. WESTLAW provides a monthly password to be used after graduation for career databases through the Law School's Career Services Department.

Special Categories

It is possible to have complete student WESTLAW and LEXIS service available throughout the summer, if you fall into certain categories. These include:

♦ Summer school attendees
♦ Law review staff
♦ Faculty research assistants
♦ Moot court participants

To sign up for this extended access on LEXIS, go into the **Career Library** and select the **Summer** file.

For WESTLAW you can fill out the card available at the reference desk, or if you are a web surfer, you can sign up at: http://www.westpub.com/pswdextn.htm.

SANTA CLARA UNIVERSITY
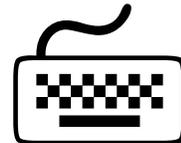
OSCAR

New Oscar Features

Download information to your e-mail account!

OSCAR now lets you send your search results from the library catalog or from a periodical index like Legal Resource Inces (LegalTrac) to your e-mail account. You will get a nice, neat list of the items you have marked.

To makr an item just type **e** when you are looking at it on the screen. When you are ready to download, type **e** from the main menu and follow the prompts. You can choose to download a brief version of the record or the full cataloging record (which can be long.) What you will receive is an e-mail message which lists the items you marked. You can print it out or download it to disk.

SEARCH TIP

EXPORT FEATURE LETS YOU SEND INFORMATION TO YOUR E-MAIL ACCOUNT !

To mark an article that you want to send, just type **e**, It will mark the record. When you are ready to download, type **e** from the main menu. You will get these choices:

E> Export
V> View
C> Clear list of marked records
Q> Quit

Choose **E**.

You will get several choices, generally choose **F** or **B**:

F> Output FULL record -ASCII text format
B> Output BRIEF record -ASCII text format

("**B**rief" gives you the Call Number, Author, Title and Publisher)

You will get these choices next:

P> Print
E> E-mail
C> Capture
Q> Quit

Choose **E** to send it to your e-mail account. It will ask you to enter you full e-mail address (yourname@scuacc.scu.edu) and a subject.

A brief record will look like this:

Call #: KF1610 .E7 1981
Author: Epstein, David G., 1943-
Title: Consumer law in a nutshell
Pub: St. Paul, Minn. : West Pub. Co., 1981

You can also print out a list of selected items!
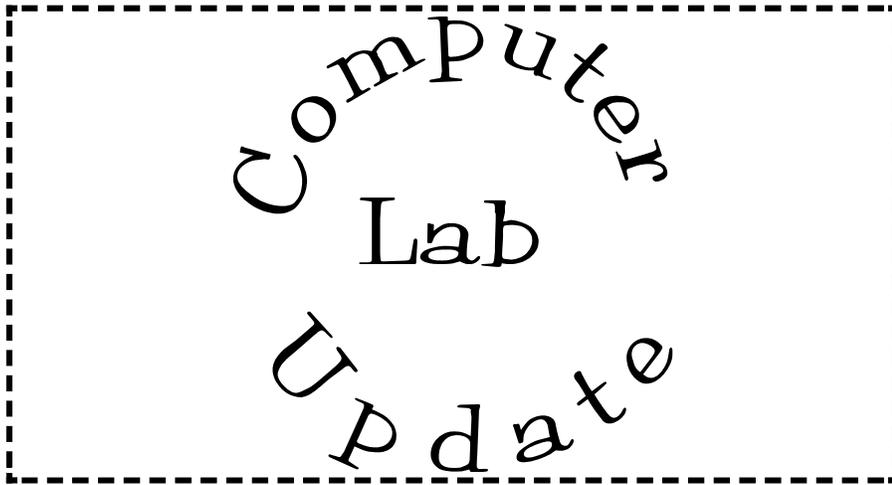
COMPUTER VIRUSES

by Lynn Snyder

There are currently more than 9,000 known computer viruses. Estimates are 100 new viruses are created every month. What are computer viruses? What can you do to guard your software and data against such formidable, quickly mutating foes?

Computer viruses are small hidden computer programs that can destroy critical system functions and data, or they can be somewhat benign in nature. Companies have had to shut down their networks due to viruses and have lost millions of dollars as a result. Robert T. Morris's "Internet Worm" was particularly costly; this virus took advantage of a few well known UNIX bugs and used them to crash systems. It used mail systems to spread itself over the Internet and cost an estimated $10 million to "clean up."

On the other hand, some viruses cause your computer to make laughing sounds, or send harmless messages to your screen such as "Your computer is stoned."

A virus can spread without the knowledge of the user and can infect any program that comes in contact with it. The virus moves from computer to computer when an infected disk is used to start the computer or when an infected program is run by the user.

Viruses are classified by what they attack when they infect a computer system. Types of viruses include:

FILE VIRUSES: This type of virus attaches itself to executable programs such as .com, .exe, .ovl, .drv, and .sys files. A virus will become active and often spread when an infected program is loaded into memory, i.e. executed. While in memory, the virus infects programs that are subsequently executed.

BOOT VIRUSES: Boot viruses modify the boot sector or boot tables (FAT tables) of a hard drive or floppy drive. The boot sector of a hard drive controls how your operating systems starts when you turn on your computer. A boot virus, such as Stoned or Form, replaces the original boot sector with its own. Once the infected boot sector is read, it is loaded into memory where it may spread and affect system performance. Boot tables tell the computer how files

are stored on the disk. A virus will change the data contained in the table making the computer read from the wrong part of the disk.

MULTIPARTITE VIRUSES: These are the multi-talented part of the family, striking both executable files and boot sectors.

TROJAN HORSES: These are crude, "front door" attacks. They are programs with hidden agendas that appear perfectly legit on the surface. Examples are AIDS, a program that advertises itself as an AIDS database but actually destroys the hard disk when downloaded and executed, and pkzip3000.zip, a file that appears to be a new version of PKZIP but in reality is yet another insidious virus.

MACRO VIRUSES: This is a new type of virus that uses a program's own macro programming language to distribute itself. Macro viruses do not infect programs, they infect documents. The <u>Concept</u> Virus, which lets you save documents only as templates, the <u>DMV</u> Virus, which is similar in nature to the Concept virus, and the <u>Nuclear</u> Virus are some of the

more "popular" macro viruses.

Virus characteristics include the following:

1) **Memory resident**: The virus loads into memory with the host program and stays resident when the host program is closed and other programs are executed. This is the most common characteristic.

2) **Non-resident**: The virus does not stay resident in memory after the host program is closed.

3**) Stealth**: A virus with this characteristic has the ability to hide from detection by anti-virus software by covering clues of its existence. It is only capable of doing this while resident in memory.

4) **Encrypting**: The virus hides by encrypting or transforming itself so virus scanners cannot recognize its signature. However, in order to be active and spread, it must first decrypt itself. It can be detected at this point.

5) **Polymorphic**: The virus has the ability to mutate by changing its own code segments or signature by

which it can be identified. Each infection varies from the previous one. This is one of the most challenging viruses to detect.

6) **Triggered event**: The virus is programmed to perform when triggered by a specific event: a date, a time of day, sequence of key strokes, etc. (e.g., the Michelangelo virus is triggered by the date March 6).

Computer viruses can be detected by the average user if they know what signs to look for--some common symptoms of infection include: programs taking longer than usual to load; the size of program files change; the disk runs out of free space when it seems to have plenty; on DOS-based machines, the CHKDSK command does not show the correct amount of bytes; disk drive is active when it shouldn't be; the hard drive is inaccessible when booting from a floppy drive; unrecognized files appear; file names change; screen becomes distorted; and the text on screen does unusual things. But the easiest way to detect the presence of a virus is to have an anti-virus

software installed on your computer.

A good anti-virus policy depends on the knowledge and cooperation of the users. To combat the computer virus menace, the following steps should be adhered to on any computer you use:

1) ALWAYS have at least one, possibly two, backed up copies of important files and documents on different disks; this should include routine hard drive back ups as well.

2) Install an anti-virus software that can detect, track and destroy viruses. Some products are McAfee, Norton's Anti- virus and F-Prot. Shareware products are available on the Internet. It is advisable to scan your computer and software using several different products.

3) Prepare a clean Rescue disk for your computer. For the PC, this should contain all system files in addition to the *autoexec.bat* and *config.sys* files. The disk should be write-protected. If your computer becomes infected with a virus, you can use this disk to reboot your system.

4) Scan all new software (even shrink-wrapped software) and disks before installing and using.

5) Periodically update your anti-virus software to keep up-to-date on new viruses.

Lab computers are exceptionally susceptible to infection. The PC computers in Toso and Ruffo have both McAfee and Norton's Anti-virus installed. McAfee scans on boot-up and Norton's can be used to scan any floppies you use in the computers. You are doing your fellow

ALSO NEW IN THE TOSO: Mac sign-up sheets

Due to concerns about crowding (and jostling and pushing) on the Macs, starting soon, there will be sign-up sheets in Toso so you can reserve time to use them.

We will try with a 3 hour sign-up period. (This means 3 hours MAXIMUM per day when people are waiting.)

You must also sign in when you begin using the computer so others can tell how long you have been using it. (Just like the sign up sheets for the stairmaster at the gym!)

This will only work if

The Lighter Side of Computer Viruses

Not that we don't think viruses are very serious (deadly serious if you happen to be a c-drive) but we thought a little humor couldn't hurt. (These were found on the Internet by our own Kendra Anderson.)

Congressional Virus -- The computer locks up, screen splits erratically with a message appearing on each half blaming the other side for the problem.

George Bush Virus -- It starts by boldly stating, "read my test. . . No new files!" on the screen, proceeds to fill up all the free space on your hard drive with new files, then blames it on the Congressional Virus.

Bill Clinton Virus -- Slows down processor reaction time and affects memory but computer will swear it didn't inhale.

Federal Bureaucrat Virus -- Divides your hard disk into hundreds of little units, each

A PEEK OVER OUR SHOULDERS

-A glimpse of what the library staff is

by Diane Cascio

Patti Hallead, Administrative Assistant to Dean Mary Emery, has always loved to read. However she finds that the challenges of being a single parent with a high schooler and a toddler commandeer most of her time and energy. After dinner and dishes and baths, (and a reading of**Goodnight Moon**,) she treats herself to the latest non-fiction. Her favorite author is the true-crime writer **Ann Rule** and Rule's latest, **Dead by Sunset**, is at the top of Patti's to-be-read pile.

Patti's current book is **Reviving Ophelia: Saving the Selves of Adolescent Girls** by **Mary Pipher**. Pipher, a psychologist and counselor, believes that today's culture places pressure on young women to deny their true personalities and conform to unrealistic standards, destroying their self-esteem and -image. This book is helping Patti to understand her own adolescent daughter and is highly recommended.

Library Specialist III Dolores de la Fuente divides her time between Interlibrary Loan at the Reference Desk and Periodicals in the Acquisitions Department. Having recently completed her MLS at San Jose State University, Dolores is finally free to binge on all the books that she had to pass up during her studies. She prefers women authors who write non-fiction, particularly nature writing and true adventure. One of her favorite reads is **Another Wilderness**, a collection of women's sports adventures.

Given Dolores' preferences her current choice of reading matter is a bit surprising. **Pat Conroy's Beach Music** is a family saga set in South Carolina. While she agrees that Conroy tells a great story and uses words skillfully,

Who's Who in the Library
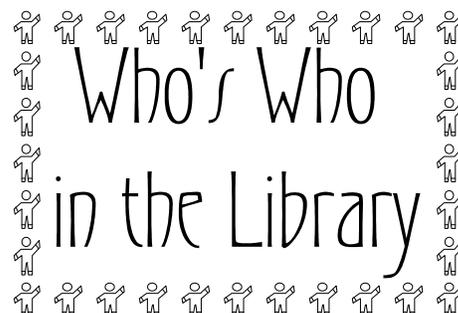
The Library has two major departments: Public Services and Technical Services.

Technical Services

Technical services includes Acquisitions (purchasing and selection of materials), Cataloging (creating the online 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.)

Kendra Anderson, is the head of Acquisitions.

Diane Cascio, is an acquisitions assistant.

Dolores De La Fuente, is an acquisitions assistant, and half-time in reference assistant. (She is in charge of InterLibrary Loan.)

(Continued from page 9)

Marilyn Dreyer, is a cataloger.

Patricia S. Neff, is the head of Technical Services.

Tamara Pritchard, is a cataloging assistant.

Public Services

Public Services responsible for the operation of the circulation and reference desks and the Computer Services Department. Reference staff, in addition to answering your questions, creates of library handouts and , teach classes, negotiate InterLibrary Loans and act as faculty liaisons. Circulation deals with circulation of all library materials, conference room reservations, library displays and is generally the "first line of defense" for the library. The computer Services Department helps us all with our (ever growing number of) computer problems.)

Prano Amjadi, works half-time in reference as a reference librarian. and half-time as a cataloger in technical services.

David Bridgman, works half-time for Heafey as a reference librarian (and FULL time for Stanford!)

Leslie Campbell, is the Head of the Circulation Department and half time reference librarian.

Norman Davidson, is the Evening Circulation Supervisor.

Barbara J. Friedrich, is the Head of Reference.

Mary D. Hood, is Associate Director of the Law Library and works the reference desk.

Gladeen Leboeuf is the Circulation Desk Supervisor.

Kevin Schweikher, is the Weekend Circulation Supervisor.

Lynn Snyder, is the Computer Services Librarian

Aquinas Tambimuttu, is the Stack Maintenance Supervisor.

Who's in Charge?

Overseeing all of the library's varied functions is **Mary B. Emery**, Associate Dean, Professor of Law and Director of the Law Library.

ean Emery is ably assisted by **Patti Hallead**, the Dean's Administrative Assistant.

New Acquisitions

Civil Rights

Selected New Titles Annotated by Kendra Anderson

The Rehnquist Court and Civil Rights. David F B Tucker. Brookfield, VT: Dartmouth Publishing Company, 1995.

A part of the Dartmouth Series in Applied Legal Philosophy, this book is about the growing disenchantment within the U.S. with its dualist democracy. It focuses on the role of the judiciary and the wide discretion allocated to judges who are expected to make policy. The author explores the conservative concerns about our political system's performance.

On the Limits of the Law: The Ironic Legacy of Title VI of the 1964 Civil Rights Act. Stephen C Halpern. Baltimore: Johns Hopkins University Press, 1995.

By analyzing the history of Title VI (prohibiting racial discrimination in programs receiving federal funding), this book examines how the dependence on the law and legal concepts has limited the campaign for racial justice. It tries to understand the evolution and consequences
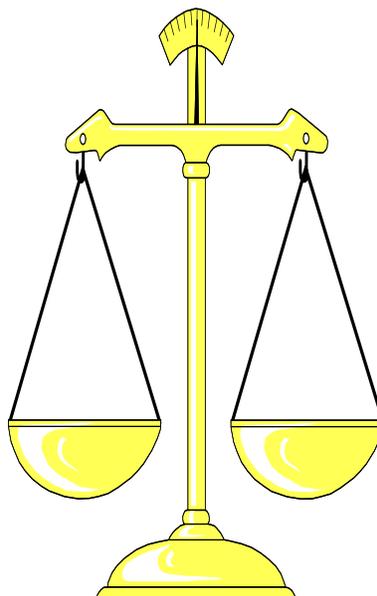
of the efforts to use the legal system to realize the right to equal educational opportunity.

Constitutional Rights: Civil Rights and Civil Liberties. 2nd ed. Louis Fisher. New York: McGraw-Hill, 1995.

This text treats the Supreme Court and lower courts as one branch of a political system, sharing the responsibility with the legislature and the executive for defining political values, resolving political conflict and protecting the political process. The author considers law to be a part of history, economics, sociology, ethics, and a philosophy of life.

Civil Rights in the Workplace. 2nd ed. Henry H Perritt, Jr. New York: Wiley Law Publications, 1995.

This two-volume set is about statutory remedies for race, sex, religious, and disability discrimination in the wake of controversial amendments to the federal Civil Rights Act

adopted in 1991. It focuses on what beginners and experienced employment discrimination lawyers need to know. Contains the full text of the 1991 amendments and the full text of major cases.

The Right to Religious Liberty: The Basic ACLU Guide to Religious Rights. 2nd ed. Barry Lynn, Marc D Stern, Oliver S Thomas. Carbondale: Southern Illinois University Press, 1995.

This handbook sets forth the rights under present law and offers suggestions on how they can be protected. Presented in a question-and-answer format, it seeks to raise major issues and inform the nonspecialist of the basic law.

❖

HOURS REMINDER
We will be on FINALS Schedule
Beginning Saturday April 20, 1996

FINALS HOURS:
MONDAY - THURSDAY	**8am - 2 am**
FRIDAY	**8am - 12 am**
SATURDAY	**9am - Midnight**
SUNDAY	**10am - Midnight**

REMINDER:

WE MAY BE CHECKING ID'S AT PEAK TIMES DURING FINALS
EVERYONE WILL BE REQUIRED TO SHOW THEIR ACCESS CARD
BE SURE TO HAVE YOUR ACCESS CARD WITH YOU!!!

Jacob and Wilhelm Grimm started off in libraries and the study of law, but had to quit to support their day job of compiling tales and customs.

J. Edgar Hoover worked for four and one half years at the Library of Congress (1913-1917), primarily in the order department. His initial salary was $30.00 per month which was about the same salary he had earned delivering groceries while in high school.

Major Owens, 195th Congressional District, Brooklyn, N.Y. is the only member of the House of Representatives who holds a professional library degree.

Archibald McLeish was Librarian of Congress.

Mao Zedong was an assistant librarian at the University of Beijing in 1918-1919

Giovanni Jacopo Casanova De Steingalt, 18th-century Venetian adventurer and author spent his later years as Count Waldenstein's librarian at the Chateau of Dux in Bohemia. (No, I do not make this stuff up!!)

Gottfried Wilhelm von Leibniz, German philosopher

of which do practically nothing, but all of which claim to be the most important part of the computer.

Politically Correct Virus -- never calls itself a "virus", but instead refers to itself as an "electronic micro-organism."

PBS Virus -- Your PC stops every few minutes to ask for money.

Right to Life Virus -- Won't allow you to delete a file regardless of how old it is, yells "oh no you don't" if you choose "Abort" from the "Abort, Retry, Fail" message and if you attempt to erase a file, it requires you to first see a counselor about possible alternatives.

LAPD Virus -- It claims it feels threatened by the other files on your PC and erases them in "self-defense."

Ted Turner Virus -- Colorizes you monochrome monitor.

Arnold Schwarzenegger Virus --Terminates and stays resident. It'll be back!

Elvis Virus -- Your computer gets fat, slow and lazy and then self destructs, only to resurface at shopping malls and service stations across rural America.

Freudian Virus -- Your computer becomes obsessed with marrying its own motherboard.

Airline Virus -- You're in Dallas, but your data is in Singapore.

Chicago Cubs Virus -- Your PC makes frequent mistakes and comes in last in the reviews, but you still love it!

☺