



OBITER DICTUM

VOLUME 21, NUMBER 6
JANUARY 1, 2007

LIBRARY HOURS



During intersession, until Tuesday, January 16, the library will be open from 8:00 A.M. until 8:00 P.M. seven days a week. The library will be closed on Monday, January 15, in observance of Dr. Martin Luther King, Jr. Day. On Tuesday, January 16, regular hours will resume. The library will be open Monday through Thursday from 7:00 A.M. until midnight, Friday and Saturday from 8:00 A.M. until 10:00 P.M., and Sunday from 8:00 A.M. until midnight.

For details, check the Legal Research Center web site at <http://www.sandiego.edu/lrc/about/hours.php>.

A NEW OLD FACE



Many of you will remember Brent Bernau from his days working here at the LRC when he was the Associate Director. Some will also recall that he is a graduate of USD's School of Law.

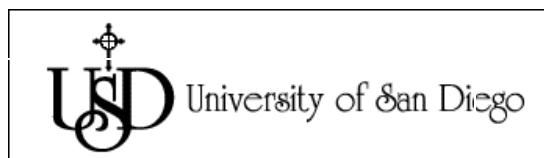
Brent has accepted the position of temporary reference librarian while we search for a new Foreign and International Law Librarian. Right now, Brent is scheduled to work at the reference desk Monday through Friday from 8:00 to 11:00 A.M. He will begin that schedule on Tuesday, January 16.

We are so fortunate to have someone of Brent's accomplished background and superior knowledge in this role. He has served as Director at the Golden Gate University Law Library, Associate Director at the San Diego County Public Law Library, and Associate Director/Head of Public Services at Thomas Jefferson School of Law Library. Throughout the years he has also been a superb reference librarian. Please stop by to wish him well and to ask for his reference assistance. *Submitted by John Adkins, Head of Public Services.*

TO PUBLISH OR NOT TO PUBLISH

The California Supreme Court has amended the rules on publication of Court of Appeal opinions. The amendments are designed to encourage the publication of all appellate opinions that may assist in the reasoned and orderly development of the law and to improve public confidence in

The newsletter section of OBITER DICTUM may be found at <http://www.sandiego.edu/lrc/catalogs/news.php>



the publication process.

**PUBLISH
(cont.)**

The newly adopted amendments, effective April 1, 2007, will:

- State that an opinion *should* be published if the opinion meets one or more of the criteria specified in the rule, replacing the current presumption against publication of an opinion unless it meets the criteria specified in the rule;



- Specify that the rule applies to every opinion, whether it affirms or reverses a lower court opinion;

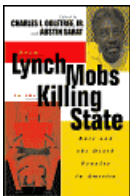
- Clarify and expand the criteria that the Courts of Appeal should consider when deciding whether to certify an opinion for publication; and

- Identify factors that should *not* be considered in deciding whether to certify an opinion for publication, such as court workload or embarrassment to attorneys, litigants, judges or others.

News Release, Judicial Council of California, Supreme Court Amends Rules on Publication of Court of Appeal Opinions (Dec. 12, 2006), *available at* <http://www.courtinfo.ca.gov/presscenter/newsreleases/NR91-06.PDF>.

**LOOKING
BACK AT
FURMAN**

Thirty-five years ago this month, newly sworn Supreme Court Justices Lewis Powell and William Rehnquist and their brethren heard the case of *Furman v. Georgia*, 408 U.S. 238 (1972) and took on the issue of racial disparity in the imposition of the death penalty. This challenging issue remains a topic of legal scholarship, as is evidenced by the recent addition to the LRC collection of *FROM LYNCH MOBS TO THE KILLING STATE: RACE AND THE DEATH PENALTY IN AMERICA*/KF9227.C2 F76 2006, an anthology of hard hitting articles, edited by Charles J. Ogletree, Jr. and Austin Sarat. An unflinching history of capital punishment in relation to race and class is found in *THE HANGMAN'S KNOT: LYNCHING, LEGAL EXECUTION, AND AMERICA'S STRUGGLE WITH THE DEATH PENALTY*/HV8699.U5 S72 2003 by Eliza Steelwater.



Ten years ago, the Jesse Jacksons, father and son, wrote *LEGAL LYNCHING: RACISM, INJUSTICE, AND THE DEATH PENALTY*/HV8699.U5 J33 1996. Benjamin Fleury-Steiner looks at the issue of race and the death penalty from the point of view of the jury in *JURORS' STORIES OF DEATH: HOW AMERICA'S DEATH PENALTY INVESTS IN INEQUALITY*/HV8699.U5 F54 2004, which includes an appendix titled "A Closer Look at African American Capital Jurors."



The newsletter section of *OBITER DICTUM* may be found at <http://www.sandiego.edu/lrc/catalogs/news.php>

