

Judicial Philosophy & Politics

By John Patrick Quigley

Please don't cut our budgets! That seems to be ABA's theme for this year's Law Day on May 1st, entitled: "No Courts, No Justice, No Freedom." Digressing from that plea, we discuss some recent books pertinent to our judicial system, concentrating, in this Presidential election year, on those parts concerning the U.S. Supreme Court.

The title of Judges are Political – Except When They Are Not, Floor 4, KF8775.B99 2010, reflects a claimed "ambivalence" in our judicial system, which Professor Bybee bases on polls. He doesn't quote the questions asked in the polls, but the results are described on p. 18: "Thus at the end of the Maxwell Poll we arrive once again at a remarkable ambivalence. A large majority of the public appears to believe that the courts are principled institutions where political pressure and partisan rivalry have no place; at the same time a large majority of the public also appears to believe that partisanship influences the judicial process." This seems like a distinction between what should be and what is (idealism vs. realism), rather than an "ambivalent" acceptance of both. But we can agree that ideals sometimes have to bend to reality.

In How Judges Think, Floor A, K2300.P7 2008, a book thicker in size and content, Justice Posner discusses in detail several judicial philosophies, including one that seems to emphasize reality. He calls it "pragmatism," which he admits to as his own. He describes the philosophy closest to being the opposite of pragmatism as "legalism." But he claims that all philosophies

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Here Comes the Judge

By Elizabeth Harmon

Among the many valuable resources found in the Orange County Public Law Library, there is one resource that is a handy tool for doing background research on an individual judge or any number of judges in the State of California. Regardless of whether a person is scheduled to appear before or has already appeared before a particular judge, becoming familiar with the personal experiences, circumstances, and opinions of the judge can be a helpful aid in preparing for a trial or understanding the outcome of a previous trial. There are a number of ways a person can gather information about judges: The Internet, such as the websites mentioned in the article *Looking at the Web* - in this issue of the *Transcript*, from local bar associations like the *Orange County Bar Association*, through the grapevine, or by using the subject of this article – the *Judicial Profiles*.

Published by the legal news provider, the *Daily Journal*, the *Judicial Profiles* contain biographical information, updated quarterly, of every judge in both the state and the federal courts of California. Anecdotal in nature and with frequent touches of humor, the pro-

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are merely justification for political opinions, and that a philosophy, such as “legalism” (which includes “originalism”), can even be shaped for the usually opposing political opinions of Supreme Court Justices Ginsburg and Scalia.


Posner contends that Supreme Court Justices are political, and have to be so. We agree that their selection is political to an unhealthy extreme, but that is the most effective political control that the public has. He discusses other external political constraints on p. 150. Most seem of limited effectiveness, except two that he downplays. One is the influence of scholars, which he minimizes in Chapter 8. But opinions of the justices frequently refer to scholarly writings. The other is constitutional amendment (preferred by Conservatives). Posner describes it as cumbersome, but there have been twenty-seven amendments - the last six during my lifetime. The previous four included prohibition and its repeal, separated by one giving women the right to vote.

Judges on Judging – Views from the Bench, Floor 4, KF8776.A75J82 2004, contains articles by several Judges and Justices, including Posner (“What am I, a Potted Plant? The Case Against Strict Constructionism”) and Scalia (“Originalism: the Lesser Evil.”) These two articles probably best frame the issue between activist and restrained judging. The former leans toward allowing courts inherent powers to correct wrongs (Posner’s pragmatism), while the latter believe that courts should take a more restrained role, and leave political issues to democratically elected legislators, thus legitimizing changes in the law. Whether you describe the difference as philosophical or political, that seems to explain the majority of the many 5-4 decisions by the Supreme Court. 

*Here Comes the Judge**(Continued from page 1)*

files provide insight into the person behind the title. In the current releases, the initial profile is followed up by a brief biography, which consists of an array of facts that cover the judge’s “Current Assignment”, “Previous Judicial Appointments”, “Education”, “Practice History”, “Bars and Related Professional Activities”, and “Personal History”. On occasion, following the “Biography” page, there is an addendum titled “Comments on Civil Procedures”, which presents an interview-type format dealing with additional court-room related subjects.

The OCPLL collection contains both a current profiles set located in the general material on the 3rd floor plus a continuously-expanding archival set found in the Reference section also on the 3rd floor. The current set, which consists of fourteen volumes, is divided into three sections: Northern California composed of northern and central counties (KFC 980.A6J84); Southern California covering all southern counties (KFC 980.A6J842); and Supplemental profiles that include federal courts, state courts, and private judges (KFC 980.A6J844). Each judge’s profile is listed within one of these sections alphabetically by their last name.

The archival set presently holds fifty-four volumes arranged in a simple alphabetical format for patron convenience. These volumes compile profiles pulled from the current sets as they are updated, including those judges that have retired. Some of these archival profiles go back twenty-five years or more. To copy any of the information, patrons will find the profiles stored in binders for easy access. For those wondering if these profiles can be found online: The online version of the *Judicial Profiles* is available only to current subscribers of the *Daily Journal* print services, which makes the OCPLL collection a natural choice for the law library’s patrons. 




If The Tax Season is What Ails You...

By Kelsey Chrisley

The cure for the upcoming tax season is located at the Orange County Public Law Library. The extensive tax material available in print and electronic format is the prescription to ward off the ills of the tax season and is available all year round. [A general summary of material is contained in this article. For an in-depth look at the library's holdings please search the catalog on www.ocpll.org or call 714-834-3397, press 4 for reference assistance.]

For federal tax relief strategy planning, the library's holdings include *Mertens Law Of Federal Income Taxation* (with Internal Revenue code and case references), *Mertens Federal Tax Regulation*, and the *Tax Management Portfolio* series (wide-range of topics on domestic and international business operations).

The library also has tax material, in print form, published by CCH, including the *Standard Federal Tax Reporter*. In addition, *Tax Havens of the World* (Diamond and Diamond) or *Tax Savvy for Small Business* (Frederick Daily) may have the relief you seek. California tax information, such as the *California State Tax Reporter* and the *California Tax Handbook* are also available. Additional tax books, professional tax journals, historical tax information, and resources may be found on Floors A, 3 and 4.

If you would rather have your information in electronic format, please use the patron computer stations on the 3rd floor (licensing fees and requirements limit the use to inside the library). Programs available are BNA Tax Management Portfolios (Federal and International Tax Management only) and IntelliConnect (formerly CCH Tax Research Network). Intelliconnect includes Tax Tracker News, Accounting, and Audit, State Business Tax, Sales/Property Tax, Financial & Estate Planning, Wealth Management, and other tax tools. Tax forms are also available from various government websites and may be printed out for a small fee; otherwise, both Federal and California forms may be obtained at the IRS, 801 Civic Center Drive. 



Looking at the Web

By Mora Prestinary

TAX WEB SITES

California Tax Forms 1993- present <https://www.ftb.ca.gov/forms/priorYR.shtml>

IRS Tax Forms www.irs.gov/formspubs/index.html?portlet=103M

- Or, select [Previous Years](#) for older IRS forms

All States Tax Forms www.taxadmin.org/Fta/link/default.php?lnk=2

JUDICIAL PROFILES

California Supreme Court www.courts.ca.gov/3014.htm

California Appellate Court Legacy Project www.courts.ca.gov/4199.htm

California Appellate Courts www.courts.ca.gov/courtsofappeal.htm (Click on Court on left then on Justices.)

Superior Court Roster www.courts.ca.gov/2948.htm

Orange County Superior Court www.occourts.org/directory/judicial-officers/judicial-officers.html

Los Angeles County Superior Court www.lasuperiorcourt.org/judicialofficers/ui/

Federal Courts www.fjc.gov/history/home.nsf/page/judges.html



The Wonderful World of WorldCat


By Jeanette Tang

What is WorldCat? It is exactly what its' shortened name means, the world catalog. WorldCat is the public version of the OCLC database, a cooperative, global database to which librarians, and other information professionals subscribe, and contribute cataloging information on a daily basis. As the public version, anyone using WorldCat can view library holdings all over the world. With such a vast network of integrated library catalogs it can quickly become anyone's favorite online resource.

WorldCat is surprisingly easy to access, and better yet, FREE, to online users. Just go to www.worldcat.org and begin using right away. At first glance you will notice a large blue box that will have writing in it that says, "Find items in libraries near you." Here you can type titles that you are interested in and WorldCat will automatically show you where you can find those titles at libraries in your area. For instance if you type The Los Angeles Times, a popular newspaper, it will show the Times, as well a list of other titles related to the Times that you may be interested in. Click on the title you are interested in and WorldCat will give you a list of libraries that carry that title. Just remember to check the zip code on this screen to make sure that the website gives you the correct list of libraries closest to you. On this page, you will notice that WorldCat not only gives you a list of libraries but other formats your title may be available in (such as CD-Rom), and features like "Library Information", "Ask a Librarian", and "Add to favorites." Click on "Library Information" and it will allow you to access useful information such as library location, website, phone number and online catalog.

WorldCat also gives you the option when searching for a title the ability to identify if your title is a Book, DVD, CD, or Article. I find these options unnecessary as long as the user has the full title. If the user does not have a full title or is still researching their particular topic the "Advanced Search" feature right underneath the main search box is very helpful when trying to identify a title or researching a particular subject matter.

Beyond WorldCat's most popular use, title searching, it also has many other uses to explore. One such use is the "Find a library" feature underneath the main search box of the large blue box. Here users can find libraries in their area or search for a specific library by name. WorldCat also offers information on how to download WorldCat Mobile and other smartphone applications that allow users to look up titles and information on the go. Users have the option of getting involved with WorldCat by creating an account so they too can create lists, bibliographies, and reviews of library materials. Lastly, WorldCat likes to experiment with new features that a user might want to incorporate into their rotation. One such feature is "WorldCat Genres" where users can research through several different genres to titles that they are interested in.

When taking into account WorldCat's size, integration, usefulness, and accessibility, WorldCat is a researcher's paradise. WorldCat brings together the libraries of the world for anyone with a computer and access to the Internet, bringing the world of information to the user's living room with just a keystroke, making WorldCat truly wonderful. 



by Mora Prestinary



Q What is the new maximum recovery amount in small claims court in California?

A The new maximum a plaintiff can recover through the small claims process is **\$10,000**. See the small claims information sheet, form number SC-100-INFO available on the Judicial Council of California's website www.courts.ca.gov/documents/sc100info.pdf



New California Laws

By Mora Prestinary

Child Booster Seat Law: SB 929, Chapter 474

Domestic Partnership Equality Law (Gay Divorce Law): SB 651, Chapter 721

Double White Line Law: AB 1105, Chapter 114 (no crossing double parallel solid white lines)

DUI Checkpoint Vehicle Impound: AB 353, Chapter 653 (Vehicle Code § 23579)

Employment Credit Check Law: AB 0022, Chapter 724

Gay History Law: SB 0048, Chapter 81

Gay Bullying Law (Seth's Law): AB 0009, Chapter 723

Handgun Open Carry Law : AB 144, Chapter 725

Human Trafficking Law: AB 0090, Chapter 457

Internet Sales Tax: AB 0028 (2011)

Judicial Applicant & Appointment Demographics Inclusion: SB182, Chapter 720

LGBT Equality & Equal Access in Higher Education Law: AB 0673, Chapter 639

Protection of Parent-Child Relationships Act: AB 1349, Chapter 185

Reader Privacy Law: SB 602, Chapter 424

Renters Right to Recycling Law: AB 818, Chapter 279

Transgender Non-Discrimination Law: AB 887, Chapter 719

Transgender Vital Statistics Law: AB 433, Chapter 718

Vehicles: Reckless Driving: Suspension of Licenses: AB 520, Chapter 657 (Vehicle Code § 23103.5)

Summaries: www.californiality.com/2010/12/new-california-laws-2011.html

Full text: www.leginfo.ca.gov/pdf/BillsEnactedReport2011.pdf

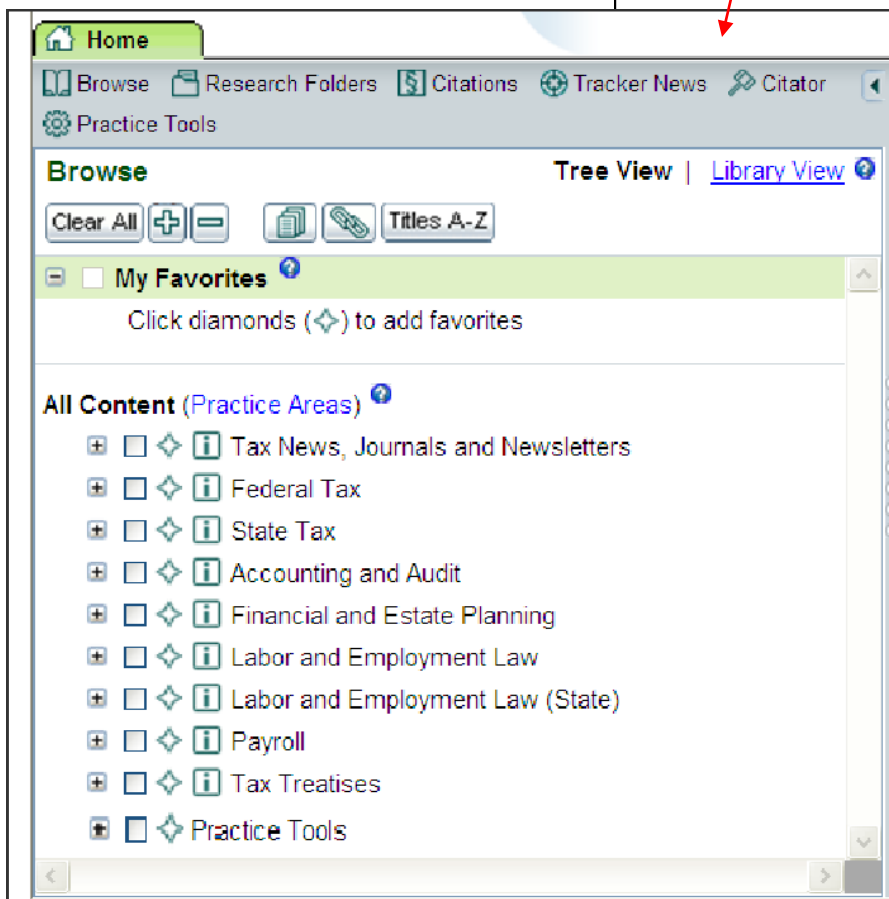
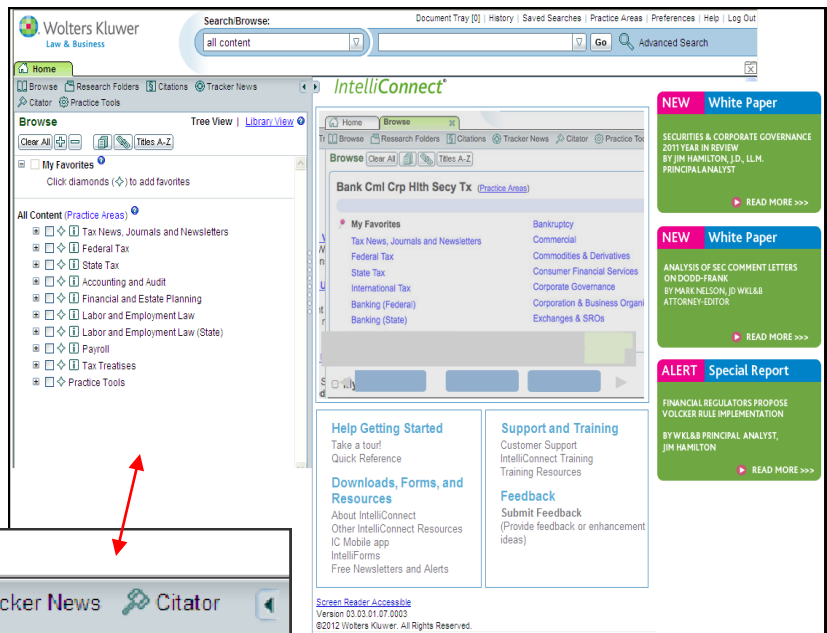


Database Focus

by Molly Solazzo

Available on the Library's public computer terminals, IntelliConnect (formerly **CCH Tax Research Network**) is an online database of federal and state tax resources. Material can be retrieved by running a Search across all content, by Browsing via topical arrangement or by title, or pull up by Citation.

Results (in PDF, or Text) can be printed, saved to your flash drive, or **Emailed**.



Content includes

(Ask at Reference for a full title list)

IRS Codes (1939, 1954, 1980 to current)
Regulations
Cases
IRS Administrative Rulings
IRS Letter Rulings (1954 to current)
General Counsel Memorandum
Actions on Decisions
Technical Memorandum
IRS Audit Positions
Tax Court Memoranda
Depreciation Guides
Practice Toolkits
Tax treatises, periodicals
+more
CCH publications
Estate & Gift Tax Reporter
Federal Taxation of Subchapter S
Standard Federal Tax Reporter
State Tax Reporters (all 50 States & DC)
Tax Tables
Tax Citor
US Master GAAP Guide
US Master Tax Guide (1986 to current)
+more

California County Law Librarians: How They are Faring

By Maryruth Storer, Law Library Director.

This was the title of a program session held March 9, 2012 in San Diego at the 4th All-California Joint Institute *The State We're In: California Law Libraries in Unprecedented Times*. The Joint Institute was presented by the three California chapters of the American Association of Law Libraries. Directors from five California county law libraries (Alameda, El Dorado, Kern, Los Angeles and San Diego) spoke about conditions at their locations.

California's county law libraries are funded through a specified portion of the first paper civil filing fee in each county. Although the Institute's keynote speaker, the Hon. Judith McConnell, had noted that statewide Superior Court filings have been stable in the past two years, all county law libraries are experiencing a decrease in their filing fee income due to fee waivers granted (the litigant is excused from paying the filing fee under specified circumstances.) The percentage of decline varies from county to county: Kern County has a 9% decrease, El Dorado has a 20% decrease, and San Diego has a 39% decrease.

The speakers report that an increasing number of library users are members of the public seeking legal information to handle their own legal matters; in Kern County, 80% of patrons are general public and in Alameda County, it is 60-70%. The decline in income and changes in patron type both influence how each library provides services and maintains its collection.

Here in Orange County, our staff estimates that perhaps half of our users do not have a legal background, and thus need more staff assistance to use our materials. Our income decline has been approximately 15% in the past year. We're anticipating a further decline due to the increase in the jurisdiction level for small claims cases to \$10,000, which was effective January 1, 2012; the financial impact for us is that a case for \$9,000 previously filed in limited jurisdiction would have produced a \$35 law library filing fee from both the plaintiff and the defendant, while that same case now filed in small claims court will result in a single \$2 law library filing fee.

County law libraries have not been able to increase their specified portion of the civil filing fee since 2007, although civil filing fees have been increased twice already since then and another increase is being discussed as part of the state's budget process. Here at OCPLL, we're developing ways to reduce expenses, including potential cuts to our collection costs, which are 39% of our operating budget. We'd appreciate hearing from our users regarding which parts of the collection have the most value to them.

We are truly a "Law Library in Unprecedented Times"!



WHAT'S GOING ON @ the Library

by Molly Solazzo

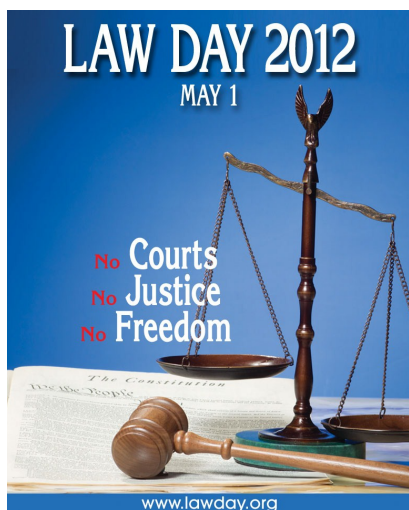
New!

National Consumer Law Center

Publications from the National Consumer Law Center are now available on the Library's public computer terminals.

Titles include: Access to Utility, Arbitration, Automobile Fraud, Banking, Bankruptcy, Class Actions, Collection Actions, Consumer Law on the Web, Consumer Law Pleadings, Cost of Credit, Credit Discrimination, Fair Credit Reporting, Fair Debt Collection, Foreclosures, Repossessions, Student Loans, Truth in Lending, Unfair & Deceptive Practices, Warranty.

Fully searchable, the online publications are the companion texts to the print publications available in the Library. Results are in PDF and can be printed or downloaded to flash.



On Display

by Mora Prestinary

Please stop by for a look at the Library's new book display. The 2012 Law Day theme, "No Courts, No Justice, No Freedom," underscores the importance of the courts and their role in ensuring access to justice for all Americans." On display will be books, tapes, CDs, and information sheets. See the Law Day web site www.americanbar.org/groups/public_education/initiatives_awards/law_day_2012.html

Ongoing Workshops at the Law Library

Clean Up Your Criminal Record

Every 2d and 4th Tuesday of the month at 2 pm.

You must check-in at 2 pm to be admitted and you must bring your California criminal record(s) from the Court(s) in which convicted, OR, your California Dept. of Justice Rap Sheet; if necessary your own interpreter.

Please Note:

"How to Answer an Unlawful Detainer" workshop formerly held at the Library is now offered at the Superior Court Self-Help Center (West Justice Center)

Library Closed:

March 30 & 31
May 28

See our redesigned
website at

www.ocpll.org

Monday-Thursday	8 am - 8 pm
Friday	8 am - 5 pm
Saturday	9 am - 5 pm

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