‘TIS THE SEASON

by Nonie Watt, Head of Technical Services

The gift-giving season is upon us again. In a quandary over what to buy all your lawyer friends? While neckties covered with gavels and coffee mugs adorned with the Official Seal of the Supreme Court are a dime a dozen, perhaps you might like to try something a bit different this year. A quick search of the Internet brought up a variety of one-of-a-kind items for your gift-giving enjoyment. How about a 1940's Kools cigarette poster featuring a jury filled with smoking penguins? The caption reads "John, this made me think of you—if we could only find a jury today who smoked like this jury!" I suppose if you have any friends serving as corporate counsel for R.J. Reynolds, this might be just the ticket.

Sandra Day O'Connor bobblehead doll? You can receive one free of charge for subscribing to The Green Bag legal humor magazine. If you can't wait that long, there are a number of them available on E-bay for around 50 bucks.

Most of the items above, as well as an assortment of other law-related gifts, may be found at For Counsel.com. Who says you have to limit yourself to Lady Justice stadium blankets this year?

For your international law colleagues, a share certificate of Barcelona Traction, Light and Power (suitable for framing, of course) can be had for a mere $125. Twice that would bring you a framed portrait of Miss Nellie Cronise, one of the first women attorneys in the state of Ohio. If you are feeling particularly generous this holiday season, you might consider dropping $4,700 on a 1933 signed letter by actress Greta Garbo dumping her lawyer. Her main complaint is that Mr. Joseph Buhler has sent her a number of documents that are "too complicated for her to comprehend." So, keep that in mind should you ever find a Hollywood femme fatale among your clients.

And of course, what gift list would be complete without this year's legal version of "Tickle Me Elmo"—none other than the...
NEW & NOTEWORTHY: LEGAL BOOKS BATTLE FOR NATIONAL BOOK AWARD


I had a pretty good idea that a law related title was going to win the 2004 National Book Award (NBA) for nonfiction. The two top runners were Kevin Boyle’s Arc of Justice and The 9/11 Commission Report.


This year’s National Book Foundation nominations drew quite a lot of publicity when it was announced that a government report was nominated. Government reports, more often than not, are bland and unreadable, but the 9/11 Report broke all sorts of barriers when it was published in late July. First, and foremost, it was readable. Second, a commercial publisher (W. W. Norton) made arrangements with the United States Government Printing Office (GPO) to publish and distribute an enhanced version of the report (enhanced with pictures) prior to GPO’s version. And three, it quickly became a national best seller. The Government Printing Office did ultimately produce a paper copy of the report and also made a copy available online [www.gpoaccess.gov/911/index.html].

Surprisingly, the 9/11 Report was not the first government document to be nominated for a NBA award. In 1973, a New York State Commission report on the Attica prison riot was nominated. That report, Attica: The Official Report of the New York State Special Commission on Attica (HV947. N7 16 N44 1972) was also reproduced by a commercial publisher and, like the 9/11 Report, did not win.

The law related title that did win the 2004 NBA nonfiction award was Kevin Boyle’s Arc of Justice. Boyle’s book tells the story of a 1925 murder trial in Detroit that revolved around the growing power of the Ku Klux Klan in Midwestern urban centers. Although referred to as one of the great civil rights battles of the century, the trial has largely been ignored by scholars until recent years. The New York Times called Boyle’s account “by far the most cogent and thorough account of the trial and its aftermath.” Boyle, a history professor at Ohio State University, grew up in Detroit.

Dick Vaughan
Acquisitions & Serials Control Librarian

TIPS FOR FINDING TITLES ON WESTLAW AND LEXIS

As most Res Ipsa readers are aware, the Law Library recently suffered a serious budget cut. In response, we’ve had to cancel quite a few titles. If you find that we no longer own a particular title that you need, it is worth taking a look to see if it is available on Westlaw or Lexis.

One approach to finding out whether a particular title is on Westlaw or Lexis would be to look in the database directories that each company publishes annually. We have copies of these directories available in the Reference Office. However, these directories are rather large and unwieldy, so looking for a title in them is not necessarily the fastest or easiest approach. Instead, I would recommend conducting a quick search in Westlaw and Lexis to see if the title is available in either one.

Both Westlaw and Lexis offer a function that allows users to search for particular titles in their holdings. In Westlaw, this takes the form of a database of databases, which can be reached by typing the database name “IDEN.” Once there, just type in the title that you are searching for; do not craft a Boolean search (one that uses connectors, such as “and” or “or”). For example, if you are looking for McKinney’s New York Forms, then type in “McKinney’s new york forms.” (You do not need to capitalize anything in Westlaw.) If the title is available in Westlaw, it will show up in the list of results. If you select the title from the list of results, you can click on “scope” to find out more about the scope of this particular database, for example, does it contain the complete text of the title? How far back does the coverage go in time? How often is it updated?

In Lexis, there is a similar function called “Find a Source.” You should find a link to “Find a Source” on the initial search screen. This function works the same way that IDEN works in Westlaw—you just type in the name of the title that you want, and Lexis will tell you whether that title is available or not. If it’s not, you will get a list of results that are similar to the one you typed in, but none will match exactly.

If you find that the title is not available in either Westlaw or Lexis, I would recommend making an interlibrary loan request to see if we can borrow it from another library.

Liz Goldberg
Reference Librarian
HOLLYWOOD ON TRIAL

The most recent issue of American History magazine has an interesting article about the trial of a Hollywood star from the 1920s. The star was Roscoe "Fatty" Arbuckle, and in 1921 he was charged with murder in the death of actress Virginia Rappe at a party in San Francisco. At the time Arbuckle was one of the best-paid Hollywood stars and at the top of the profession. Over the Labor Day weekend in 1921, he and two friends went to San Francisco for a getaway. Prohibition was the law, but they contacted a bootlegger and spread the word that the party had started. Numerous people came and went, and then at one point Arbuckle came out of a bedroom and said that there was something wrong with a woman on the bed. It was Rappe and she was apparently in great pain. On Friday, September 1st, Rappe died and Arbuckle was wanted for questioning under suspicion of having raped her. When he arrived in San Francisco for questioning, he was arrested and charged with murder.

The description of the trial is one of two ambitious men. One was the district attorney, Matthew Brady, who was preparing to run for governor of California. The other was newspaper publisher William Randolph Hearst, who would do anything to sell newspapers. Hearst had photographs concocted of Arbuckle in jail, and outright lies were printed as facts. There was a woman who claimed to be a witness, but her testimony had major problems, and there was an outstanding arrest warrant on her for bigamy. When the DA decided to press on without her testimony, the judge reduced the charge from murder to involuntary manslaughter. The judge would not dismiss the case, commenting that "We are not trying Roscoe Arbuckle alone... we are trying our present day morals, our present day social conditions, our present day looseness of thought and lack of social balance." [p. 44] The author points out that clearly Hollywood was on trial.

The first trial began on November 18, 1921. The DA's case was based on circumstantial evidence and a series of witnesses with "moral high ground grandstanding." [p. 46] The defense team shredded the prosecution's case, and Arbuckle took the stand and claimed that he at no time violated Rappe. Rather, he had entered the bedroom to change his clothes and found her in the bathroom, drunk and ill. When the case went to the jury, the majority quickly voted to acquit, but one juror would not. When it was revealed that she was married to someone who had connections to the DA's office, a mistrial was declared. The second trial ended in a hung jury. At the third trial, "an exhausted and dispirited prosecution increasingly unraveled, while the defense pulled out all the stops. It took the jury a mere five minutes to return its not-guilty verdict..." [p. 46] Arbuckle was found not guilty, but his career was ruined. A new body of police Hollywood called the Motion Picture Producers and Distributors of America was created and in a manner similar to the baseball Black Sox scandal, Arbuckle was banned from working in motion pictures. In 1932, the ban was lifted, but Arbuckle died the following year.

This article is very interesting in its description of a celebrity trial from another era, and the ultimate effect it had on Hollywood ethics for 40 years. It is in the February 2005 issue of American History.

Michael Mabrie
Cataloging Librarian

A DAY IN THE LIFE...

Recently received the following reference request via email: "What is the Ghana law about the finality of customary adoptions?" At first I thought this request would raise questions about the extra-territorial enforceability of customary orders. And in fact it did so, indirectly. But after a few further emails, I discovered that the real question had to do with the status of customary legal acts in Ghana. For the question involved an adoption concluded first under customary law, and later made "official" by a court decision. The question was which of these two events made the adoption legal.

(continued on page 4)

THE SUGGESTION BOX

Every month in this space Associate Director Linda Farriss responds to a suggestion from the Suggestion Box.

Suggestion: Can we get a recycling can for plastic bottles?

Response: Sometimes what seems like an easy question can be more complicated than you would think! Although we would love to recycle plastic, the reason we do not is because the University does not provide support. The University only contracts to recycle paper and cans. Currently the custodial staff removes the paper and can recycling. If we put out plastic recycling bins there would be no one to remove it. A few years ago the Environmental Law Society approached us about recycling plastic and they agreed to remove it and take it to the recycling center. Unfortunately, this did not work out and we had to stop. If we can work out a satisfactory arrangement in the future, we will be more than happy to add plastic recycling. Thanks for your suggestion.
My first thought was to check the chapter on Ghanaian law in volume one of the Encyclopedia of Comparative Law (Ref. K530 E). This is an older source (1978), but still quite useful as a general introduction. Here I learned that customary law is essentially a form of common law, differing only in that its jurisdictional basis is personal (i.e., specific bodies of customary law apply to specific tribes) rather than geographical. I also learned that customary law is elaborated by courts, although chieftains are formally recognized as the authoritative source of customary norms in Ghana.

Next I consulted a looseleaf treatise (Internationales Ehe- und Kindschafsrecht, K075 A15 B4), which I located by searching IUCAT for books with the subject heading "Parent and Child (Law)." In the chapter on Ghana (currently updated through 1992) I found a statement that "adoption under customary law is possible," despite the existence of a parallel statutory scheme, and a footnote citing two Ghana Court of Appeals decisions from the 1970s. (In fact, it turns out that certain types of adoption, i.e., adoption into a clan or tribe, can only be accomplished under customary law.) Since we have the Ghana Law Reports (KRX88 A4), I was able to read the cases, each of which sets out the requirements for customary adoption, and confirms the validity of a particular, customary adoption. The language of the cases made it very clear that the adoptions were effected in both cases by performance of acts required by customary law. The reported decisions themselves merely confirmed the customary adoptions, without creating any new legal relationships.

Finally, I checked the current (1996) Ghana constitution in Constitutions of the Countries of the World (Ref. K3157 A2) to make sure that the status of custom as a source of law has not been altered. I also checked World Cat, using the subject heading "children-legal status, laws, etc.-Ghana," and found a book, entitled The Children's Act 1996. I would have been concerned that this act might have preempted customary law in the area of adoption, except that the facts underlying the reference request pre-dated the statute. Therefore, I was satisfied, especially by the case law, that adoption had been effected by customary norms, and that the customary act was therefore final and entitled to enforcement both in Ghana and elsewhere.

One last question. How much of this research might I have been able to do online? I could have found the current constitution, although most websites actually reproduce an earlier (1992) version. But none of the commentary, and none of the case law, would have been found.