

## Blue Laws

by Elizabeth Harmon

**B**lue laws, which are laws that deal with mandatory closing on specific Sundays during the year, were influenced by English laws that came to the early colonies. These laws go back as far as Henry III in the 13<sup>th</sup> century when he banned the attending of markets on Sunday. Likewise, his successor Henry IV disallowed the participation in games on the Sabbath, along with other restrictions. In fact, the colonial law of 1677 not only prohibited certain activities but expected that the colonialists who were the laborer, tradesman, merchant, and so on would not take part in any normal commerce or work-related labor.

These colonial laws have remained a part of American law through the years and still are present in some form or another in some states, cities, towns, or regions. For instance, Chief Justice Warren, of the United States Supreme Court, supported a set of Maryland criminal statutes that authorize punishment for people who do not follow the mandatory closings on Sunday that are dictated by the state legislature. The appellants argued on several points with the Chief Justice's opinion, such as the Sunday laws violated the Constitution's stance on religious

*(Continued on page 2)*

## Obamacare & Religious Freedom

by John Patrick Quigley

### First Amendment, United State Constitution

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;...." To satisfy this restriction, early cases held that statutes or regulations which imposed a "substantial burden on the practice of religion" must serve a "compelling government interest."

### Employment Div., Dept of Human Resources of Oregon v. Smith, 494 U.S. 872 (1990).

In this case, the Supreme Court overruled prior cases and held that "neutral, generally applicable laws may be applied to religious practices, even when not supported by a compelling government interest."

### The Religious Freedom Restoration Act of 1993 (RFRA), 42 U.S.C.A. §§2000bb-1 (b) Exception, (KF62.5.W45 & Westlaw):

"Government may substantially burden a person's exercise of religion only if it demonstrates that application of the burden to the person—(1) is in furtherance of a compelling government interest; and (2) is the least restrictive means of furthering that compelling government interest."

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## MCLE Material at the Law Library

by Patti Walter

Our library offers a wide variety of MCLE credit CDs. The library catalog is available to the public on our website [www.ocpll.org](http://www.ocpll.org), from our website click on catalog, then select Featured Lists. Patrons can select the CDs they are interested in before they come to the library. Or when you come into the library our reference librarians have compiled a binder that catalogs our MCLE credit CDs collection by subject and title. If you join the library by paying a \$100 deposit you may check-out CDs and listen to them anytime you want. Many patrons say they listen to the CDs in their cars. Library borrowing rules state that library items circulate for three weeks and renewals are not allowed. During the months of December and January the library limits the circulation of MCLE materials to two items at one time. Attorneys are required to complete a total of 25 hours of approved MCLE credit every three years. Visit the California Bar Website <http://mcle.calbar.ca.gov/MCLE.aspx> for the complete details pertaining to your MCLE credit requirements. Attorneys who prefer to listen to the CD's in the library may use their

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**Obamacare***(Continued from page 1)***Burwell v. Hobby Lobby Stores, and Conestoga Wood Specialties Corporation v. Burwell, 134 S. Ct. 2751 (2014),**


(KF101.A3S9 &amp; Westlaw)

These cases raised the question of whether Regulations under Obamacare, which required employers to provide insurance that included free contraceptives, violated the First Amendment rights of owners of closely-held, for-profit corporations, who objected to abortions on religious grounds. In the Hobby Lobby Case, the Tenth Circuit Court of Appeals held that the regulations did so violate (723 F. 3d 1114), and in the Conestoga Wood Case, the Third Circuit Court of Appeals held that they did not (724 F. 3d 377). Both cases were appealed to the U. S. Supreme Court for resolution of the conflict. The cases illustrate a confluence of different types of law: the constitution, cases, statutes, and HHS regulations promulgated under the "Obamacare" statute. (124 Stat. 119, KF50.U5)


All Supreme Court Justices seem to accept that corporations are "persons", per the "Dictionary" statute, and that their owners were honest in their religious convictions. They also agreed that the 1993 RFRA statute reinstated the requirements of the early cases, and that the Obamacare regulations met those requirements. The conservative majority (Justice Alito, joined by Chief Justice Roberts and Justices Scalia, Kennedy and Thomas) also saw an intent to strengthen constitutional protection for the practice of religion, and emphasized RFRA's statutory requirement for the government to show that its regulation was "the least restrictive means of furthering that compelling government interest", which they had failed to do. The majority suggested that government could grant the same exceptions to for-profit corporations that it granted to non-profit corporations, seeing no legal distinction.

The progressive minority (Justice Ginsburg, joined by Justice Sotomayor, and partially by Justices Breyer and Kagan) felt that the only intent of the 1993 statute was to reinstate the requirement for a "compelling government interest". They claimed that the government had satisfied the "least restrictive means" requirement, and downplayed its importance, emphasizing instead the compelling government interest of the Obamacare statute in providing health care for women. Justices Breyer and Kagan withheld joining part of Justice Ginsburg's opinion, because: "We need not and do not decide whether either for-profit corporations or their owners may bring claims under [the RFRA statute]." 

**Blue Laws***(Continued from page 1)*

freedom. The Court did recognize that the closing laws were entwined with religious influence and history. However, they pointed out that over the years the *blue laws* had lost part of their religious aspect, which had been replaced with more secular reasons for the laws. The Court referred to the fact that trade organizations and labor unions were in favor of the Sunday closings. More recently, most states and municipalities no longer enforce the laws except in area where alcohol sales are banned on Sundays and certain holidays like Christmas. 


**MCLE***(Continued from page 1)*

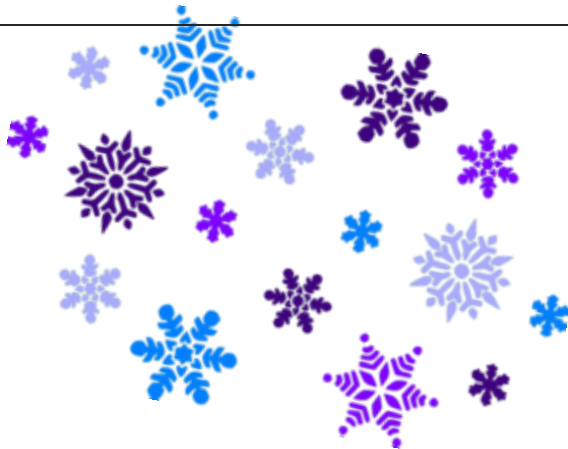
laptop in the library to listen to the CDs. Or if you prefer, CD players are available upon request at the Public Services Desk. OCPLL is offering this wonderful free service why not take advantage of it? Our CDs can be used over and over again for study purposes. Seminars are costly and the subject material is presented once and is not repeated for free. 

## Working on a Holiday?

by Mora Prestinary

Hours worked on holidays, Saturdays, and Sundays are treated like hours worked on any other day of the week. California law does not require that an employer provide its employees with paid holidays, that it close its business on any holiday, or that employees be given the day off for any particular holiday. If an employer closes its business on holidays and gives its employees time off from work with pay, such a circumstance exists pursuant to a policy or practice adopted by the employer, pursuant to the terms of a collective bargaining agreement, or pursuant to the terms of an employment agreement between the employer and employee, as there is nothing in the law that requires such a practice.

Additionally, there is nothing in the law that mandates an employer pay an employee a special premium for work performed on a holiday, Saturday, or Sunday, other than the overtime premium required for work performed in excess of eight hours in a workday or 40 hours in a workweek. 



California Consumer Justice Coalition *by Mora Prestinary*

On October 23, I attended the CCJC (<http://www.caconsumerjustice.org/>) workshop at the L.A. County Law Library: Resources and Referrals to help Patrons with Debt Issues.










Here's what you can do to fight back if you get into a legal predicament.

The Coalition offers free legal services and housing counseling to Southern Californians facing foreclosure and other issues related to consumer debt, such as debt and bankruptcy, general legal help, (divorce, domestic violence, elder law, employment rights, eviction defense, immigration and naturalization, public benefits, small claims, student loans and veterans' benefits).

The California Attorney General funds the Coalition with a grant under the National Mortgage Settlement Fund that requires them to provide services free of charge to foreclosure victims and others struggling with consumer debt. Members include lead agency Bet Tzedek-The House of Justice (<http://www.bettzedek.org/>) and partners Asian Americans Advancing Justice-Los Angeles, (<http://www.bettzedek.org/>) The Legal Aid Foundation of Los Angeles, (<http://www.lafla.org/>) The Legal Aid Society of Orange County, (<http://www.legal-aid.com/>) and Public Counsel (<http://www.publiccounsel.org/>). The Coalition's Legal Clinic Calendar announcing workshops is also on their web page.

You can't afford not to review the [California Consumer Justice](http://www.caconsumerjustice.org/) web site, it's a treasure trove of legal information specifically directed at vulnerable consumers. 

**Facts & Tidbits***by Elizabeth Harmon*

-  America's national Christmas tree was made official in 1925. It is located in King's Canyon National Park in California and is a giant sequoia named the "General Grant Tree". It is over 300 feet tall.
-  Before choosing the name "Tiny Tim" for one of the main characters in A Christmas Carol, Charles Dickens also considered the names Little Larry, Puny Pete, and Small Sam.
-  Various parts of evergreen trees - firs, spruces, and pines – can be eaten. Besides pine needles, which are a good source of vitamin C, pine cones and pine nuts are edible.
-  There are two Christmas Islands: One in the Pacific Ocean and the other in the Indian Ocean.
-  In 1647, the English Parliament decreed that Christmas was illegal. The Puritan Oliver Cromwell believed the festivities and feasting on the holy day to be irreverent. When the Puritans were no longer in power the decree was lifted.
-  In 1891, a large crab pot was placed on a San Francisco street for the purpose of collecting money for a charity Christmas dinner, which became the first Salvation Army Collection Pot.
-  In Victorian England, turkey was often served for Christmas dinner. Some of these birds were raised outside of London and had to be walked to the market. To protect their feet from frozen mud, the turkeys wore boots of leather or sacking.
-  The total of all the gifts that are given in the song "Twelve Days of Christmas" is 364, which equals a gift for almost every day of the year. Not sure about that? Double check your true love's calculations at <http://www.intmath.com/blog/mathematics/the-twelve-days-of-christmas-how-many-presents-1686>
-  In 1836, Alabama became the first state in the country to officially recognize Christmas as a legal holiday and Oklahoma became the last – in 1907.

**Holiday Trifle**

A flavorful blend of cake, pudding, eggnog and fruit will make folks think you really spent a lot of time putting together this fancy but fuss-free dessert. 16-20 Servings, Prep/Total Time: 25 min.

**Ingredients**

- 1 can (8 ounces) crushed pineapple
- 3 medium firm bananas, sliced
- 1 jar (10 ounces) red maraschino cherries
- 1 jar (6 ounces) green maraschino cherries
- 3-1/2 cups eggnog, chilled
- 2 packages (3.4 ounces each) instant vanilla pudding mix
- 1 prepared angel food cake (8 to 10 ounces), cut into 1-inch cubes
- 1 carton (16 ounces) frozen whipped topping, thawed
- 1/4 cup chopped walnuts

**Directions**

Drain pineapple, reserving juice. Dip bananas in juice; drain and discard juice.

Set aside pineapple, bananas, 3 red cherries and 3 green cherries

In a bowl, whisk the eggnog and pudding mixes for 2 minutes until slightly thickened.

Place half of the pudding in a 4-qt. serving or trifle bowl; layer with 1/2 half of the bananas, pineapple, cherries, cake cubes and whipped topping. Repeat layers. Garnish with walnuts and reserved cherries.





## Looking at the Web

by Mora Prestinary

Hobby Lobby

<https://www.ca10.uscourts.gov/?q=opinion/search/results&query=12-6294>

Sylvia Burwell, Secretary of Health and Human Services v. Hobby Lobby Stores, Inc., et al.

<http://www.supremecourt.gov/search.aspx?filename=/docketfiles/13-354.htm>



CONESTOGA WOOD SPECIALTIES CORPORATION v. SECRETARY OF UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES - See more at:

<http://caselaw.findlaw.com/us-3rd-circuit/1640086.html#sthash.bPBxvjpm.dpuf>  
<http://caselaw.findlaw.com/us-3rd-circuit/1640086.html>



## On Display...



### On Floor 3:

Stop a minute and take a look at the Library's latest book display "Cybercrimes." It includes materials on Cyberbullying, Wiretapping & Eavesdropping, Internet and Online Privacy, and Identity Theft. The Library has also provided free flyers and pamphlets on talking with kids about being online in addition to identity theft. Please feel free to take advantage of this vital information.



### On Floor A:

When visiting the OCPLL, take a few minutes and visit the book display on Floor A. The Law Library's display of beautiful coffee table books has been followed by a display of books on courthouses.

The books contain a variety of photos, building plans, stories, and descriptions of California courthouses and courthouses around the nation. Although these particular books are not designated for circulation, they can be enjoyed in the Library.

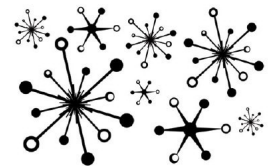
The books can be found on Floor A, which is accessible by either taking the elevator located in the third floor Annex or using the stairs that are also located in the third floor Annex.





From

the Circulation Desk... by Patti Walter



### Annual Fine Notices

It's that time of year again! Annual Fine Notices are mailed out to Library account holders with fines of less than \$15.00. Once a year we notify our patrons that they have a fine on their account.

### Change of Address

Just a reminder to all of our patrons who have accounts with the law library to keep us informed about your address. It is extremely important that we have your current address and phone number. That way we can notify you about overdue items, fines, and holds. If a fine of \$15 or more remains unpaid for 1 year an account is terminated in accordance with the library borrowing rules. Often an infrequent user comes into the library expecting to check out items only to find that their account has been terminated. Because we did not have their current address on file the U.S. Post Office returned all fine and termination notices as undeliverable.

### E-mail Addresses

Library account holders asked to provide us with their E-mail address. We are looking to the future, with some of our goals being to provide on-line reference service, and use email to send library announcements and new acquisitions lists.



Q

Where can I get help resolving landlord-tenant issues?

A

**The Fair Housing Council of Orange County** provides counseling concerning housing rights, obligations and laws, and answers questions about the rights and obligations of landlords or tenants. Their counselors are trained professionals who are ready, willing and able to help resolve any landlord/tenant problem.

<http://www.fairhousingoc.org/landlord.html>

by Mora Prestinary

### The Library is Closed:

Wednesday 12/24/14 Christmas Eve  
 Thursday 12/25/14 Christmas Day  
 Wednesday 12/31/14 New Year's Eve  
 Thursday 1/1/15 New Year's Day  
 Monday 1/19/15 MLK Jr Day  
 Monday 2/16/15 Washington's Birthday

### Orange County Public Law Library

Monday-Thursday 8 am - 6 pm  
 Friday 8 am - 5 pm  
 Saturday 9 am - 5 pm

515 North Flower Street  
 Santa Ana, CA 92703  
 Civic Center Plaza, Building 32  
 Tel: (714) 834-3397

[www.ocpll.org](http://www.ocpll.org)

### Transcript Contributors:

E. Harmon,  
 M. Prestinary,  
 J.P. Quigley,  
 P. Walter,  
 M. Solazzo (Editor).



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