

THE REPORTER

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Valparaiso University School of Law

Summer Library Hours

July 28 to August 25

Monday–Friday 8 a.m.–5 p.m.

Saturday and Sunday Closed

Summer News from the Law Librarian

by Mary Persyn

My mom used to say that when the Fourth of July rolled around, it seemed as if summer was almost over. For the librarians, the meeting of the American Association of Law Libraries (AALL – our professional association) seems to mark the “beginning of the end,” so to speak, of summer.

Mike Bushbaum, Naomi Goodman, Gail Hartzell, Sally Holterhoff, Steve Probst, and I spent five days in Seattle attending programs, exchanging ideas with our colleagues from other institutions, visiting the exhibit hall to see what is new in the world of legal research, and, yes, enjoying ourselves at the occasional party. Sally completed her three-year term as a member of the Executive Board of AALL. Although we didn’t have much time away from the conference to enjoy the city, Seattle was fun, and there is always time to visit bookstores.

Three major projects have been underway in the law library this summer. With the help of Rich Blennerhassett, we are finishing revamping the electronic reserves system. Response time will be much faster with the reorganized system. John Obermann will be installing all new computers in the upstairs computer lab as soon as the computers arrive. Finally, student workers are dusting all of the books and shelves in the library – a project that has needed doing for a number of years. Think of it as spring cleaning a 30,000-square-foot house.

Congratulations to Naomi Goodman, Technical Services Librarian, who became a United States citizen at a ceremony on July Fourth. Naomi is a native of Australia.

I hope your summer has gone well and I look forward to seeing you in August.



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SHELF LINERS

by Michael Bushbaum

As you begin the process of returning to Valpo Law from your summer work, or as you get ready to enter Valpo Law for the first time, I would like to offer for your consideration some thoughts others have had about the legal profession. I think each quotation offers an insightful look at what your profession should be like and what it could be like if every lawyer made the effort. Like the golden rule, the ideas expressed by these authors should be common sense to everyone but aren't. But like following the golden rule, practicing them will make you a better lawyer and a better person.

The first quotation offers some sage advice on using language for the benefit of everyone. The second concerns the need to be civil to your colleagues and to the law. Please think about these things and I'll see you soon. Whether you're a returning student or a brand-new 1-L, please stop by my office and say hello. The door is always open (except when I'm not there) and I'm always willing to take the time to answer any questions you might have.

Language

David Pannick, barrister and Fellow of All Souls College, Oxford, spoke to the language of the law and its effect when he wrote:

Lawyers have, as Jonathan Swift observed, "a peculiar cant and jargon of their own, that no other mortal can understand." They take care to ensure that all legal business, including the drafting of legislation, is conducted in this language "so that it will take thirty years to decide whether the field left me by my ancestors for six generations belongs to me or to a stranger three hundred miles off." This language, condemned by Jeremy Bentham as "literary garbage," "lawyers' cant," and "flash language," serves various purposes, none of them in the public interest. It unites lawyers, distinguishing them from laymen. It makes the law mysterious and incomprehensible to those laymen, thus ensuring a steady supply of work for lawyers who are needed to interpret the language they have invented.

The language of the law fosters the illusion that legal problems are remediable only by the application of the medicine of the specialist. Only a lawyer can resolve the complexities of the problem: better see a lawyer. Legal language also enshrouds the law, hiding it from the public it exists to serve. The idiom of the lawyer leads to public ignorance of the content of the law (which paradoxically refuses to recognize that ignorance of the law should be a defense), to uninformed criticism and to unmerited praise. It provokes the indifference of too many laymen towards the law and the contempt of so many litigants for a legal system they do not understand.

From D. J. Enright, *Interplay: A Kind of Commonplace Book*, 1995.

Civility

A book on this subject by Yale professor and social critic Stephen L. Carter was published in 1998. As he says,

Civility will always have its critics. In 1997, when New York's chief judge proposed rules requiring lawyers on opposing sides to be civil to each other, the prominent divorce lawyer Raoul Felder wrote a caustic response in the *New York Times*. "If lawyers truly care about the causes they represent, they should, on occasion, get hot under the collar, raise their voices, become pugnacious," he wrote. Conflict, argued Felder, is what the legal profession is about. Civility, he concluded, "may not always be the right reaction in an adversarial courtroom."

This argument reminds me of the commentary by Ed Rollins that it was his job to diminish the reputation of his client's opponent. Nastiness, in other words, is not merely the option but the responsibility of the political profession. The legal profession too: "I have never heard a client complain that his or her lawyer was rude," Felder tells us. In both

cases, law and politics, rudeness is evidently justified on the ground that rudeness is what the client is paying for.

As any student of civility would, I find this a fascinating notion: that there are professions for which incivility is a requirement. I suppose I disbelieve it; or, rather, if there are such professions, I am skeptical of their morality, because they fail to convey a message that we are, all of us, not lone drivers but fellow passengers. It may be that law and politics seem so dismally rude because their principal ethic is merely one of victory, an ethic materially enriching and emotionally satisfying, but morally unimportant. If lawyers are paid to be

rude and political consultants to be nasty, and if their incivility is linked to the fact that they are also paid to win, we should scarcely be surprised that professional athletes find it comfortable to brawl with fans, spit on umpires, take bites out of ears, and, in one unfortunate case nicknamed "Assassin," specialize in injuring fellow football players. After all, the athletes want to win too. Some etiquette. Some democracy.

Stephen L. Carter, *Civility: Manners, Morals, and the Etiquette of Democracy*.

WHEN JUSTICE IS NOT SERVED

Movie review by Gail Hartzell

The recent death of actor Gregory Peck brings to mind his Academy Award winning performance in the movie *To Kill a Mockingbird*. The 1962 black-and-white movie is based on Harper Lee's novel, which won a 1960 Pulitzer Prize. The story takes place in a small Southern town in the 1930s, but its message is still relevant today. Gregory Peck portrays Atticus Finch, a widowed attorney with two young children, who accepts the challenge of defending an African-American man wrongly accused of rape in a racially mixed town. Atticus is a fair man who believes in equal rights and the indispensability of moral integrity.

As Atticus prepares his defense and continues to teach his children that all people should have the same legal rights, prejudice reigns in the intolerant community. The ensuing courtroom drama demonstrates that fighting against injustice is not always successful. Although Atticus presents a strong case that plainly reveals the rape charge as a lie, the charged

man is nevertheless found guilty by a jury that is unwilling to take the word of an African-American man over that of a white man. Justice is not served and tragedy results.

The story is touchingly told from the viewpoint of Atticus's daughter, Jean Louise "Scout" Finch, a six-year-old tomboy. It gives her perspective on the townspeople and the lessons she and her friends learn as the trial proceeds. *To Kill a Mockingbird* confronts prejudice head-on and illustrates that those entrusted to see that justice is done are not always color-blind. In this story, right does not triumph, and the audience is made painfully aware of it.

The video of *To Kill a Mockingbird* is part of the Valparaiso University School of Law Library collection and can be checked out for home viewing.

Student Help Wanted in the Law Library

Earn extra money during the academic year helping out in the law library. Students may work up to ten hours per week. Library positions are filled quickly, so if you are interested, please apply as soon as possible.

AUDIOVISUAL ASSISTANTS

Under the direction of the Circulation Supervisor, audiovisual assistants handle the day-to-day audiovisual requirements of law school faculty, staff, and students. It's helpful, but not necessary, for applicants to have previous experience setting up and operating video cameras, TV/VCRs, microphones, PowerPoint projectors, and other types of audiovisual equipment. Applicants must be able to work a flexible schedule including occasional evening and weekend hours. For more information, please contact **Debbie Blennerhassett** at 219-465-7815 or debbie.blennerhassett@valpo.edu.

CIRCULATION DESK WORKERS

These students work behind the circulation desk and perform a variety of tasks, including checking materials in and out, answering the phone, directing visitors to locations in the law school, and referring patrons with reference questions to the law librarians. Prior experience working with the public is a plus for this position. The circulation desk is staffed every hour the library is open, so it's preferred that students work at least two consecutive hours per shift. For more information, please contact **Debbie Blennerhassett** at 219-465-7815 or debbie.blennerhassett@valpo.edu.

COMPUTER LAB ASSISTANTS

Computer lab assistants help students use the library's two computer labs. They provide software support for lab applications and maintain the printers, including clearing paper jams and changing toner cartridges. Applicants must be able to work shifts of two consecutive hours during the day or evening, and they must have a good working knowledge of Windows, Microsoft Office applications, and Net browsers. For more information, please contact **Michael Bushbaum** at 219-465-7822 or mike.bushbaum@valpo.edu.

BOOK SHELVERS

Shelvers put back in the proper place all books and materials used by library patrons. Hours are flexible, but shelvers must work at least two consecutive hours, ideally in the morning or afternoon. For more information, please contact **Debbie Blennerhassett** at 219-465-7815 or debbie.blennerhassett@valpo.edu.

BOOK PROCESSOR

Book processors work from five to ten hours each week preparing books for circulation. Hours are flexible. For more information, please contact **Naomi Goodman** at 219-465-7878 or Naomi.Goodman@valpo.edu.

