



# Berkshire Law Library Newsletter

## Massachusetts Trial Court Law Libraries

Number Twenty

January 2020

### Cinema of Law 2020: Our Fourteenth Year

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Open Monday thru Friday

8:30 am to 4:30 pm

The *Cinema of Law* film series is back in March 2020, with movies in the auditorium of the Berkshire Athenaeum. Presentations are co-sponsored with the Berkshire Bar Association and the Friends of the Berkshire Athenaeum. Presentations begin at 6 p.m. and the movies follow.

**Thursday, March 5** *One Woman, One Vote* (1995) Intro by Attorney Lee Flournoy  
This documentary is a sweeping look at the women's suffrage movement, from the first women's rights convention in Seneca Falls in 1848 to the passage and ratification of the 19th Amendment to the U.S. Constitution. The year 2020 marks the 100th anniversary of the passage of the 19th Amendment, guaranteeing and protecting women's constitutional right to vote.

**Tuesday, March 10** *The Suffragette* (2015) Introduced by Attorney Holly Rogers  
*The Suffragette* combines fictional and historical characters to dramatize the struggle for women's suffrage in Great Britain, centering on the lives of activists during the years 1912-1913.

**Tuesday, March 24** *Beyond Standing Rock* (2017) Intro by Attorney Kathleen Jackson  
*Beyond Standing Rock* an hour long documentary that shines a spotlight on the Dakota Access pipeline protest and its roots in a 170-year-long conflict between tribes and the U.S. government over independence, land ownership, and control of resources. Attorney Jackson served in the Legal Tent at Standing Rock during the 2016 protest.

**Tuesday, March 31** *They Shall Not Grow Old* (2018) Intro by Attorney Michael Hinkley  
This documentary uses original war film footage, restored with groundbreaking computer restoration techniques to recreate the look and feeling of what it was like to be a soldier in World War I (1914-1918), without the archaic look and jerkiness that characterizes film footage from that time.



### Massachusetts Suffrage Centennial Celebration

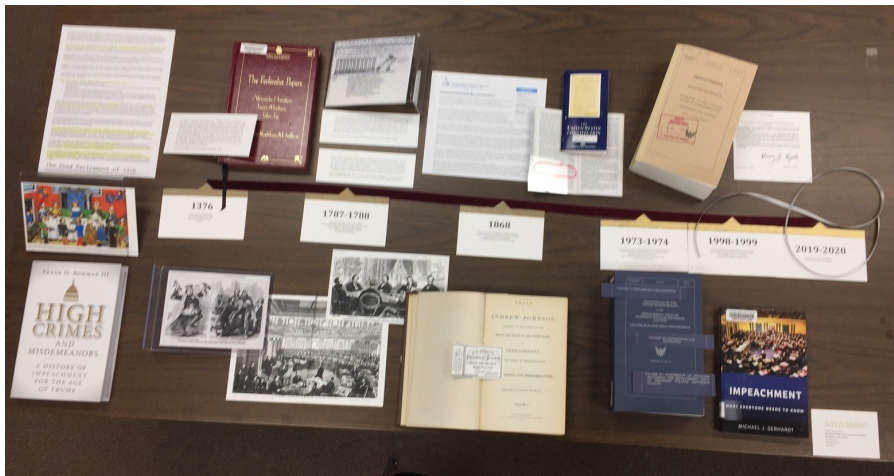
The Berkshire Law Library is participating in a collaboration with historic sites, museums, libraries and institutions throughout the Commonwealth in the *Massachusetts Suffrage Centennial Celebration, 100 Events for 100 Years*. The first two movies in our *Cinema of Law* series are part of this celebration. For a full listing of events, See [celebratesuffrage.org/events](http://celebratesuffrage.org/events).



### In the Fiscal Year ending June 30, 2019, the Trial Court's 15 public law libraries:

- Served 50,917 patrons, including 21,597 self-represented litigants
- Served 36,501 on-site visitors
- Responded to 18,444 questions
- Held 6,092 Ask-A-Law Librarian chat or text sessions (40% increase over FY18)
- Delivered 4,005 online documents
- Offered training and community outreach programs to judges, court staff, law students, bar associations, and the public
- Circulated 21,548 books
  - from the *Annual Report on the State of the Massachusetts Court System—Fiscal Year 2019* and system statistics

## Impeachment: Exhibit at the Berkshire Athenaeum



An exhibit on impeachment at the Berkshire Athenaeum in January showcases the breadth and depth of the Trial Court Law Libraries collections. The exhibit draws on Hampden Law Library's Federal Depository material, Berkshire's special collections, a loan from the South Hadley public library, and Franklin Law Library's copy of *The Federalist Papers*.

The following dates are highlighted on a time line in the exhibit:

**1376** Lord Latimer is impeached, the first recorded use of the procedure by Parliament in England.

**1787-1788** Alexander Hamilton writes two essays about the impeachment clause in the U.S. Constitution (later published in *The Federalist Papers*) in an effort to persuade New Yorkers to ratify the Constitution.

**1868** The U. S. House of Representatives presented eleven articles of impeachment to the U.S. Senate. The Senate tried and acquitted President Andrew Johnson by one vote.

**1973-1974** The Judiciary Committee of the House of Representatives drafted and approved three articles of impeachment against President Richard Nixon. Nixon resigned before the full House could vote on the impeachment.

**1998-1999** The U.S. House of Representatives presented two articles of impeachment to the U.S. Senate. The Senate tried and acquitted President Bill Clinton on both counts.

**2019-2020** President Donald Trump is impeached, to be tried in the U.S. Senate.



## A Look Back, as I Look Homeward



I will be retiring as of February 28, 2020. In some ways, this is bittersweet. I have learned a lot in my job, and am very grateful for the opportunities that it has provided. Collaboration has been the key. The librarian's job is about access to information, and you can only facilitate access by working with people.

I first started working in the library in June of 2003. At that time, the library was only open three days a week, and there were rickety shelves in all the windows, full of books. While Donald Dunn had said, in a 1992 article in *Mass. Lawyers Weekly*, "during the early developmental years, law libraries were often viewed as warehouses and librarians as caretakers. Those days have long since passed," even so, we were living in a world that put a greater value on print resources than may be the case today.

A reconstituted Berkshire Bar Law Library Committee, chaired by Jack E. Houghton, Jr. (then President of the Bar Association), advocated for the library. The Committee included Marnie Warner (Law Library Coordinator), Teah Quinn for then Senator Andrea Nuciforo, Attorney Charles Ferris, Justice Francis Spina and A.D.A. Joseph Pieropan.

In 2003, the Trial Court Law Library system was part of a NELLCO (New England Law Library Consortium) project to provide online legal reference (chat). Meg Hayden, now a Trial Court Web Administrator, helped us to learn this new way to communicate. Online reference has grown into the robust service now offered under the rubric "Ask a Law Librarian!"

By 2005, we were able to open the library for 5 days per week, and Gary Smith was brought on board to work in the library. Gary single handedly bar-coded all of our books as we transitioned to an online catalog.

In 2005, Gary and I served on a Trial Court Law Library Special Collections/Rare Book Committee. We conducted a survey of the law libraries and determined that Worcester Law Library held the best and largest collection of legal historical books; however, other libraries had excellent material of local interest. Worcester was able to build a climate controlled Rare Book Room.

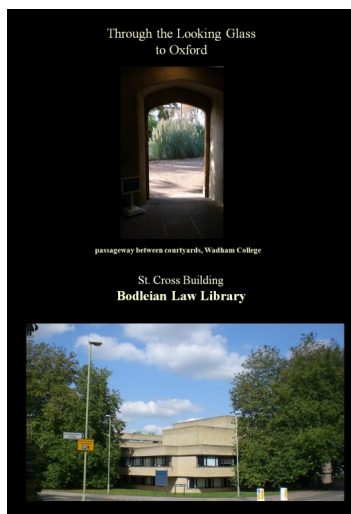
In March of 2007, the Berkshire Law Library, the Bar Association (under the presidency and support of Michael McCarthy), and the Friends of the Berkshire Athenaeum presented the first iteration of our *Cinema of Law* film series. Now in its 14th year, 41 attorneys and judges have presented thoughtful introductions to the films, and Marilyn Manning and the Athenaeum staff and Friends have been gracious hosts for the series.

Law library associations have provided many opportunities to work with colleagues from court, academic, and firm libraries. In 2007, I traveled to the U.K. as a NELLCO International Fellow to learn firsthand how the Bodleian Law Library (Oxford) functions. I learned in a special place that we have a lot in common with law librarians across the pond.

In 2009, the Commonwealth's Division of Capital Asset Management undertook a project to provide increased access to the Superior Court building in Pittsfield, including adding a new elevator in order to be in compliance with A.D.A. standards. With the help of Marnie Warner, we were able to work with the architects to ensure that the redesign included a Rare Book Room to house the Berkshire Law Libraries' special collections.

In 2011, the Berkshire Law Library served as the host organization for the fall meeting of the Law Librarians of New England. The meeting was held at the Clark Art Institute. "Art Law: Framing the Issues" included, as speakers, Ralph Lerner and Judith Bresler (the authors of a seminal treatise on the subject), Filippa Anzalone (director of the Boston College Law Library), and Anthony Amore (Director of Security at the Isabella Stewart Gardner Museum and author of *Stealing Rembrandts: the Untold Stories of Notorious Art Heists*).

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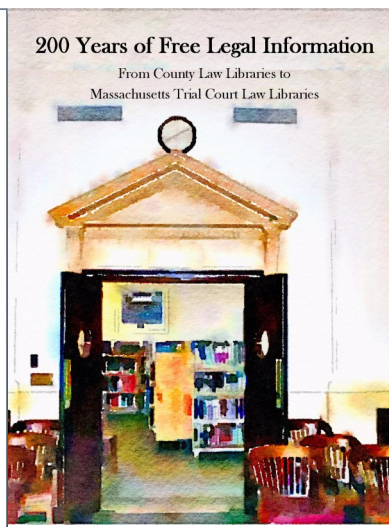
**LLNE Fall 2011 Meeting**  
**Art Law: Framing the Issues**  
 The Sterling and Francine Clark Art Institute  
 Oct. 21, 2011  
 Williamstown, MA

**SPEAKERS**

**An Overview of the Field of Art Law**  
**Ralph Lerner and Judith Bresler**  
 Authors of  
*Art Law: The Guide for Collectors, Investors, Dealers & Artists*  
 Coubert Lists at  
 Withers Bergman, L.L.P. in New York

**Problems Facing Museums Today: Deaccessioning & Repatriation**  
**Filippa Anzalone**  
 Professor and Associate Dean  
 for Library and Technology Services  
 Boston College Law School

**Stealing Art and the Gardner Theft: Twenty Years Later**  
**Anthony Amore**  
 Author of *Stealing Rembrandts: The Untold Stories of Notorious Art Heists*  
 Director of Security  
 Isabella Stewart Gardner Museum



**Massachusetts Law Updates**  
 Official blog of the Massachusetts Trial Court Law Libraries

**Massachusetts Declaration of Rights – Article 11**

Home | Law Libraries | Massachusetts Declaration of Rights – Article 11

**Access to Justice**

Article 11 (1780)

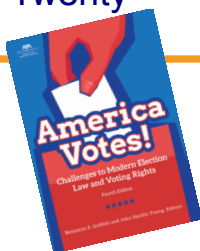
Every subject of the commonwealth hath to him a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay, conformably to the laws.

**Precedents, Following Law, and Quotations**

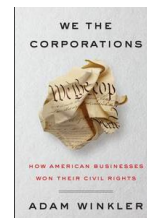
Clause 48 of the *Magna Carta* of the Great Charter of King John Corbet at Runnymede, June 15, A.D. 1215, in the Seventeenth Year of His Reige:

"To no one will we sell, to no one deny or delay right or justice."

Early on, keeping in mind the concept of access to justice outlined in the Massachusetts Declaration of Rights, the Commonwealth's Legislature envisioned a system of county law libraries providing free legal information to its citizens. Chapter 322 of the Acts of 1915 authorized a group of five or more lawyers in any county in the Commonwealth to "form a law library, for the use of said county." After celebrating the 200th anniversary of this legislation, and now under the purview of the state's judicial branch, the Massachusetts Trial Court Law Libraries, fifteen public libraries located across Massachusetts, continue to provide free legal information.



## Selected New Acquisitions



### New Editions—Massachusetts Law

Handbook of Massachusetts Land Use and Planning Law, Mark Bobrowski, 2018.  
 Massachusetts Landlord Survival Guide, 9th ed., Philip S. Lapatin, 2016.  
 Suppression Matters under Massachusetts Law, LexisNexis Matthew Bender, 2020 ed.  
 (our most enthusiastically requested book by far)

### Databases available in the Law Library

The Trial Court Law Libraries offer Lexis and Westlaw in the libraries for free. The libraries also make an effort to balance their print and online resources. Repeated budget cuts over the past couple of years, and the dominance of Lexis and Westlaw in the marketplace, affect this delicate balance. Because there are 15 Trial Court Law Libraries in our system and we have a union catalog, we should be able to get you what you need, even though it may be through interlibrary loan. Consider also our [Ask-A-Librarian](#) services to request material to be emailed from our databases.

### Practicing Law Institute (P.L.I.)

Social Media and the Law, 2019 ed.

### Are Corporations People?

We the Corporations: How American Businesses Won Their Civil Rights, Adam Winkler, 2018

See also our blog post [Do Corporations Have Standing?](#)

### ABA Titles

America Votes!: Challenges to Modern Election Law and Voting Rights, 4th ed., 2019.

The Fourth Amendment Handbook, 4th ed., William W. Greenhalgh, 2019.

Vacant and Problem Properties: A Guide to Legal Strategies and Remedies, 2019.

### On Impeachment

High Crimes and Misdemeanors: A History of Impeachment for the Age of Trump, Frank O. Bowman III, Cambridge Univ. Press, 2019.

### MCLE Seminar Books

All Print Loose-leaf volumes ("blue binders"), including Trying Drug Cases in Massachusetts, 2nd Supp., 2019.  
 All Print Seminar Materials, including Representing Asylum Seekers

## A Look Back

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Presentations: In 2012, Gary and I began a long run as guest instructors in James Arpante's government classes at Berkshire Community College. We were able to highlight the services and resources of the Law Library for future patrons, and to give a civics lesson that incidentally taught the basics of doing legal research. We have also presented instructional programs on online legal research at the District Court Judges' Conferences when they were held in Williamstown in 2006 and 2018. We have been regular presenters in programs for public librarians, sponsored by the Mass. Library System; and lately, we have presented webinars sponsored by the Mass. Board of Library Commissioners in collaboration with the Social Law Library. In 2019, I served on a panel and helped present "Criminal and Civil Trial Practice: Help for Your Legal Research Needs from Practitioners' Libraries" for the inaugural legal research conference for Boston area law students held at Harvard called "Prepare to Practice."

While public law libraries have always served self-represented litigants, the first Court Service Centers opened in 2014 in Greenfield and Boston to help *pro se* litigants on an individual basis. More Court Service Centers have followed, and the work that they do significantly helps to provide access to justice for many people. We support their work.

In 2015, the Mass. Trial Court Law Libraries celebrated the 200th Anniversary of the enactment of legislation that established what was to become a system of public law libraries in Massachusetts. A reception was held in the Great Hall in the John Adams Courthouse in Boston, and we published a book, *200 Years of Free Legal Information: From County Law Libraries to Massachusetts Trial Court Law Libraries*. A history of the Berkshire Law Library is included in the book.

In 2015, the Berkshire Law Library submitted written comments at a public hearing held by the Trial Court Public Access to Court Records Committee, urging the Courts to provide access to court records online while protecting the security and privacy of all.

Finally, for the past several years, Gary and I have been blogging on our public blog, *Massachusetts Law Updates*. In January of 2019, I mounted a series of blog posts showcasing the 30 Articles in the *Massachusetts Declaration of Rights* in our state Constitution.

Upon retirement, it may be time to take stock and look backwards. It has been a privilege to work in the Berkshire Law Library. I owe a debt of gratitude to those who have walked with me these past 17 years. I thank you all.

– Barbara Schneider