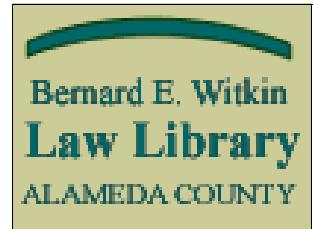


# News From...

## The Alameda County Law Library



125 12th Street Oakland, CA 94607 (510) 208-4800

Fall 2009

Volume 1, Issue 4

### Points of Interest:

- **Borrowing Privileges:** ANY attorney can obtain a library borrowing card for a fee of \$5.00.
- **Collection Strengths:**
  - California practice guides published by Rutter Group, CEB, and Matthew Bender.
  - Extensive Taxation, Bankruptcy & Federal Practice collections.
- **Free Electronic Services:** Westlaw, Lexis, Shepard's, OnLaw, VerdictSearch & HeinOnline.
- **MCLE:** CDs & DVDs available for rent.
- **Conference Rooms:** available for rent.
- **Wi-Fi Hotspot!**

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## Announcing VerdictSearch Online!

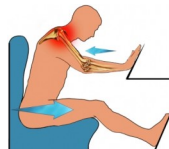


The Alameda County Law Library now offers library users access to VerdictSearch Online **free of charge** on computer terminals at the Main Library in Oakland. The VerdictSearch Online database contains searchable case reports for every jury verdict, settlement agreement, judgment, and ADR decision that has been reported in a *VerdictSearch* publication (formerly *Jury Verdicts Weekly*) since 1985. *VerdictSearch* publications summarize jury verdicts, judgments, settlements, and ADR decisions for select civil cases heard in state and federal trial courts in all 50 states, with an emphasis on personal injury cases. In addition to information about the type of case, parties involved, injuries sustained, venue, and presiding judge, each case report **discloses the monetary damages awarded or settlement terms reached**, making VerdictSearch Online a **robust case valuation tool**.

Searching all *VerdictSearch* publications simultaneously, VerdictSearch Online allows users to identify relevant cases quickly. By limiting your search by type of injury, cause of action, party name, age or gender of plaintiff, court, presiding judge, and/or keyword, you can retrieve a targeted list of cases similar to your fact situation, helping you to predict potential damages. Determining the amount of damages a case may bring facilitates informed decision making with respect to accepting clients, requesting damages, and evaluating settlement offers.

VerdictSearch case reports can be printed on the library's print server at a cost of twenty-five cents/page, or **emailed** free of charge.

A bibliography of the library's other case valuation resources can be found here: <http://www.acgov.org/law/documents/CaseValuationBibliography.pdf>



## Local Artist to Exhibit at Law Library

The Alameda County Law Library Presents.....

### *“Light on Lake Merritt”*

November 1 - December 31, 2009

A Collection of Photographs by Laura Sutta

Artist’s Reception: Friday, December 4, 2009  
5:00 p.m. - 7:00 p.m.

In the months of November and December, the Alameda County Law Library will host *“Light on Lake Merritt,”* a collection of digital photographs by local artist Laura Sutta. In this series, Sutta has captured Lake Merritt at its best: vivid dayscapes, splendid sunsets, squawking waterbirds, and other natural nuances we tend to miss as we drive or walk by the lake. Her photographs will be displayed prominently at the Main Library in Oakland.



“The Enchanted Lake”

### About the Artist:

Laura Sutta is an award-winning photographer who, among other projects, depicts Lake Merritt’s changing seasons, times, and wildlife. Laura’s work has been shown widely in area galleries, and hangs in county buildings as part of the permanent Alameda County Art Collection. Her photographs also appear in private collections in the Bay Area, India, and Israel. In September, 2009, The San Francisco Estuary Project chose Sutta’s work, *“In the Flow,”* as one of the top 20 winners of their Juried Art Competition.



“Black Magic”

For more information about the exhibit or reception, contact:

Claudia Cook  
Alameda County Law Library  
125 12<sup>th</sup> Street  
Oakland, CA 94607  
(510) 208-4830  
Claudia.Cook@acgov.org

Contact Laura Sutta directly at:

Telephone: 510-444-3820  
Email: [sutta@earthlink.net](mailto:sutta@earthlink.net)  
Artist website: [www.laurasutta.com](http://www.laurasutta.com)

## **National Consumer Law Center Library and Companion Website**

The Alameda County Law Library maintains a subscription to the complete library of consumer protection manuals published by the National Consumer Law Center. Written for consumer's rights and bankruptcy attorneys, the manuals provide expert analysis of the laws governing debtor rights', credit and banking, consumer litigation, unfair and deceptive practices, and warranties. Each manual examines controlling federal and state statutes, rules, regulations, and case law, and explores available legal remedies. The manuals also contain, in separate appendices, the full-text of the cited laws, litigation checklists, sample complaints, requests for discovery, trial documents, and jury instructions.

The library's subscription to the NCLC Library provides library patrons access to a companion web domain, Consumer Law on the Web. The companion web domain contains searchable, electronic versions of the laws and litigation documents included in the appendices of each manual. Documents can be retrieved by title, keyword, document type, and appendix section number, and opened as PDF documents. Pleadings can also be downloaded as Microsoft Word documents.

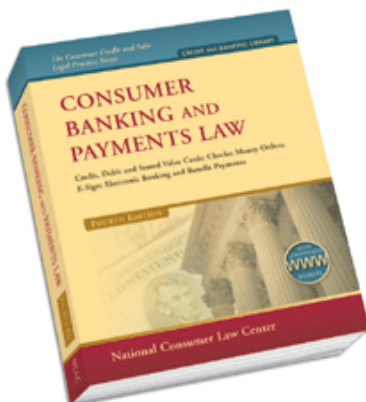
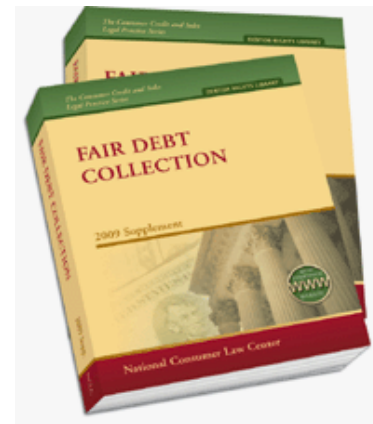
Patrons at the Main Library in Oakland can access the NCLC web domain on any of the library's computer terminals, or on their own laptops through the library's wireless network. Patrons accessing the NCLC web domain on library terminals have the option of printing documents at a cost of twenty-five cents/page, or saving them to a flash drive. Patrons accessing the NCLC web domain on their own laptops can save the documents directly to their computer.

### **Debtor Rights Library**

- *Consumer Bankruptcy Law and Practice*
- *Fair Debt Collection*
- *Foreclosures: Defenses, Workouts, and Mortgage Servicing*
- *Repossessions*
- *Student Loan Law*
- *Access to Utility Service*

### **Credit & Banking Library**

- *Truth in Lending*
- *Fair Credit Reporting*
- *Consumer Banking and Payments Law*
- *The Cost of Credit*
- *Credit Discrimination*



### **Consumer Litigation Library**

- *Collection Actions: Defending Consumers & Their Assets*
- *Consumer Class Actions*
- *Consumer Arbitration Agreements: Enforceability & Other Topics*
- *Consumer Law Pleadings: Pleadings From All NCLC Manuals*

### **Deception & Warranties Library**

- *Unfair and Deceptive Acts & Practices*
- *Automobile Fraud*
- *Consumer Warranty Law*

## Satisfy Your MCLE Requirements Before the February Deadline

The Alameda County Law Library helps attorneys meet their continuing education requirements in two ways:

1. **MCLE Programs.** The law library regularly hosts MCLE programs on hot topics in the law. We strive to recruit noted experts who are interested in sharing their insights and experiences with the local legal community. The library's current MCLE program schedule, with links to registration forms is available at: <http://www.acgov.org/law/>



2. **Self-Study MCLE Materials.** The law library maintains a large collection of MCLE CDs, tapes, and DVDs for self-study credit. MCLE materials may be checked-out of the library for 1 week at a cost of \$15.00/credit hour, or used in-house at a cost of \$7.50/credit hour. A large portion of the library's MCLE collection is devoted to the required subjects. A complete list of the materials and their rental costs is available at the following link: <http://www.acgov.org/law/documents/mcle.pdf>



## Upcoming CLE and Non-CLE Programs

The following MCLE programs will be held at the Main Library located at 125 12th Street in Oakland.

**Tuesday, December 8, 2009, 12:30-1:30 p.m. "Landlord-Tenant Law,"**  
**Presented by Katherine Ryan, Attorney and Real Estate Broker. (1 Unit)**  
 Registration Form: [http://www.acgov.org/law/flyer\\_registration.pdf](http://www.acgov.org/law/flyer_registration.pdf)



**Tuesday, December 15, 2009, noon-1:00 p.m. Webcast: "Attorneys & Addiction."** (1 Unit Substance Abuse Prevention/Detection Credit)  
 Registration Form: [http://www.acgov.org/law/Attorneys\\_and\\_Addiction.pdf](http://www.acgov.org/law/Attorneys_and_Addiction.pdf)

**Tuesday, February 16, 2010, "TROs and Injunctions,"**  
**Presented by Brad Dempsy, Attorney and Author of**  
*Injunctive Relief: TROs and Preliminary Injunctions*, ABA (2009). (1 Unit)  
 Registration Form: forthcoming



**Tuesday, May 11, 2010, noon-1:00 p.m. 13th Annual Witkin Institute:**  
**"How to Make Winning and Ethical Use of Legislative History,"**  
**Presented by Carolina Rose, JD and President of Legislative Research Inc.**  
 (1 Unit Legal Ethics Credit)  
 Registration Form: forthcoming



For more information, or to register for an event, call the library's Administrative Office at (510) 272-6483.

## Library Bibliographies

The Alameda County Law Library maintains a series of materials' bibliographies that list the library's current print holdings in specific subject areas. Only up-to-date, practice-oriented and self-help resources are included in the bibliographies. Resources listed in the bibliographies are grouped alphabetically and by sub-topic, and the call number and stack number are provided for each title, making the bibliographies useful finding aids.

The library currently maintains the following bibliographies:

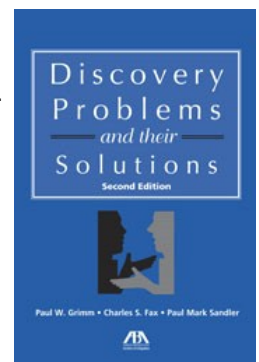
- Advance Health Care Directives & Powers of Attorney Bibliography
- Bankruptcy and Credit Repair Bibliography
- Case Valuation Bibliography
- Conservatorships & Elder Law Bibliography
- Estate Planning & Probate Resources Bibliography
- Family Law Bibliography
- Insurance Law Bibliography
- Legal Ethics, Malpractice & Judicial Conduct Bibliography
- Landlord-Tenant Law Bibliography
- Real Property & Construction Law Bibliography
- Taxation Law Bibliography



Library bibliographies can be viewed at the following link: <http://www.acgov.org/law/researchguide.htm>

## NEW TITLE: *Discovery Problems and their Solutions*

Discovery is a critical phase in the litigation process. Information obtained through discovery can win or lose a case, or force its resolution before trial through settlement or dispositive motion. Despite the importance and considerable expense associated with discovery, it is often assigned to new associates or paralegals who lack familiarity with the rules of discovery. This inexperience can result in improper requests, incomplete disclosure, and sanctionable conduct. In their new work *Discovery Problems and their Solutions*, authors Paul Grimm, Charles Fax, and Paul Mark Sandler explore common problems that can arise during discovery, and offer strategies for avoiding or mitigating these problems. The problems are presented as hypotheticals, and solutions are proffered through careful analysis of applicable discovery rules and controlling case law.



The authors begin their work with a brief overview of the federal rules of discovery (*FRCP* 26-37, 45). Subsequent chapters present strategies for effectively using discovery devices, including interrogatories, depositions, requests for admissions, document production, and expert witness retention, and explore issues that may arise when propounding and responding to discovery requests. Strategies are presented for resolving discovery disputes, avoiding sanctions, and moving for protective orders. The importance of cooperating and compromising with opposing counsel is stressed throughout the work as a strategy for facilitating the smooth exchange of information.

Offering practical insights and thorough analysis of the rules of discovery, *Discovery Problems and their Solutions* is an excellent resource for litigators. It is available at the Main Library in Oakland and may be checked-out of the library by registered borrowers.

## **Bail and Penalty Schedules Online**

The *Alameda County Non-Traffic Misdemeanor and Infraction Bail Schedule* is now available online at: [http://www.alameda.courts.ca.gov/courts/fees/Misd\\_NonTraffic\\_Bail\\_Schedule.pdf](http://www.alameda.courts.ca.gov/courts/fees/Misd_NonTraffic_Bail_Schedule.pdf)

The schedule is organized by code section under which the charge was brought. For each offense, a brief description of the offense is provided, along with the classification of the offense (infraction, misdemeanor, misdemeanor wobbler, or felony wobbler), a bail figure, and the maximum sentence provided by law.

The *Uniform Bail and Penalty Schedule* for traffic, boating, forestry, fish and game, public utilities, parks and recreation, and business licensing offenses that is promulgated by the California Judicial Council is also available online at: [http://www.courtinfo.ca.gov/reference/documents/2009\\_jcbail.pdf](http://www.courtinfo.ca.gov/reference/documents/2009_jcbail.pdf)



### **SAVE THE DATE!**

**May 11, 2010  
12:00– 1:00 p.m.**



***13th Annual Bernard E. Witkin Institute:  
“How to Make Ethical and Winning Use of Legislative History”***

**Presented by Carolina Rose, JD, Principal, Legislative Research, Inc.**

**1 Unit MCLE Ethics Credit**

***Complimentary lunch will be provided***

### **NEW TITLE!: California Summary Judgment & Related Termination Motions**

This new addition to the Rutter Group series of California practice guides is an essential resource for anyone tasked with making or opposing a terminating motion. Separate chapters are devoted to motions to quash, demurrers, motions to strike, motions for judgment on the pleadings, motions for summary judgment or summary adjudication, and motions to dismiss. For each type of motion, multiple motion templates and supporting and opposing points and authorities are provided, along with information about use of the motion, its statutory basis, and key procedural considerations. The motion templates can be easily adapted to reflect your client’s fact situation, and the grounds and authorities on which your motion rests.



A how-to guide for “attacking the pleadings,” *California Summary Judgment & Related Termination Motions* is a comprehensive reference for attorneys seeking to terminate a case before trial, or to oppose a terminating motion. It is available at the Reference Desk at the Main Library for in-library use only and has an accompanying forms CD-rom.

## **Spotlight On: BNA's Tax Management Portfolios**

*BNA's Tax Management Portfolios* are a series of handbooks designed to help practitioners grapple with tax-related problems. Individual portfolios provide comprehensive coverage of a specific tax issue through detailed and practical analysis of relevant tax statutes, cases, rules, and regulations. When applicable, the portfolios also contain worksheets, form templates, legislative history information, IRS forms, and sample tax returns.



The law library maintains a standing order to the U.S. Income, Foreign Income, and Estate, Gifts & Trusts libraries.

Lists of the *Tax Management Portfolios* to which the library subscribes are available at the following links:

U.S. Income Taxation Portfolios: [http://www.bnatax.com/tm/usincome\\_list.pdf](http://www.bnatax.com/tm/usincome_list.pdf)

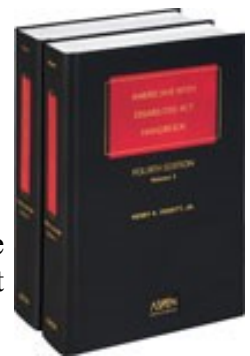
Estates, Gifts & Trusts Taxation Portfolios: [http://www.bnatax.com/tm/egt\\_list.pdf](http://www.bnatax.com/tm/egt_list.pdf)

Foreign Income Taxation Portfolios: [http://www.bnatax.com/tm/fi\\_list.pdf](http://www.bnatax.com/tm/fi_list.pdf)

The library's collection of *Tax Management Portfolios* is housed at the Main Library. Each *Portfolio* can be checked-out by registered borrowers for a period of two weeks.

## **NEW TITLE!: Americans with Disabilities Act Handbook**

Codified in 1990, the Americans with Disabilities Act creates a protected class for individuals with "qualified" disabilities and imposes obligations on employers, public entities, commercial enterprises, transit agencies, and communications' companies to provide reasonable accommodations to such persons in order to facilitate access to services or to prevent discrimination or disparate treatment.



Published by Aspen Press, *The Americans with Disabilities Act Handbook* offers complete analysis of each provision of the Act and the statutory and regulatory requirements the Act places on employers, state and local governments, commercial enterprises, and providers of transit and communications' services. The authors offer procedural guidance for bringing or defending a claim under the Act, and analysis of case law that has been litigated under the statute to date. A large selection of ADA litigation form templates, including complaint and answer forms, motion forms, and discovery forms, are included throughout. The complete legislative history of the Act is also provided.

In recent years the number of lawsuits brought under the ADA has increased dramatically, particularly in the areas of employment discrimination and building accessibility. *The Americans with Disabilities Act Handbook* is an excellent resource for attorneys seeking to prove or defend an alleged violation of the statute.

*The Americans with Disabilities Act Handbook* is available at the Main Library and can be checked-out by registered borrowers.

## **NEW TITLE!: Red Flags: A Lawyer's Handbook on Legal Ethics**

*Red Flags: A Lawyer's Handbook on Legal Ethics* is a new title from ABA designed to help attorneys successfully navigate the legal ethics minefield. This slim volume is an essential resource for any attorney who finds themselves caught in an ethical dilemma.

In successive chapters, the authors address common ethical issues that can arise during various stages of representation, including those related to initial client contact, fee agreements, client communications, confidentiality, attorney competence and diligence, and conflicts of interest. The consequences of committing an ethical violation are also explored, which, depending on the nature and severity of the violation, can include sanctions, fee forfeiture, malpractice allegations, and/or criminal penalties. Finally, the authors examine primary and secondary resources practitioners should consult when researching ethics questions.

Stylistically, the authors take an unusual approach, using a Q&A method to place ethical issues in a practical context. Each Q&A is interspersed with short essays that give citations to relevant provisions of the *Model Rules of Professional Conduct* and sections of the *Restatement of the Law Governing Lawyers*, cases, and other materials.

The ➤ Red Flag ➤ sections of the book are a great visual for identifying potential problems or traps that the practitioner may not have considered.

The authors raise a ➤ Red Flag ➤ about their book, cautioning that it is not a complete reference for researching the law of professional responsibility, but rather “an excellent starting point for identifying issues and thinking through solutions.”

*Red Flags: A Lawyer's Handbook on Legal Ethics* is available at the Main Library and is a circulating title.

## **Legal Ethics Resources at the Library and on the Web**

### **Legal Ethics, Malpractice & Judicial Conduct Bibliography:**

- [http://www.acgov.org/law/Legal\\_Ethics\\_Malpractice\\_Judicial\\_Conduct\\_Bibliography.pdf](http://www.acgov.org/law/Legal_Ethics_Malpractice_Judicial_Conduct_Bibliography.pdf)

### **Attorney Ethics:**

- California State Bar Ethics Opinions (1965– present): [http://calbar.ca.gov/state/calbar/calbar\\_generic.jsp?cid=10133](http://calbar.ca.gov/state/calbar/calbar_generic.jsp?cid=10133)
- ABA Formal Ethics Opinions: available through the law library's Westlaw subscription
- *California Rules of Professional Conduct*: [http://calbar.ca.gov/calbar/pdfs/rules/Rules\\_Professional-Conduct.pdf](http://calbar.ca.gov/calbar/pdfs/rules/Rules_Professional-Conduct.pdf)
- *ABA Model Rules of Professional Conduct*: [http://www.abanet.org/cpr/mrpc/mrpc\\_toc.html](http://www.abanet.org/cpr/mrpc/mrpc_toc.html)

### **Judicial Ethics:**

- California Commission on Judicial Performance Discipline & Decisions' Database (1961-present): <http://cjp.ca.gov/index.php?id=27>
- *California Code of Judicial Ethics*: [http://courtinfo.ca.gov/courts/supreme/documents/ca\\_code\\_judicial\\_ethics.pdf](http://courtinfo.ca.gov/courts/supreme/documents/ca_code_judicial_ethics.pdf)

## Linking to the Alameda County Law Library

- **Library Catalog:** <http://204.50.92.82/search.asp?mode=search>
- **Recently-Acquired Titles:** <http://www.acgov.org/law/publictns.htm>
- **Circulation Policies:** <http://www.acgov.org/law/policies.htm#1>
- **List of Library MCLE Materials:** <http://www.acgov.org/law/mcle.pdf>
- **Conference Room Rentals:** <http://www.acgov.org/law/services.htm#4>
- **Legal Databases:** <http://www.acgov.org/law/services.htm#1>
- **Research Guides/Bibliographies:** <http://www.acgov.org/law/researchguide.htm>



## Library Hours

**Main Library (Oakland)**  
MWF 8:30 am - 6:00 pm  
TuTh 8:30 am - 9:00 pm  
Closed Weekends

**Branch Library (Hayward)**  
M-F 8:30 am - 5:00 pm  
Closed Weekends

## Upcoming Library Holidays

Thanksgiving Day, November 26, 2009  
Day After Thanksgiving, November 27, 2009  
Christmas Day, December 25, 2009  
New Year's Day, January 1, 2010



## California Legislative History Information on the Web

- 1. California Bill Information (1993-present):** <http://leginfo.ca.gov/bilinfo.html>
  - For each bill proposed to the California legislature since 1993 includes all versions of the bill (as introduced, amended, enrolled, chaptered), floor and committee analyses, votes, any veto message, and the current status. The **Legislative Counsel's Digest** for each bill is included before the text of the chaptered bill.
  - Searchable by bill number, author, or keyword.
- 2. California Statutes and Amendments to the Code (1850-1996):** <http://192.234.213.35/clerkarchive/>
  - PDF scans of all volumes of *California Statutes and Amendments to the Code* published between 1850-1996. The *Statutes* volumes contain the full-text of the laws chaptered during the legislative session.
  - From this webpage, click on the scroll bar that says "Statutes" and scroll down to the year the law was enacted. After you select the appropriate year, the table of contents for that volume will open, and you can click into the text of the volume or into the index for the volume. The *Summary Digest* volumes are also available.
  - 1993-present is searchable by chapter at: <http://leginfo.public.ca.gov/statute.html>
- 3. California Law Revision Commission Reports (1957-present):** <http://www.clrc.ca.gov/Mreports-publications.html>
  - Recommendations to the legislature for revisions to the California code. Select committee reports also included.