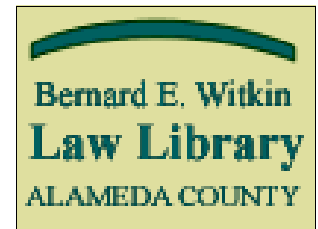


News From... The Alameda County Law Library



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

Fall 2010

Volume 2, Issue 3

Library Unveils New Website

Points of Interest:

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

This summer, the Alameda County Law Library unveiled new and improved interfaces for the [library website](#) and the [online catalog](#).

Library Website: <http://www.acgov.org/law/>

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The library's new homepage boasts a modern look and feel that is designed to facilitate more efficient navigation. A product of intense collaboration between the law library and the Alameda County IT Department, the new website features a simplified, intuitive, and visually appealing interface.

Tabs that function as drop-down menus run across the top of the homepage, organizing and providing access points to website content. Beneath the tabs to the left, you will find information about the latest library news and upcoming education events. The "Quick Links" heading in the center of the page directs visitors to frequently requested content. Under the "Connect with Us" heading on the right-hand side of the page, you are directed to information about the library's e-subscription lists, and to AskNow, a virtual reference service that allows you to connect with a law librarian in real time. Along the bottom of the homepage, underneath the "Find" heading, you will see links to the library catalog, research guides, and database information. In the lower-right corner, library hours and important phone numbers are provided.

Introducing NETOPAC: the Next Generation Library Catalog

Library Catalog “NETOPAC”: <http://202.sydneyplus.com/netopac/Alameda/Portal.aspx>

In August, the law library upgraded its web catalog. The new catalog supports both basic and advanced search strategies and can be accessed from anywhere!

• Basic Search

The catalog defaults to the “Basic Search” interface. From the “Basic Search” interface, users can enter any search term to conduct an “All Fields” search of catalog records.

• Advanced Search and Wildcard

The “Advanced Search” interface allows users to limit their search to specific fields, such as “Title,” “Author,” “Publisher,” “Subject,” “Year,” and “Call Number,” or a combination of these fields. Use the wildcard character * as a root expander to retrieve records containing any variation of a term. Forclos* will find foreclosure, foreclosures, foreclosing, and foreclosed.

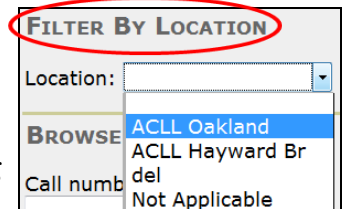
• Browsing

The new interface also allows users to “browse” library holdings in a particular area of law using subject heading and call number searches. To browse by subject, enter a subject heading in the search box below the “Browse by Subject” heading. Click the binoculars icon located under the search box to display a complete list of the subject headings that have been assigned to library materials and are recognized by the library catalog. Users can also identify related titles by entering a call number in the “Browse by Call Number” field. This will retrieve all titles that have been assigned a specific call number.

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- **Limit by Location**

The enhanced library catalog also gives users the option of limiting their search to the holdings of the Main (Oakland) or Branch (Hayward) locations using the “Filter by Location” drop-down menu located on the left side of the screen. This limit can be applied before or after executing a search.



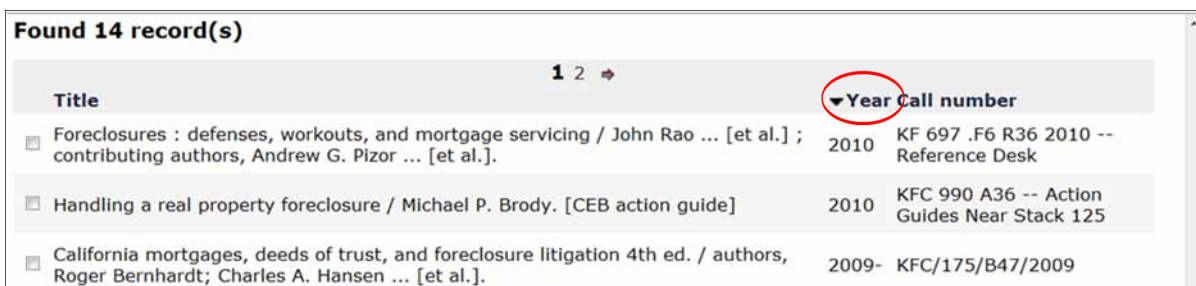
- **For Additional Assistance**

If your search retrieves no results, the catalog will display a message to contact the Reference Desk for further assistance, or to submit feedback to the library using an online form.



- **Sort Your Results**

By default, the results of your search will be displayed in alphabetical order. However, you can click twice on “Year” to override the default and display your results in descending date order, so more recently published materials appear at the top of the results’ list.

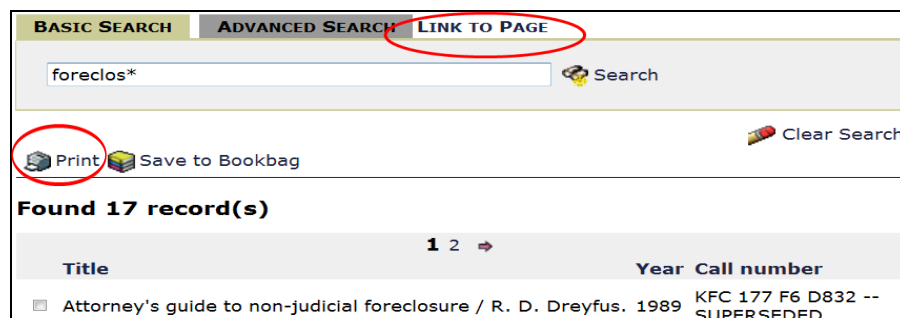


- **Export Results– Print or Save**

To print or save your results, click the printer icon located above your results’ list. Select “Brief (Hitlist)” to generate a PDF document that lists your results in brief, or “Detailed” to export the full catalog record for each result into a single PDF document. Your PDF report can then be printed or saved to your computer.

- **Link to Page**

Users can click on the “Link to Page” hyperlink above the search box to generate a unique url for their results’ list, which will appear in the address bar at the top of your web browser. To have the option of returning to your results’ list at a later time, you can highlight and copy this url and paste it into a document for future reference.



A Look Inside the Compact Shelves....



At the Main Library, to the right of the former Circulation Desk, is a series of closed bookcases known as the “Compact Shelves.” Hidden within this formidable row of rolling shelves is the library’s “Superseded Collection”- primary and secondary materials that have been replaced by later editions. Although they are “out-of-date,” these materials are nonetheless retained indefinitely because of their perceived value to researchers, practitioners, and litigants.



Researchers often consult superseded editions of primary materials, including codes, regulations, and court rules, to determine what the law was at a certain point in time, or to trace the evolution of a law. Older editions of secondary materials, such as practice guides, may offer explanation of the law and procedure as it existed at the time of publication. Researchers also run into citations to superseded editions of primary and secondary sources while reading older, but still useful, appellate briefs and law review articles.

California superseded materials occupy **stacks 158 through 164** at the Main Library.

Highlights of this collection include:

California Code- Stacks 161A-162A

Holdings: All previous editions of *California Annotated Code* volumes published by Deering's West, and other publishers going back to the 1800s. Unannotated, *Desktop Editions* are available for many code titles, with coverage going back to the 1990s.

California Code of Regulations (formerly California Administrative Code)- Stack 162B

Holdings: All years going back to the 1960s.

California Regulatory Notice Register- Stack 163A

Holdings: Notices issued since 1991.

California Rules of Court- Stack 159A

Holdings: Previous editions going back to 1969.

Alameda County Municipal Codes- Stack 160A

Holdings: Superseded municipal codes for many cities in Alameda County, with coverage going back to at least the 1970s for most cities.

California Civil and Criminal Jury Instructions- Stack 159B

Holdings: All previous editions of *BAJI*, *CACI*, *CALJIC* and *CALCRIM*, going back to the 1940s.

Journals of the California Assembly and Senate- Stacks 162B-163A

Holdings: All published volumes going back to the 1850s.

Cont'd on page 5....

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**Witkin series- (*Procedure; Summary of California Law; Evidence; Criminal Law*)-
Stacks 159A-159B**

Holdings: All previous editions.

California Jurisprudence- Stack 158B

Holdings: All previous editions.

California Practice Guides- Stacks 158B-159B

Holdings: Superseded editions of many major California practice guides, including *California Forms of Pleading & Practice* and titles published by Continuing Education of the Bar.

**Local legal newspapers (*The Recorder, The Daily Journal, Inter-City Express*)-
Stack 164**

Holdings: Most recent two years.

Law Library Enters the Blogosphere

Advance sheets are those soft cover pamphlets where publishers print recently reported court decisions. *Black's Law Dictionary* (8th ed. 2000) p. 10, col. 2, explains "[a]dvance sheets are published during the interim between an opinion's announcement and its inclusion in a bound volume of law reports." In essence, it is information so new that that it hasn't gone through the normal channels of publication.

At the Alameda County Law Library, *The Advance Sheet* is also the name of our blog. And like its namesake, *The Advance Sheet* is the place where you will find information in between our quarterly editions of the *Newsletter*. Here you will find posts offering research tips, library news, and items of legal interest to the public and to attorneys.

Visit our blog at <http://aclawlib.wordpress.com/>. You might learn something. You might even be amused.

The Advance Sheet

Alameda County Law Library Blog

[« Judicial politics and gay marriage](#)
[And just in case you don't want to run a cupcake truck... »](#)

Sweet alternative careers for lawyers

By seankaneshiro

University of San Francisco School of Law graduate Kate Carrara is known in the Philadelphia area as the [Cupcake Lady](#) (not to be confused with fellow USF School of Law graduate [Cupcake Brown](#)). Carrara, the proprietress of Buttercream, earned her moniker by selling cupcakes from a converted mail truck that roams around the

Upcoming Library Programs

Public Education Program: “Marital Finances in a Nutshell,” presented by Jane Pitts.
Wednesday, October 13, 2010, 12:30-1:30 p.m.

Flyer and Registration Form: <http://www.acgov.org/law/MaritalFinancesinaNutshell.pdf>

Public Education Program: “Win Your Lawsuit,” presented by Roderic Duncan, retired.
Alameda County Superior Court judge and author of *Win Your Lawsuit*.

Wednesday, October 20, 2010, Noon - 1:00 p.m.

Flyer and Registration Form: <http://www.acgov.org/law/Winyourlawsuit.pdf>

MCLE Program: “Using Free Shepard’s and KeyCite in the Law Library,” presented by
Reference Librarians Emily Bergfeld and Claudia Cook. 1 Hour MCLE participatory credit.

Tuesday, November 2, 2010, 12:30 - 1:30 pm.

Flyer and Registration Form: forthcoming– see www.acgov.org/law

MCLE Program: “Social Security Disability and SSI,” presented by attorney Richard Gut-
stadt. 1 Hour MCLE participatory credit.

Wednesday, November 10, 2010, 12:30 - 1:30 p.m.

Flyer and Registration Form: http://www.acgov.org/law/SS_flyer_registration_Nov.pdf

Earn Participatory Credit for Listening to MCLE CDs

The Alameda County Law Library is an approved MCLE Multiple Activity Provider in California. Participatory credit can be obtained for listening to MCLE CDs or DVDs in the library by following a simple procedure. To earn participatory credit for listening to MCLE CDs or DVDs in the law library, a librarian or the circulation assistant must proctor your time spent listening to the MCLE program(s). The proctor does not have to sit with you, but should know where you are in the library in order to proctor your participatory credit.



The law library has a large collection of MCLE CDs and DVDs available for rent at the Main Library in Oakland. A list of the library’s current MCLE materials is available at the Reference Desk, and on the library’s website: <http://www.acgov.org/law/documents/mcle.pdf>



Materials are rented at the Reference Desk, and to earn participatory credit, you must sign an "Official Record of Attendance for California MCLE" just as you would for a “live” MCLE presentation, and pay a rental fee of \$15.00/credit hour. After you finishing listening to the CD or DVD, one of the librarians or the circulation assistant will sign the proctor form/witness statement affirming that you were in the library listening to the MCLE CD(s) or DVD(s) at a specific date/time, “in a setting conducive to learning.” Once you have completed an "Activity Evaluation Form for California MCLE,” you will receive a

“Certificate of Attendance for California MCLE.”

To listen to library materials, you may bring your own laptop with a CD and/or DVD drive and earphones, or you may use the library’s portable CD player and earphones.

Judicial Council Forms Now Savable

Attorneys and self-represented litigants completing California Judicial Council forms now have the option of saving their progress and returning to their work at a later time. Previously, content entered into Judicial Council Forms, which are fillable PDF documents, could not be saved.

To save a copy of the form you are working on, click the diskette icon located in the upper left-hand corner of the form, and designate where you would like to save the file.

Visitors to the Main Library in Oakland can complete library forms on our designated "Forms" terminal, and print them to the library printer at a cost of \$.25/page, or save them to a flash drive free of charge.

A complete list of California Judicial Council Forms can be viewed here:

<http://www.courtinfo.ca.gov/forms/allforms.htm> The fillable version of the forms are those listed in the right-hand column.

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File Edit View History Bookmarks Tools Help

http://www.courtinfo.ca.gov/forms/fillable/pldc001.pdf

SydneyPLUS WebOPAC SydneyPLUS Online Pu... Research Guides - Pub... State Bar of CA :: Attor... California Courts: For...

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Please fill out the following form. You can save data typed into this form. Highlight Fields

PLD-C-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
 Jane Doe
 125 12th Street
 Oakland, CA 94607
 In Pro Per
 TELEPHONE NO: (510) 208-4832 FAX NO. (Optional):
 E-MAIL ADDRESS (Optional): lawlib@acgov.org
 ATTORNEY FOR (Name):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda

STREET ADDRESS:
 MAILING ADDRESS:
 CITY AND ZIP CODE:
 BRANCH NAME:

PLAINTIFF:
 DEFENDANT:

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To keep other people from seeing what you entered on your form, please press the Clear This Form button at the end of the form when finished.

In a Nutshell: Library Acquires New Collection

When it comes to texts on specific legal subjects, size matters. When a title comprises numerous volumes, it's called a treatise. If it's just a single, hefty volume, it's called a hornbook. And when it's small enough to fit in your pocket, it's called a *Nutshell*. Each has its purpose: for practitioners needing exhaustive analysis of every aspect of the subject, treatises are a must. Conversely, for those just looking for a brief overview, *Nutshells* can be a better choice.

For those seeking concise summaries, the Alameda County Law Library has just acquired several dozen titles in West's *Nutshell* series. These perennial favorites among law students are a perfect solution for those unfamiliar with the law or those needing a refresher. Among the nutshells we've added to our collection are many that cover basic subjects such as *Torts*, *Contracts* and *Remedies*, and others that cover more obscure topics such as *Administrative Law and Procedure* or *Section 1983 Litigation*.

In the course of your legal research, you may discover that bigger isn't necessarily better. And in the case of *Nutshells*, big help can come in small packages.



NEW TITLE!: California Municipal Law Handbook

Previously published by the League of California Cities, in 2010 Continuing Education of the Bar assumed publication of *California Municipal Law Handbook*, the definitive work on California municipal law. *California Municipal Law Handbook* is a collaboration of hundreds of California municipal attorneys, and provides an overview of the law governing municipalities—their structures, their practices, and their residents.

The *Handbook* is divided into the following chapters:

- | | |
|-------------------------------------|---|
| 1. Nature of Municipal Corporations | 7. Public Property |
| 2. Open Government and Ethics | 8. Regulating Business and Personal Conduct |
| 3. Elections | 9. Land Use |
| 4. Personnel | 10. Protecting the Environment |
| 5. Finance and Economic Development | 11. Code Enforcement |
| 6. Municipal Services and Utilities | 12. Liability and Litigation |

The *Handbook* is an excellent place to research the laws controlling open meetings, public records' requests, municipal services and utilities, local regulation of public nuisances, public property, and land use, among other topics.

California Municipal Law Handbook is available at the Reference Desk at the Main Library, and in electronic format at the Main and Branch libraries through the OnLaw database.



Bibliography: Collateral Consequences of Criminal Activity

Criminal defendants often find themselves involved in collateral civil and quasi-criminal actions against government entities. Some of the resources below can help you navigate these often confusing areas of law.

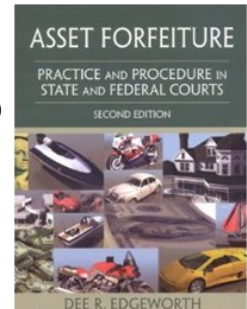
Keep in mind that filing fees and requirements are often different from those in the criminal system. A full list of local court rules and current fees is available at both the Main and Hayward Branches.

Asset Forfeiture (pursuant to *Health and Safety Code* § 11470 et seq):

Jeff Adachi, et al., *California Criminal Procedure and Practice* § 57 (2010 ed.)

David B. Smith, *Prosecution and Defense of Forfeiture Cases* (2010 ed.)

Dee R. Edgeworth, *Asset Forfeiture: Practice and Procedure in State and Federal Courts* (2nd ed. 2008)



Contempt Proceedings:

California Center for Judicial Research, *California Judge's Benchbook: Civil Proceedings – Before Trial* § 17 (2nd Ed. 2008)

Linda A. Compton, *California Civil Procedure Before Trial* (4th ed. 2010)

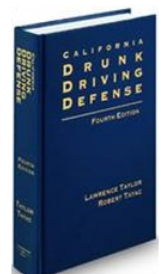
California Center for Judicial Research, *California Judge's Benchguide: Courtroom Control: Contempt and Sanctions* (2010 ed.)

DUI Proceedings (Administrative Per Se Hearings and Licensing Issues):

Ed Kuwatch, et al, *California Drunk Driving Law* (rev. 2010)

Lawrence Taylor & Robert Tayac, *California Drunk Driving Defense* (2008)

California Center for Judicial Research, *DUI Proceedings: Benchguide 81* (2009 ed.)



Family Law Issues (Emergency and/or Temporary Protective Orders):

Judicial Council of California, *Judges Guide to Domestic Violence Cases* (2007 ed.)

Continuing Education of the Bar, *California Judge's Benchbook: Domestic Violence Cases in Criminal Court* (2010 ed.)

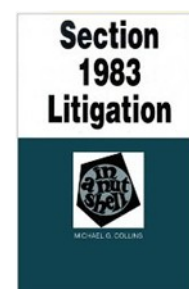
William P. Hogoboom, *California Practice Guide: Family Law* (2010 ed.)

Continuing Education of the Bar, *Domestic Violence Remedies in California Family Law Cases* (2009 ed.)

1983 Claims Against State and/or Counties:

Michael Collins, *Section 1983 Litigation in a Nutshell* (2006)

Steven Steinglass, *Section 1983 Litigation in State Courts* (2009 ed.)



Immigration Consequences:

Robert James McWhirter, *The Criminal Lawyer's Guide to Immigration Law* (2001)

Preventing & Prosecuting Unauthorized Law Practice

Unauthorized Practice of Law in California

There is no shortage of people who are more than happy to share some legal advice with persons in need of counsel. When that advice comes from an attorney, it often comes with a considerable fee attached to it. Because of this, it's sometimes tempting to accept the free or low cost aid of non-lawyers. Accepting legal advice from someone who is not admitted to the State Bar can often be unhelpful. In fact, it might even leave you in a worse position than you'd be in without it. Take, for instance, the recent case brought by Oakland City Attorney John Russo against a Fruitvale District immigration consultancy. In his complaint, the City Attorney claimed that the defendants, who are not lawyers, charged their clients thousands of dollars for legal advice on immigration matters. As a result of this advice, several persons now face deportation and have spent thousands of dollars to remedy harm caused. Accepting such advice from a person not licensed practice law in California is not only risky for the person receiving it, it might also be illegal for the person offering it.

The Law of Practicing Law

Section 6125 of the California Business and Professions Code states, "No person shall practice law in California unless the person is an active member of the State Bar." The punishment for violations can be steep:

Any person advertising or holding himself or herself out as practicing or entitled to practice law or otherwise practicing law who is not an active member of the State Bar, or otherwise authorized pursuant to statute or court rule to practice law in this state at the time of doing so, is guilty of a misdemeanor punishable by up to one year in a county jail or by a fine of up to one thousand dollars (\$1,000), or by both that fine and imprisonment. (*Id.* at § 6126(a).)

In addition code section 6126, subdivision (d), permits the Attorney General, a district attorney, or a city attorney to seek damages, attorney fees, costs, and equitable relief from the violator on behalf of the injured parties.

While the California legislature has been clear about the penalties imposed for violations, it has not been equally clear in explaining what it means by "practice law." In *Baron v. City of Los Angeles* (1970) 2 Cal.3d 535, 542-43, the California Supreme Court explained that the legislature had passed the law subsequent to the Court's own adoption of a definition. The Court reasoned that in failing to provide its own definition of "practice of law," the legislature implicitly adopted the one that the Court had been using prior to the law's passage. That was set forth in *People v. Merchants Protective Corp.* (1922) 189 Cal. 531, 535, where the Court followed an Indiana ruling whose definition included "legal advice and counsel and the preparation of legal instruments and contracts by which legal rights are secured although such matter may or may not be depending in a court." (Quoting *Eley v. Miller* (1893) 34 N.E. 836, 837.) Thus, under the broad California construction, the mere giving of legal advice could constitute the practice of law—even if the advice is not related to a matter pending before a court. In fact, laypersons gratuitously offering advice may be at risk of jail, fines, and money damages without even being aware of it.

Reasons for Restricting Practice

The California Supreme Courts has explained its justification for restricting the practice of law to licensed attorneys: "The right to practice law not only presupposes in its possessor integrity,

Cont'd on page 11....

legal standing and attainment, but also the exercise of a special privilege, highly personal and partaking of the nature of a public trust.” (*Townsend v. State Bar of Cal.* (1930) 210 Cal. 362, 364.). One might find that since the legislature and judiciary are largely composed of former lawyers, laws that reserve legal practice exclusively for licensed attorneys is narcissistic and self-serving. Further, mere membership in the State Bar doesn’t guaranty better results or that the person is more skilled, knowledgeable or ethical than one who is not. But from a purely practical standpoint, membership in the State Bar of California does promise that attorneys meet certain minimum requirements:

- Members must complete an education at an accredited law school or in a law office or judicial chamber;
- Members must have passed an 18-hour examination proving minimal competency to practice law in California;
- Members must have passed the multistate professional responsibility examination; and
- Members must take 25 hours of continuing education classes every three years.

In addition, the State Bar acts as a disciplinary board. Because members may be punished for lack of competence or unethical behavior, it is in practicing attorneys’ best interests to maintain their professional skills and represent their clients diligently. The same is not necessarily true for those who are not supervised by such a professional organization.

Protecting Your Legal Interests

If you are receiving legal services, whether it’s for free or for a fee, you should verify that person’s credentials with the State Bar of California. All attorneys legally permitted to practice in California will be listed with the State Bar. The State Bar will provide members’ full disciplinary history and information as to whether they are currently in good standing and may practice. You can find an attorney’s public record by calling (800) 843-9053 or visiting the State Bar’s web site at <http://members.calbar.ca.gov/search/member.aspx>

In addition, if the person performing your legal services is an admitted member and you believe that he or she is performing below the minimum standard of competence or is behaving unethically, you can contact the attorney complaint hotline at (800) 843-9053 or go to <http://www.calbar.ca.gov/Attorneys/LawyerRegulation.aspx>

If you discover that the person providing you with legal services is not an attorney licensed to practice in California, you should exercise caution with regard to following that person’s advice and be careful that the person does nothing to harm your legal interests. If you believe you have been tricked into accepting the services of a person posing as an attorney or if your welfare has been disadvantaged because of your reliance on a layperson’s legal services, you can contact the State Attorney General, your county’s district attorney or your city attorney. You can contact the Office of the Attorney General at (800) 952-5225 or <http://www.ag.ca.gov/>. The Alameda County District Attorney’s Office can be reached at (510) 272-6222 or <http://www.alcoda.org/>. If you need help finding a different county’s attorney general or your city attorney, the librarians at the Alameda County Law Library can help you at (510) 208-4832.

If you are relying on the advice of a non-licensed practitioner and your interests have not yet been prejudiced, you might also consider hiring an attorney admitted to the State Bar. While people often assume that an attorney’s services will be prohibitively expensive, that is not always true. Depending upon the type of case, a lawyer might be able to recover attorney fees instead of being paid by the client. In other types of cases, if you have a good chance of recovering

Cont’d on page 12....

Linking to the Alameda County Law Library

- **Library Catalog:** <http://202.sydneyplus.com/netopac/Alameda/Portal.aspx>
- **Recently-Acquired Titles:** <http://www.acgov.org/law/refservices/publications.htm>
- **Circulation Policies:** <http://www.acgov.org/law/refservices/circulation.htm>
- **List of Library MCLE Materials:** <http://www.acgov.org/law/documents/mcle.pdf>
- **Legal Databases:** <http://www.acgov.org/law/refservices/legaldata.htm>
- **Research Guides/Bibliographies:**
<http://www.acgov.org/law/refservices/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

Columbus Day, Monday, October 11, 2010
Veteran's Day, Thursday, November 11, 2010
Thanksgiving, Thursday, November 25, 2010
Day After Thanksgiving, Friday, November 26



Cont'd from page 11...

a money judgment, an attorney might take a case on a contingency basis.

If you are in Alameda County, you can contact the Alameda County Bar Association's Lawyer Referral Service at (510) 302-2222 or by visiting its web site at <http://www.acbanet.org/>. For \$30, the service will match prospective clients with attorneys having knowledge and experience in the appropriate fields of law. The attorney will consult with you for up to half an hour. The fee will be waived for personal injury, workers' compensation, sexual harassment or medical malpractice cases.

In addition, there are legal aid groups in Alameda County and around California that will provide free or low cost legal services. The Alameda County Bar Association's Volunteer Legal Services Corporation has prepared a directory that lists 130 legal and community service agencies. This directory is available at <http://www.acbanet.org/layouts/55/uploads/VLSC2009LegalServicesDirectory.pdf>.

Legal Advice at the Alameda County Law Library

Patrons at the Alameda County Law Library often ask the reference librarians for legal advice or to help them prepare legal documents. We are prohibited from doing so by our own library policies and those set forth by the American Association of Law Libraries, the organization that promotes professionalism in libraries like ours. While we are unable to help patrons with legal advice or with preparing documents, we are happy to assist patrons with their legal research needs. The Alameda County Law Library has materials for attorneys as well as laypersons. So even if we can't answer some of your questions, many of our resources might offer guidance.