



**LEGAL NEWSLETTER
APRIL 2008**

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**COMPUTERS REPLACE CANS AND
BLUEBOOKS IN LAW SCHOOL
CLASSROOM**

Five years ago computers started appearing at students' desks in many law school classes. The advantages were obvious: cases are easier to find and read; it is easier and more efficient to complete assignments on a computer; all work is saved in 1 location and available at the click of a mouse. Outlining for final exams becomes a cut-and-paste job from the full semester's notes. Missing class is no longer followed by a scavenger hunt for the missed lecture - - a fellow student simply sends the notes to you.

Most law schools recognize the advantage and now require law students to own a laptop computer and install required software. The schools provide wireless networks and power outlets in classrooms for every seat. Law professors prefer this because they are no longer limited to discussing materials in the casebook; a new case can be referenced and instantly pulled up through Westlaw or Lexis. Pop quizzes and final exams can be e-mailed to every student, with answers written and returned by reply e-mail that is time stamped. The law school software blocks outside communication during exams.

**IS FEDERAL ANTI-FORECLOSURE
LAW COMING?**

While the media and government debate whether to say the American economy is in a "downturn" or a "recession" I wonder if it should be called a "depression". Congress is already looking at 1930's Depression law in which the US Supreme Court upheld legal interference with mortgages. Home Building & Loan vs. Blaisdell recognized the Minnesota legislature's right to postpone foreclosures by extending defaulting borrowers' rights of redemption up to 2 years. Now Congress has begun the process of adopting laws to save homes from foreclosure. The very fact that a federal law is looked upon as normal tells us how far the U.S. has come since the 1930's. Then, real estate and mortgage laws varied in every state and were considered an area in which Congress could not and would not intrude. Today, with FDIC, FNMA, and GNMA, there is federal involvement in every mortgage, giving Congress the power to intervene. Our national economic downturn - recession furnishes the emergency to adopt a short 1 or 2 year anti-foreclosure law, so consumers can be helped with home ownership. The question is how much help will Congress give homeowners and how much will Congress interfere with mortgagee rights? The answer may tell us who has more clout in an election year -- voters or campaign contributors.

**SPEEDING TICKETS FROM
RADAR GUNS:**

When I started writing You Be The Judge case summaries 25 years ago I was surprised to receive the most requests for citations and cases when I wrote about

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LEGAL RESEARCH IN THE COMPUTER ERA

Jorge Duque, owner of a national legal research service called U.S. Law Clerks, reports the computer has changed legal research in the past 10 years and the end product is better. The fundamental principle of finding and using information is the same, but all the methods of searching are a thousand times faster and more efficient because of digital technology. The greatest effect that technology has had on legal research is efficiency. Whereas prior research only allowed reading printed legal material in a linear, inefficient manner, today electronic computer research allows lawyers to retrieve information through Boolean searches and hyperlinks. Once an authoritative precedent is found, such as a case, a researcher can hyperlink to other relevant cases by clicking on a reference to that case. This method of hyper-linking allows researchers to search quickly in non-linear fashions, in vast contrast to the time-consuming book-searching methods used until recently. The growth of the internet has allowed legal information, previously accessible only in law libraries, to be available to anyone with a computer. And, what used to be a two horse race between Lexis-Nexis and Westlaw for electronic legal content has been opened up to less expensive alternatives like Lois Law, Versus Law, Law News Network, BNA.com and many others. Research services like Duque's can get an order by e-mail, do the research and work on the internet from one small office, e-mail the final result anywhere in the world, and receive payment online by credit card.

mundane, non-intellectual topics like speeding tickets, car accidents, and divorce cases. But what did I know – I was a law professor and a real estate lawyer. Here is 1 of my most requested cases; I will include 1 in every newsletter.

YOU BE THE JUDGE RADAR SPEEDING TICKET CONTEST

Pulled over by a policeman with a Radar Gun in his fist, Ray was told, "I got you doing 50 in a 35 mile zone."

"If I was speeding it wasn't more than 1 or 2 miles over 35", he fumed. So Ray hired the Ticket Clinic and fought it in Court. "Radar Guns are inaccurate and produce inconsistent readings", the lawyer told the judge. "Ray's ticket should be thrown out."

"Not so fast", argued the traffic policeman. "I'm certified to operate radar guns, I tested it before and after the ticket was written, and the radar gun was being operated from a fixed position at the side of the street."

If you were the Judge, would you find Ray Guilty or Not Guilty of speeding?

ANSWER: Guilty ruled the judge. Ray must pay the full speeding fine and receive 3 points on his driver's license. "The accuracy of a radar device is always an issue with a speeding ticket, especially when the radar is a hand-held gun", said the judge. However, when a police officer testifies that 1.) He was adequately trained in operating the radar gun, 2.) It was properly set up and used, and 3.) Its accuracy was tested the day of the ticket, the speeding ticket is valid unless these facts can be disproved".

(Based on a recent court case in Virginia)

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