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View from the Law Library

Running a successful law library like ours does have a cost. But, having legal information at your fingertips when you need it? That is priceless! If you haven't visited our Law Library recently, we can't think of a better time to do so. With the economic crisis upon us, you might think the Law Library has less to offer. But, to the contrary, the economy has given us the opportunity to provide more service than ever.

For the public, now is when individuals cannot afford an attorney. Our Self-Help collection, classes on legal research, and legal forms publications give the public an opportunity to pursue self-representation if that is a viable option for them.

For the local bar, now is when attorneys may not be able to afford the subscriptions to legal materials they previously were able to purchase. Our Law Library can offer Westlaw access from within the library. Also, much of our treatises collection circulates, and we can obtain virtually any publication through interlibrary loan where we can check books out from other libraries.

For the Court, now is when we can ensure the Judicial Officers and Court Staff receive training to efficiently use our online legal research tools as a means of reducing Court overhead costs.

So, be sure to stop by when you are in the East Court Building and find out how we can help you during these difficult times.

Case Review

Schmidt v. Bermudez

No. 2006-CT-00765-SCT
Mississippi Supreme Court (March 5, 2009)

In balancing the right of a litigant to receive a fair and impartial trial with a judge's "authority and responsibility to control his or her courtroom," the Mississippi Supreme Court has ruled that a trial court judge violated the Code of Judicial Conduct through conduct that the court deemed abusive, inexcusable, improper, combative, antagonistic, discourteous, adversarial and inappropriate.

Schmidt (mother) and Bermudez (father) were divorced and agreed to share custody of their minor child with Schmidt having primary physical custody. On more than one occasion, Bermudez was denied

visitation because Schmidt felt the child was being abused. After Schmidt's decision to relocate herself and the minor child to Colorado, Bermudez filed to modify the custody. He also asked the court to find the mother in contempt for denying his visitation.

During the course of the proceedings, the trial judge took over questioning of the mother. The judge was unhappy with some of her answers and at one point told the mother that she had "diarrhea of the mouth." The judge told the mother that her expert witness, a psychologist, was a "yo-yo head" and even threatened to throw the expert in jail when she stated she had a plane to catch. The trial transcript is riddled with instances of the judge telling the mother that she "was attempting to function as judge and doctor in the case" and even stated at one point, "Judge Schmidt again."

Acknowledging that our legal system is not "perfect" and that judges are "human," the Mississippi Supreme Court stated that it is their "constitutional duty to separate honest errors of a judge from willful misconduct, wrongful use of power, corruption, dishonesty, or acts of moral turpitude which negatively reflect upon the judicial branch of government." The facts of the case show that judge's "conduct was wholly inconsistent with substantial justice" and as such reversed the decision and sent the case back to the trial court before a different judge.

Loislaw Review

At Your Fingertips – Arizona Bar CLE Publications and More on *Loislaw*

Do you need information from Arizona specific practice guides? You can use Law Library or court complex computers to search the newest editions of these Arizona Bar CLE publications in *Loislaw*. Titles include, but are not limited to:

<p><i>Arizona Appellate Handbook</i> <i>Arizona Attorney</i> <i>Arizona Attorneys Fees Manual</i> <i>Arizona Civil Remedies</i> <i>Arizona Construction Law</i> <i>Arizona Construction Law Practice Manual</i> <i>Arizona Courtroom Evidence Manual</i> <i>Arizona DUI Trial Book</i> <i>Arizona Employment Law Handbook</i> <i>Arizona Environmental Law Manual</i> <i>Arizona Land Use Law</i> <i>Arizona Motor Vehicle Accident Deskbook</i> <i>Arizona Probate Code Practice Manual</i> <i>Arizona Securities Fraud Liability</i> <i>AZ Workers' Compensation Handbook</i> <i>Community Association Law in Arizona</i> <i>Construction Lien Law in Arizona</i> <i>Eminent Domain in Arizona</i> <i>Fee Agreements and Forms: A Practice Manual</i> <i>Ins and Outs of Foreclosures</i> <i>Liability Insurance Law</i> <i>Revised AZ Jury Instructions (Civil)</i> <i>Revised AZ Jury Instructions (Criminal)</i> <i>Search and Seizure: A Practice Manual</i> <i>The Inner Workings of MVD Rules, Hearings, Policies and Practices: A Practice Manual</i> <i>Time Limitations Applicable to Actions & Proc., AZ Sup. Ct.</i> <i>Time Limitations Applicable to Civil Appeals and Special Actions to the AZ Court of Appeals and Supreme Court</i> <i>Time Limitations Applicable to Criminal Actions and Procedures in AZ Courts</i></p>

Use the *Loislaw* search engine to browse, beginning with a Table of Contents, or to search one or more titles using keywords. Email services@scll.maricopa.gov to request a copy of our step-by-step searching guides.

In addition to the Arizona Bar publications, our subscription to *Loislaw* includes *Aspen Evidence Library* and *Aspen Family Law Library*. Titles in these databases include, but again are not limited to, *Wigmore on Evidence*, *Scientific Evidence and Experts Handbook*, *Destruction of Evidence*, *Valuation Strategies in Divorce*, *Qualified Domestic Relations Order Handbook*, and *Child Support Guidelines: Interpretation and Applications*. Check them out – online.

FAQ

Q. How do I expunge my conviction record in Arizona?

A. Arizona does not generally expunge conviction records. However, it may be possible to request that the judge vacate the judgment of guilt and dismiss charges or “set aside” the conviction. In Maricopa County, the set aside may be requested by using the form on the Maricopa County Clerk of the Court’s website at <http://clerkofcourt.maricopa.gov/faxondemand/300.pdf>.

The set aside does not remove the record of conviction. Once the set aside is granted it will show that all court requirements have been met. When filling out employment applications that ask if the party has ever been convicted of a felony, the party would still have to say yes, but they may add that they have met all requirements and attach proof of the set aside order.

The Arizona Revised Statute that specifically addresses setting aside a record of conviction is ARS 13-907. Additional information on setting aside convictions in Arizona may be found at http://www.azlawhelp.org/articles_info.cfm?mc=13&sc=66&articleid=147.

Library Tip

Using the Law Library Catalog: Can I renew this book online?

If you’re not quite done with your library book and the due date is approaching, you can renew it online. It’s as easy as one, two, three.

1. **Open the online catalog.** Point your browser to <http://lawlibrary.maricopa.gov/ipac20/ipac.jsp?profile=remote>, or go to the Law Library website at <http://www.superiorcourt.maricopa.gov/lawlibrary/> and select “Search the Library Catalog.”
2. **Login.** Click the tab labeled My Account or the login link in the upper right-hand corner. In the Borrower ID field, type the barcode number from your Law Library card.
3. **Renew.** Under the My Account tab, click Checked Out to see a list of the books currently checked out to you. Check the box next to the title you wish to renew, then click Renew.

That’s it. You now have another week to finish your work and return the book. Remember: the system will renew each book only one time, and a book that is already overdue will not be renewed. Call the library circulation desk at 602-506-3461 if you have problems.