

Douglas County Law Library

E-Mail Newsletter



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Contents

- Meeting and Event Announcements
- Introducing a Library Staff Member
- Donating to Legal Essay Contest Scholarships
- Spotlight on Library Resources
- *The Court-Martial of Billy Mitchell* to be Screened on November 21st
- 2009 Law Library Fees Due Soon
- Current Art Gallery Exhibitions
- New Acquisitions
- Did You Know?
- This Month In Legal History
- Law Library Volunteer Opportunities
- Feedback
- Submitting Articles for Newsletter
- To Subscribe
- Classified Ads

Meeting and Event Announcements

The Defense Bar meets the second Friday of the month. This month the meeting will be on the 14th.

Introducing a Library Staff Member

Earlier this year, the Library hired Elizabeth Hickert Fike, a third year law student at Washburn University School of Law, in the newly created Library Assistant position.



Elizabeth, a fifth generation Kansan, was born in Wichita and moved to Lawrence at the age of eight. Her parents grew up on farms in Western Kansas. She attended Lawrence Public Schools, graduating from Free State High School in 2001, and then attended Baker University in Baldwin City, Kansas, graduating with a Bachelor of Arts Degree in History and minors in Sociology and Business. Elizabeth plans to graduate from Washburn with her Juris Doctorate in May 2009. She hopes to work in historic preservation, grant writing, or the non-profit sector. Playing tennis, learning about history, and traveling are her non-academic interests. Her sister Sarah is currently working for Teach for America, a division of AmeriCorps, in New York City. Elizabeth's

husband Tyler graduated from Kansas State University, and is an arborist with Ryan Lawn and Tree in Kansas City. The couple, who currently live in Lawrence with their two cats, hope to move to Oregon in the next few years to pursue Tyler's love of horticulture and Elizabeth's love of mild weather.

Donating to Legal Essay Contest Scholarships

The Douglas County Bar Association (DCBA) is soliciting donations for scholarship awards for next year's Douglas County Legal Essay Contest. The Contest is a partnership between the DCBA and the Law Library, the aim of the essay contest being to stimulate local high school student's interest in the law, to shed a positive light on the local legal community, and to award scholarships for the advancement of the winners' formal education. The DCBA is attempting to raise \$500 for its share of the 2009 scholarships, and is asking its members to contribute toward that goal. A total of \$3000 in scholarships is planned to be awarded next May.

Donations are not limited to members of the DCBA. Anyone interested in supporting the goals of the essay contest is welcome to donate any amount, large or small, to the scholarship fund. Donations are tax deductible to the fullest extent allowed by law.

Checks should be made out to the **Douglas County Law Library**, and sent either to the DCBA, PO Box 1966, Lawrence, Kansas, 66044, or to the Law Librarian in care of the Law Library. Please note on the check that it is a donation for the essay contest.

Spotlight on Library Resources

The resource in the spotlight this month is *Search and Seizure Bulletin*, published monthly by Thomson Reuters/West. Each

issue of the bulletin includes several articles illuminating search and seizure cases on varying topics and the outcome of their appeals.

Each article begins with the citation for the case. There is then a description of the facts of the case, followed by the outcome of the original trial and the results of the appeal. This is followed by a discussion of the reasoning behind the appeals decision.

Monthly issues also include a "Law Quiz", where the reader is given the chance to test their understanding of the law by deciding what would be the outcome of several short cases, and an "In Brief" section illuminating other aspects of search and seizure law.

Cases covered in the October 2008 issue include: child pornography is discovered on a computer during a warranted methamphetamine lab search, an unwarranted search results from a phone call made during a traffic stop, a search of a cabin on a cruise ship is conducted by border officers, and the reasonableness of a strip-search policy for all new inmates in a county jail is determined.

The current issue of the bulletin is available on the new periodicals shelf along the back wall of the Library alcove. Past issues are in a binder in the Periodical section, located on shelves below the current *Kansas Statutes Annotated* and *Kansas Administrative Regulations* volumes.

Spotlight on Library Resources is designed to help Law Library users become more aware of resources in the Library with which they may be unfamiliar, and so be better able to benefit by using them.

The Court-Martial of Billy Mitchell to be Screened on November 21st



The Law Library's "Reels of Justice Film Series" continues at 6:00 PM on Friday, November 21, 2008, with a screening of *The Court-Martial of Billy Mitchell*.

The film stars Gary Cooper as Colonel Billy Mitchell, who in real life fought the military establishment for years during the 1920s and early 1930s to prove the value of air power to the defense of the United States. The film shows his struggles that culminated in a 1925 court-martial, conducted by a military bureaucracy that didn't want to hear the truth.

The film also features Charles Bickford, Ralph Bellamy, Darren McGavin, Elizabeth Montgomery, and Rod Steiger. It was nominated for an Academy Award in 1956.

The program will include an appearance by local attorney Shelley Bock, who will give commentary on the film and on how the film portrays the military justice system.

The screening will begin at 6:00 PM, Friday, November 21st in the Lawrence Public Library Auditorium. All screenings in the film series are free and open to the public.

The next film in the "Reels of Justice Film Series" will be *Incident at Oglala*, scheduled for screening on February 20, 2009.

2009 Law Library Fees Due Soon

The 2009 Law Library Registration Fee for attorneys will soon be due. If the \$10.00 annual fee is not received in the Court Clerk's Office by January 15th, the attorney will be barred from filing pleading or other

papers with the Clerk, as per K.S.A. 20-3126.

In addition to not being able to file material with the Clerk, attorneys who do not pay their 2009 fee will not be eligible to run for one of the attorney positions on the Law Library Board or to vote in the election to fill those positions that is scheduled for next spring.

A registration renewal form/invoice was sent out from the Library by e-mail at the end of October to all attorneys whose e-mail address is on file in the Library. If you did not receive one, but would like to receive the form/invoice for this and future years, send your e-mail address to the Law Library with a request to be added to the mailing list.

Current Art Gallery Exhibitions

The November exhibits in the Douglas County Law Library Art Gallery and the Division IV Art Gallery are photography by Todd J. Shelley.

The exhibits will run through the end of November. All of the pieces are for sale and may be purchased directly from the artist. Contact information for Mr. Shelley is available in the Library and Division IV.

The December 2008 Law Library and Division IV exhibitions will be Watercolors by Mary Mitchell. More information on the exhibits will be in the December E-Mail Newsletter.

For more information on past, current, and future Art Gallery exhibitions, or for more information on the Art Gallery, please consult the Art Gallery page on the Law Library's website.

If you would like to exhibit your art in our gallery, or know of local artists who would like to show their original art here, contact

Bill Pendleton, the Library's Art Gallery Exhibitions Coordinator at 843-3536 ext. 19 or billpen@pendletonandsutton.com, or the Law Library at 838-2477 or by e-mail at info@douglascolawlibrary.org.

New Acquisitions

Newly acquired material added to the Law Library's holdings:

AALL Directory and Handbook, 2008/2009.

AALL Spectrum, v. 13:1 (Sept./Oct. 2008).

Advance sheets of the Kansas Supreme Court and the Kansas Court of Appeals, v.286:3/39:4 (Sept. 2008).

Courtroom Criminal Evidence, 4th, v. 1 and v. 2, 2008 Supplements.

Management Essentials in the Public Law Library: a Guide for Government and Court Decision Makers, by the American Association of Law Libraries, State, Court, and County Law Libraries Special Interest Section.

Search and Seizure Bulletin, v. 45:10 (Oct. 2008).

The Value of a Public Law Library: a Guide for Government and Court Decision Makers, by the American Association of Law Libraries, State, Court, and County Law Libraries Special Interest Section.

Did You Know?

Every month, a bit of Law Library trivia is posted in the Law Library and on the Law Library's website. The previous month's "Did You Know" tidbit is then published here in the Newsletter. The hope is for this to improve communication between the Law Library and its users.

October's entry was:

- The mission of the Douglas County Law Library is to provide legal and law related resources through a law library, focused on a Kansas practice, conveniently located in the Judicial Center for use by the bar, bench and public.

This Month In Legal History

November 21, 1855 - The murder of Charles Dow sparks off the Wakarusa War.

In July of 1854, Franklin M. Coleman came to Kansas Territory. In September of that year, he went to Hickory Point in southern Douglas County and there jumped the claim of a non-resident named Frasier. Charles W. Dow came from Ohio to Hickory Point in February of 1855, and jumped a claim directly east of Coleman's that belonged to a man named William White. The land in the area had not yet been surveyed, so Coleman and Dow worked out a mutual agreement on the location of a conditional boundary line between their two claims, pending the completion of the official survey. The fact that they could agree on anything might be surprising, since Coleman supported having Kansas be admitted to the Union as a state that allowed slavery, while Dow opposed slavery, and supported the admittance of Kansas to the Union as a free state. When the boundary of the land reserved for the Shawnee Indian Tribe, the so-called Shawnee Reserve Line, was surveyed, Free-State settlers in the area began recognizing the location of land claims based on that line. Doing so moved the north-south boundary line between all claims in the area, including Coleman and Dow's, two hundred and fifty yards to the west. As with other pro-slavery men, Coleman did not recognize this as the official government survey, and so did not recognize any changes resulting from it. He continued to cut timber on land

that Dow now thought to be his. A dispute arose over this and there were several confrontations between the two men. On the morning of November 21, 1855, Dow and Jacob Branson, the man with whom Dow was boarding, went to stop Coleman, who was cutting timber on the disputed land. Branson was armed but Dow was not. On the approach of Dow and Branson, Coleman stopped cutting timber and went to his cabin to get his shotgun. Seeing Coleman leave, Dow proceeded to a blacksmith shop in the area to get some repairs made, arriving there around noon. Dow stayed until the work was completed and then began walking home, passing the house of William McKinney on the way. Coleman was at the house talking to McKinney, and as Dow passed by, Coleman joined him. The two men talked while they walked, eventually arriving at Coleman's house, where they continued the conversation after they arrived. Eventually, the conversation ended and Dow left Coleman. As Dow walked away, Coleman raised his shotgun, aimed at Dow, and pulled the trigger. The percussion cap exploded but the gun did not discharge. Dow heard the noise and turned to Coleman, motioning with his finger while saying something, and then turned his back on Coleman to resume his trip home. Coleman replaced the exploded cap with a fresh one, aimed, and pulled the trigger again. The gun fired and Dow dropped dead in the road, having been hit by at least nine lead slugs. That night Coleman fled, eventually turning himself over to Douglas County Sheriff Sam Jones, a pro-slavery man. Jones took Coleman to Lecompton, Kansas, where a Justice of the Peace released him on a \$500 bond. Although Dow's murder was over a land dispute and not because he was a Free-State man, the political tension in the area escalated as a result of partisans on both sides taking opposing views of the event. Dow's Free-State friends, including Jacob Branson, who had been with Dow earlier on the day

he was shot, began organizing to get Coleman and bring him to justice. A pro-slavery friend of Coleman swore out a warrant for the arrest of Branson, saying that he felt threatened by him. Acting on the warrant, Sheriff Jones arrested Branson. This precipitated Free-State men from Lawrence, the headquarters of the Free-State movement in the Territory, to stage a rescue of Branson from the Sheriff. Jones is reported to have then sent out a call for help in recapturing Branson, the response being a force of around 1,500 Missourians coming into Kansas to attack Lawrence. Lawrence was besieged by the Missourians beginning December 1st. Although they surrounded the city, they did not attack, presumably because the town militia was ready to fight, having been recently organized by the abolitionist John Brown. After about a week, a peace treaty ended the siege and tensions subsided somewhat. The Wakarusa War, the war without a battle, ended, but the factional violence in Bleeding Kansas did not.

From: A Standard History of Kansas and Kansans, written and compiled by William E. Connelley, 1918. Transcribed in 1998 by Carolyn Ward on the [Blue Skyways website](#).

Each month, an event from "This Month In Legal History," the history of law and jurisprudence of Douglas County that occurred during that month, is included in the Newsletter. The current entry is also posted for the month on the Law Library's website. Entries from past months are archived on the website. Submissions from readers are welcome and encouraged.

Law Library Volunteer Opportunities

The Law Library Volunteer Program provides a capable and dependable volunteer work force to assist with the day-to-day operations of the Law Library and with its special projects. This work force supplements the paid Library staff and allows the Library

to provide the best possible service to attorneys, local judges, and the public.

The Volunteer Program is instrumental in linking a valuable community resource - the citizens - with a valuable community institution - the Douglas County Law Library - for the benefit, growth, and enrichment of both.

If you or someone you know might be interested in volunteering for one of them, or if you would like more information on our program and/or the positions we have open, please contact the Library or visit the "Volunteers" page on the Law Library's website.

Feedback

This Newsletter is intended to be useful to its readers. As in any enterprise, feedback on how the Newsletter is fulfilling this goal is crucial to our achieving it. If our articles are helpful, let us know. If they are not, let us know. If you have suggestions on how to improve the Newsletter, please let us know. Thank you.

Submitting Articles for Newsletter

The Editor encourages readers to submit articles for publication and/or make suggestions on material to be included in future issues of the Newsletter.

To Subscribe

Contact the Law Library by mail, e-mail, or telephone and request a free subscription to the Newsletter. It will be sent to you as a PDF attachment to an e-mail. The Library's mailing address is: Douglas County Law Library, Judicial and Law Enforcement Center, 111 East 11th Street, Lawrence, Kansas, 66044. The Library's e-mail address is: info@douglascolawlibrary.org. The

Law Library's telephone number is: 785-838-2477.

Classified Ads

Free classified ads may be placed in the Newsletter by contacting the Law Library. The Editor reserves the right to refuse anything deemed inappropriate and to add restrictions as the need arises.

For rent:

Space available immediately - Wonderful downtown location one block from courthouse in newly remodeled office building. Only one available (12.5' x 15.25') office with reception area (8.25' x 12') approximately 290 square feet priced at \$375.00 per month, all utilities and common area maintenance included! Office building has all new bathrooms, a new fully furnished and equipped break room, common area security monitoring, centralized smoke/fire detection, and excellent parking. These offices rarely become available and rent fast! It is a must-see located at 1031 Vermont. For a personal showing, please call the owners at 785-331-7351 or 785-766-0467.

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