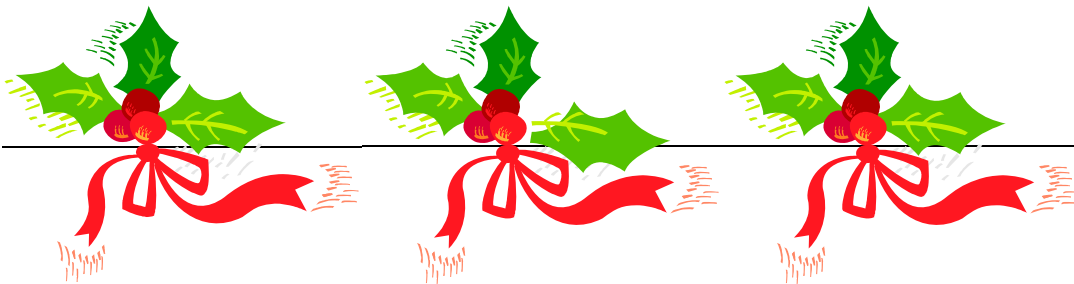




Bernard E. Witkin
Law Library
ALAMEDA COUNTY

**Bernard E. Witkin Alameda County Law Library e-Newsletter
Holiday Issue
December 2005
Volume 2, no.1**



2005 and EARLY 2006 HOLIDAYS

- **The Law Library will be closed Monday December 26th 2005 and Monday January 2nd 2006 after Christmas and New Year's Day. The Branch in Hayward will be closed the entire week of December 26th through December 30th and Monday January 2nd. Main and Branch will reopen for business Tuesday January 3rd, 2006. *Enjoy the holidays!***

We will be closed for the following holidays in early 2006:

- **Monday January 16th, 2006, Martin Luther King, Jr. Birthday**
- **Monday February 13th, 2006, Lincoln's Birthday**
- **Monday February 20th, 2006, Washington's Birthday (Most celebrate this as Presidents' Day.)**
- **Friday March 31st, 2006, Cesar Chavez Day.**

MESSAGE FROM THE DIRECTOR

Law Library Director, Cossette T. Sun

In November of 2005, I completed 30 years of service to the Bernard E. Witkin Alameda County Law Library. During this time, I have seen many changes in my profession. In the 1970's, the library contained mostly print materials; today, we have many titles in electronic format, although print materials continue to be a main part of our collection. I have also seen the consolidation of the legal publishing industry which has led to higher prices for legal publications. Thirty years ago, we did not have any online legal research tools; today, we provide Westlaw, Lexis and we teach patrons how to search on the Internet. I worked at the Courthouse which was built in 1936, from 1978 to 1995. Twelve years ago, the Law Library Board of Trustees entered a joint venture with the County of Alameda to build the state-of-the-art building across the street from the Courthouse, where we moved ten years ago. The Main Library has become a landmark of Oakland and we are proud of the architectural design. The type of patrons we serve has also changed: Our library is increasingly used by self-represented litigants and other non-attorneys. We play an important role in providing county residents with resources for their legal affairs and in ensuring their access to justice.

I have been a member of Women Lawyers of Alameda County (WLAC) for many years. It was a great honor to receive an Excellent Service Award at the WLAC Annual Dinner on November 17, 2005. I enjoy the annual gathering to honor our judges. Many judges who have been honored by WLAC are members of the law library's governing board. I have been very fortunate to serve on such a distinguished law library board of trustees. Judges Castellanos and Freedman were present for this award. Other Trustees, Judges Hunter, Nakahara, Needham and Trustees Boyd Burnison and Steve Sherman were unable to attend because the dinner was completely sold out. I would like to thank a dedicated staff who have supported me throughout the years and who have given their best to serve the law library's patrons.



[For full text of Excellent Service Award, see next page.]

**Bernard E. Witkin
Alameda County Law Library**

**Excellence Award
Presented to**

Cossette T. Sun

**For her 30 years of service to the
Alameda County Legal Community as Librarian
and since 1978 as Director of the library.**

**For excellence and commitment to the research
needs of attorney and the general public and
for the efforts to secure the public's access to
The Law Library**

**On behalf of the Trustees of the Bernard E. Witkin
Alameda County Law Library and the
Legal community and citizens of Alameda County**

November 17, 2005

LAW DAY 2006

By Cossette T. Sun, Law Library Director

In Alameda County, the organizing mechanism for Law Day has been the Law Day Committee, a collaborative effort involving, among others, the Bernard E. Witkin Alameda County Law Library, the Donald P. McCullum Youth Court, the Alameda County Office of Education, the Rotary Club of Oakland, the Alameda County Board of Supervisors, the Allen E. Broussard Scholarship Foundation, local minority and specialty bar associations, and the Superior Court of California, County of Alameda.

The 2006 Law Day Theme is "Liberty under Law: Separate Branches, Balanced Powers," focusing on the separation of powers and how this structure works for the common good of all citizens. It is important that all Americans understand what the Founders intended and accomplished in creating a government of separate powers. The Founders were very concerned that the government they established not have all its powers concentrated in the hands of a few officials. They agreed with Montesquieu that if the right of making and of enforcing the laws is vested in one and the same man or the same body of men ... there can be no liberty. The Founders were also concerned that the powers granted to one

branch would be balanced by powers granted to others. Congress's power to legislate, for example, is balanced by the executive's power to veto legislation and by the judiciary's power to declare legislation unconstitutional. This system of checks and balances ensures that each branch serves as a constraint on, and is constrained by, the powers of the other branches. This theme enables Law Day planners to show how the branches of government have their separate spheres and separate powers, but work together for the common good. The theme also is central to building understanding of the rule of law, which has always been a primary purpose of Law Day.

The Committee has been hard at work and has met several times this year. The Law Day celebration is held on or around May 1st each year.

The Law Library Director has been on the Law Day Committee for over ten years chairing the Liberty Bell Award Subcommittee to recognize qualified recipients who meet the following criteria:

1. Promote a better understanding of our form of government;
2. Encourage greater respect for the law and the courts;
3. Stimulate a deeper sense of individual responsibility to the end that citizens recognize their duties as well as their rights;
4. Contribute to the effective functioning of our institutions of government; and/or
5. Convey a better understanding and appreciation of the rule of law.



- **Catalog search tip: To find all of Witkin's publications in our SydneyPlus online catalog, you may search by Author: Witkin or by Title: Witkin because his name appears in all the titles of his treatises. If you then wish to narrow your list to current works, use the Exclude operator (looks like an eraser). Use the dialog pull-down box to find Call number, and write Superseded in the box, press Enter, and the new list will be only current works and editions of Witkin. You may further sort your list by title, call number or date.**

ANNUAL ATTORNEYS FOR CHILDREN TOY DRIVE 2005

Susanne Pierce Dyer, Reference Librarian

The Bernard E. Witkin Alameda County Law Library is proud to participate in the 2005 Holiday Toy Drive for Homeless Children. In 2004, the Toy Drive filled requests from 21 shelters and other programs serving children and adolescents in need throughout Alameda County. In all, the Committee donated about 4,100 toys and other gifts last year.

The Toy Drive is sponsored by the Attorneys for Children Committee of the Alameda County Bar Association. The objectives of the Attorneys for Children Committee are to expose young citizens to the work of the courts through Law Day activities in May and to reach out to Alameda County's children in need over the holidays by providing as many children as possible with a new toy or other gift. The committee's goal is to remind young people in shelters that they are not forgotten and that the community values them and has faith in their future.

The Attorneys for Children Committee is an autonomous, completely self-funded sub-committee of the Alameda County Bar Association (ACBA). They receive no financial support from the ACBA although the ACBA does provide free space in some of their publications to promote the activities of Attorneys for Children Committee and to acknowledge donors.

The success of each year's toy drive depends on the generous support of many individuals and organizations. Quinn's Lighthouse restaurant hosts the annual Holiday Toy Drive kickoff party at which attendees donate toys or cash. The law firm of Brown & Burnham does the mailing. KB Toy Outlet in Folsom, Long's Drugs, and the Scholastic Book Company sell to the committee at a discount. Other supporters include the Alameda County Family Law Association and Law Center for Families.

The Attorneys for Children Holiday Toy Drive for Homeless Children has neither paid staff nor rented office space. There is no administrative overhead, and one hundred percent of the funds raised by the Toy Drive to purchase toys and other gifts for Alameda County children in need. The Toy Drive is run entirely by volunteers who fit the needs of the committee into their already packed schedules. The committee members believe passionately that every child deserves a little pleasure in his or her life, not just the bare necessities of life.

As Janice Mirikitani, Executive Director of San Francisco's Glide Memorial Church and President of the Glide Foundation, explains, "A simple toy might not seem like much in the fight against poverty, but its psychological power in the life of a disadvantaged boy or girl should not be underestimated. A holiday toy shows low-income children, who often feel excluded from mainstream society, that they are not forgotten, not invisible. It shows that the community considers them to be just as valuable as their more fortunate peers."

Donations to the Toy Drive are tax deductible. Checks should be made out to “Toy Drive/EWAIC” and sent to: Attorneys for Children – Toy Drive, c/o 1563 Solano Ave., Box 164, Berkeley, CA 94707 by December 15, 2005. **Contact someone first if you are sending monies after December 15th.** Any monies that are received too late for this year’s holiday season will be used to purchase toys wholesale for next year’s holiday toy drive. For more information, contact: Kim Hunter, (510) 268-7556, or Ann Harrington, (510) 531-6784.



**MCLE PUBLICATIONS AT LAW LIBRARY: NEW SOUND CDs
CAN BE RENTED IN LIBRARY OR CHECKED OUT
Greg Fite, Technical Services Librarian**

The law library is pleased to offer library users access to materials that will help you meet your continuing legal education requirements. The State Bar Web page <http://www.calbar.ca.gov/> talks about MCLE compliance:

“MCLE compliance — Group 2 (last names H-M) is next

“About 40,000 active attorneys in MCLE compliance group 2 (last names H-M) face a Feb. 1 deadline for MCLE compliance. Lawyers in that group must complete 25 hours of continuing legal education; 12.5 hours may be self-study.

Four hours must address ethics; one must be completed in substance abuse and one in elimination of bias.

“Attorneys can report their compliance online through the My State Bar Profile feature on the State Bar’s Web site, calbar.ca.gov. MCLE tests, including those in the special categories, also are available online. Complete information about the requirements is available at the site by clicking on Attorney Resources and then MCLE.”

The law library rents a whole series of MCLE sound CDs for use outside the library, or for use in-house at half the rental fee. We also offer a CD player for in-house use.

We hope you will use us for your self-study MCLE credit!

- **Catalog Search Tip: You can use our SydneyPlus online catalog to find materials that the library has for MCLE credit. Select Series from the search pull-down menu and type in the letters ‘MCLE.’ (Lower case or upper case) Select the full phrase, Minimum Continuing Legal Education (MCLE), and all library MCLE credit materials will display. You can sort your entries alphabetically by title, shelf order by call number, or chronologically by year. The library has 153 MCLE credit titles as of late November 2005. Note: Use of ‘MCLE’ in the Title field will yield extra titles that are not MCLE credit.**
- **The largest group of practice and ethics-oriented CDs can be found by searching the SydneyPlus online catalog by Title or Series using some of these title words: Tips on successfully running an efficient solo or small firm practice, October 7, 2004, Monterey / State Bar of California. Solo and Small Firm Section.**



**NEW AND ENHANCED INTERNET LEGAL INFORMATION
RESOURCES AVAILABLE AT THE LAW LIBRARY
Bob Podlech, Public Services Librarian**

In these days of concerns about library hours, user fees and law library funding I thought that I would like to write a few words about the new and continuing services we have to offer here at the Bernard E. Witkin Alameda County Law Library. First and foremost we remain a strong, hands-on and personal contact type of public law library! Our reference staff is experienced, cordial, and helpful AND we answer our phone!! The general public and attorneys are often amazed to actually get a live person to talk to either in person or on the phone, often after frustrating visits and phone calls to other public agencies. Also in the more traditional vein, we do a lot of business renting conference rooms and supplying materials via our document delivery service and even inter-library loan.

Of course computers have been a growing part of our services for many years. Effectively integrating computer assisted legal research (CALR) with more traditional law library resources is a major challenge. Our Main library in Oakland and our

Hayward branch now offer public Internet access, Westlaw, Shepard's, Lexis, LegalTrac, and our online public catalog SydneyPlus. Since last year, patrons also have the ability to take online traffic school final exams – right in the library! All of these services are very popular but each has also been involved in a struggle between the use of hard copy materials and the ever-present world of online research. We are strongly supportive of strategically selected computer services and our staff works very hard to give you the broadest base of library services.

There is a great deal that technology can offer today's public law library user but I hope that our library continues to offer a balanced approach to service that does not forget our roots in more traditional library environments.



CONFERENCE ROOMS AND DOCUMENT DELIVERY

Remember that the law library has **Conference Rooms** for rent at Oakland and at Hayward! Rates are \$15 or \$30 per hour. (The higher rate is for the large 20+ person conference rooms in Oakland and Hayward.) We are adding a new conference room starting in January 2006. The law library also provides a **Document Delivery** service. This service costs \$10 plus a per page charge for mailing or faxing specified pages from cases, articles or treatises. Unfortunately, this service cannot be used as a research service. For details about Conference Room Rentals or Document Delivery services visit our Web Page at <http://www.acgov.org/law/services.htm#2>



FEATURED COMMUNITY AGENCY: FAMILY LAW FACILITATOR

Jack Schroeder, Reference Librarian

The Family Law Facilitator Office is part of the Superior Court of Alameda County. The office can **only** assist parties with family law matters involving children. Staff can assist you in matters of child support, spousal support (if child support also involved), custody and visitation. The Facilitator's office cannot represent you in court, but it can help with procedural information, confirming case status, child support mediation, and support calculations. The Facilitator can help you determine what forms to file. They also conduct classes on completing forms when starting a dissolution, paternity action, and when requesting orders.

The Facilitator's office cannot help with guardianships, ex parte emergency orders, domestic violence matters, judgments, or property divisions.

The Facilitator is available to meet with you or accept calls during the following hours:

In Person Meetings:

Monday through Thursday at Oakland and Hayward from 9:00 a.m. to 11:30 a.m.

Phone Calls:

Monday through Thursday 2:00 to 4:30 in Oakland (510-208-4969) and Hayward (510-670-5150).

Office locations are:

Oakland: 1225 Fallon St., Room 240, Oakland, CA 94612

Hayward: 224 W. Winton Ave., Room 179, Hayward, CA 94544

There is also a Wednesday evening clinic at the Self-Help Center at the Wiley Manual Courthouse in Oakland, from 5:00 p.m. to 7:00 p.m. The Self-Help Center is located at 661 Washington Street, 2nd floor, Oakland. On the first Wednesday of each month, a mediator is also available to assist parties in writing custody and visitation agreements. Assistance in Spanish and Chinese is sometimes available at the clinics, but is not guaranteed.



TWO NEW TITLES REVIEWED

Jack Schroeder, Reference Librarian

- **Contracts for the Sale of Goods: A Comparison of the Domestic and International Law / Henry Gabriel.** 2004. Oceana Publications. 375p.
K/1030/G32/2004 -- Stack 201A [2nd floor]

In this book, Professor Henry Gabriel compares and analyzes the United Nations Convention on Contracts for the International Sale of Goods (CISG), the Uniform Commercial Code Article Two sales provision (UCC) and the UNIDROIT Principles on International Commercial Contracts (Principles).

Professor Gabriel's book is divided into four parts. A subject index at the end of the book covers all four parts including the list of definitions and the appendices. Part one consists of the Introduction in which the history, structure and scope of the CISG, UCC and Principles are explained. Part two of this book offers a detailed comparison of the three works. Part three contains the International Chamber of Commerce list of terms used in shipping and delivery (Incoterms). Part four consists of four appendices. The first two contain the texts of Article Two of the UCC and the Principles. The third is a table of corresponding provisions of the CISG, the Principles and the UCC. The final appendix consists of a list of the countries that are parties to the CISG with footnotes enumerating sections of the CISG that a signatory has chosen to modify or exclude.

This book will be useful to those involved with international commercial transactions. The loan period for this title is 14 days.

- **Effective Legal Negotiation and Settlement / Charles B. Craver.** 4th ed., 2001. LexisNexis. 645p.
KF/9084/C7/2001 -- Stack 219A [2nd floor]

The author is a professor at George Washington School of Law, where he teaches classes on negotiation and dispute resolution. The art of legal negotiating is rarely taught in law schools even though it is often applicable to lawsuit settlements, contractual dealings and real estate and corporate transactions.

This book provides readers with an understanding of the psychological, sociological, and communication factors that influence the bargaining process. It examines these factors and provides a framework that is both theoretical and practical. The various negotiation stages are explained, and the different bargaining techniques that practitioners are likely to encounter are discussed. The roles that ethnicity and gender play in the process are explored. New material on nonverbal communication and international negotiating has been included in the 4th edition of this text.

This book will be useful to practitioners who desire to improve negotiating skills. The loan period for this title is 14 days.



TRAFFIC SCHOOL FINAL EXAMS AVAILABLE AT THE ALAMEDA COUNTY LAW LIBRARY

The Alameda County Law Library is offering access to the online final exam of the ABTS (A Better Traffic School) and several other online traffic schools under the umbrella of the National Institute for Defensive Driving (NIDD). The ABTS exam can be taken at either the Main Library in Oakland or the Branch Library in Hayward. Other traffic school exams need to be taken at the Main in Oakland. Those taking the exam must present the library staff with a valid driver's license. The license number is required to access the exam on the Internet. Thirty minutes is the maximum time allowed to complete the exam. The Traffic School computer is available on a first come, first served basis.

The exam will be offered during the following hours:

Main Library

Monday through Friday: 8:30 a.m. to 5:00 p.m.

Branch Library

Monday through Friday: 8:30 a.m. to 4:00 p.m.

For additional information on taking this exam call the Main Library at (510) 208 4832 or the Branch at (510) 670 5230.



**LAW LIBRARY SCHEDULE AND LOCATIONS
EFFECTIVE JULY 1, 2004**

The Bernard E. Witkin Alameda County Law Library is located at 125 Twelfth Street in Oakland, California and can be reached at (510) 208-4800. The hours of operation at the Main Law Library are 8:30 AM to 6:00 PM Monday thru Friday. The South County Branch is located at 224 West Winton Ave, Room 162, Hayward, California. The Branch's phone number is (510) 670-5230. The Branch hours are 8:30 AM to 5:00 PM, Monday thru Friday. The law library is closed on Saturday and Sunday.

How to Contact Us

To email us, send to: lawlib@acgov.org. Our website contains all kinds of useful information and resources. Please see us on the web at: <http://www.acgov.org/law/>

