

Newsletter

The Dayton Law Library Association

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EXPANDED WESTLAW RESOURCES

The Law Library has recently expanded its WESTLAW subscription to include the National Platinum Library. Added to our unlimited access to all state and primary law is a wide array of analytical tools, practice aids, news, forms, jury verdicts, and public records.

Researchers may access state, national, legal, and civil forms – all court tested and approved. Drafting aids include a discussion of pitfalls to eliminate error and an in-depth review of tax opportunities.

The Jury Verdicts Library database brings together verdict, judgment,

settlement, arbitration, and expert witness information compiled by jury verdict publishers from cases around the nation.

The Public Records database includes “people finders,” asset locators, lawsuit records, and business records.

WESTLAW’s National Platinum Library is accessible at all seven workstations in the Library’s media center. A list of all databases is available by clicking on the Directory tab after logging onto WESTLAW. Please ask at either the reference desk or circulation desk if assistance is required.

RESULTS OF THE SERVICE ASSESSMENT SURVEY

Many thanks to all who responded to the Law Library’s recent *Service Assessment Survey*. The responses overwhelmingly indicated that the Library’s mission should be three-pronged; to exist as a “place;” to continue to provide print sources of information for borrowing; and to provide Internet access to online resources.

Also, responses indicate that financial resources should be allocated for improvements in the Library’s web site; improvements in the print *Newsletter*; and the development

of print and online subject guides to the Library’s resources. As funds become available, these improvements will receive top priority. For now, print subject guides are being prepared and, as completed, will be located on the shelving across from the photocopier.

Again, thanks to all who responded. So many comments were kind, generous, and very gratifying. We appreciate your expressions of support, for they reinforce our desire to succeed and improve.

INCREASE IN MEMBERSHIP DUES

For the first time in twenty years and out of necessity, the annual dues for membership in the Law Library Association have been increased. Recognized by many attorneys as “the best bargain in town,” the payment of either \$75.00, for an attorney admitted to practice for five years or more, or \$50.00 per year, for those admitted less than six years, provides a member with access to hundreds of costly subscriptions as well as free use of LEXIS and WESTLAW. The escalating cost of maintaining a private collection of law books has reinforced the need for a lending library and has reinvigorated many publicly funded practitioner libraries. Our Association supports the practice of law throughout the county and in turn relies on the financial support of the Bar.

RECENT ACQUISITIONS

HV 5822 .A5 M483 2003	Methamphetamine Use: Clinical and Forensic Aspects.
KF 297 .Z9 H67 2003	LawyerLife – Finding a Life and Higher Calling in the Practice of Law.
KF 301 .A15 2002	2002 Survey of State and Local Lawyers Assistance Programs.
KF 316 .M67 2003	How to Draft Bills Clients Rush to Pay.
KF 318 .L442 2003	Legal Progeny: A Guide to Providing Child Care Benefits for Legal Employers, Lawyers & Bar Associations.
KF 390 .A4 K37 2003	Incapacitated and Alone: Health Care Decision-Making for the Unbefriended Elderly.
KF 480 .Z9 P388 2003	Handbook on Disability Discrimination Law.
KF 902 .C6125 2003	Construction Damages and Remedies.
KF 1040 .R46 2002	Stop Predatory Lending: A Guide for Legal Advocates.
KF 1040 .R64 2000	Truth in Lending.
KF 1477 .P74 2003	Premerger Notification Practice Manual, 3d.
KF 1649.3 .S72 2003	State Antitrust Enforcement Handbook.
KF 2023 .Z9 F675	Annual Franchise and Distribution Law Developments 2003.
KF 2980 .O36 2003	Intellectual Property Law and Litigation.
KF 3946 .I48 2003	Implementing Institutional Controls at Brownfields and Other Contaminated Sites.
KF 5753 .Z95 S38 2000	Open Meeting Laws.
KF 6388 .S63 1997	The Federal Tax Law of Conservation Easements.
KF 8759 .G37 2003	Roadmaps: Problem-Solving Courts.
KF 8840 .I58 2003	International Litigation: Defending and Suing Foreign Parties in Federal Courts in the U.S.
KF 8900 .L57 2003	Guerrilla Discovery.
KF 8915 .B448 2003	The Trial Lawyer – What it Takes to Win.
KF 8915 .Z9 S553 2003	Argument Slides.
KF 8924 .A952 2002	The Lost Art: An Advocate's Guide to Effective Closing Argument.
KF 8936 .S55 2003	Basic PowerPoint Exhibits.
KF 8950 .T54 2003	Examining Witnesses.
KF 9673 .A95 2002	The Child Witness in Criminal Cases.
QA 76.9 .A25 P57 2003	PKI Assessment Guidelines.

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JOURNAL WATCH

ADMIN. LAW	“Return to Sender: The Remand Puzzle in Ohio Administrative Law.” 29 Ohio Northern University Law Review 395 (2003, No. 2).
BUSINESS LAW	“Advising a Client on the Best Form in Which to Conduct a Business.” 18 Practical Tax Lawyer 35 (Fall 2003, No. 1).
CLASS ACTIONS	“The Class Action Rule.” 78 Notre Dame Law Review 1419 (August 2003, No. 5).
CRIMINAL LAW	“Challenges of the Technological Revolution: ABA Sets Standards for Electronic and Physical Surveillance.” 18 Criminal Justice 5 (Fall 2003, No. 3). “Constitutional Issues in the Use of Video Surveillance in Public Places.” 39 Criminal Law Bulletin 547 (Sept./Oct. 2003, No. 5).
DUI	“How Judges Respond to Drunk Drivers.” 87 Judicature 72 (Sept./Oct. 2003, Nov. 2). “DUI: Totality of the Circumstances.” 2003 OACDL Vindicator 16 (Fall, 2003).
ESTATE PLANNING	“Sibling Rivalry – The Battle Over Joint and Survivor Assets.” 75 Cleveland Bar Journal 10 (November 2003, No. 1). “Ghosts From the Grave – Inheriting Through the Predeceased Under Ohio Law.” 50 Cleveland State Law Review 189 (2002/03, No. 2).
FAMILY LAW	“American Bar Association Section of Family Law Standards of Practice for Lawyers Representing Children in Custody Cases.” 37 Family Law Quarterly 131 (Summer 2003, No. 2).
LAND USE	“Super-Sized with Fries: Regulating Religious Land Use in the Era of Megachurches.” 88 Minnesota Law Review 416 (December 2003, No. 2).
LITIGATION	“A Primer on the Foreign Sovereign Immunities Act.” 74 Cleveland Bar Journal 16 (October 2003, No. 11). “Your Client’s Employee is Being Deposed: Are You Ethically Prepared?” 29 Litigation 17 (Summer 2003, No. 4).
REAL ESTATE	“Pitfalls of Failing to Disclose Megan’s Law Notice in a Residential Real Estate Sale.” 74 Cleveland Bar Journal 10 (September 2003, No. 10). “How Much Protection Does a Leasehold Mortgagee Need? (With Model Provisions).” 19 The Practical Real Estate Lawyer 7 (November 2003, No. 6).
TAX-EXEMPTS	“Faithful Legal Services for the Benefit of Religious Organizations.” 17 Probate & Property 22 (Sept./Oct. 2003, Nov. 5).
TAX LAW	“Purchase vs. Lease: Updated Directions for Business Car Users.” 71 Practical Tax Strategies 282 (November 2003, No. 5). “Home Deduction Complications Arise from Shared Ownership.” 71 Practical Tax Strategies 354 (December 2003, No. 6). “Foreign Income & Taxpayers: Reporting Common Foreign Transactions of U.S. Clients.” 34 The Tax Adviser 732 (December 2003, No. 12).
TRUSTS	“Sometimes It’s Better Not to Use a Special Needs Trusts.” 142 Trusts & Estates 30 (November 2003, No. 11).

An updated Journal Watch with additional articles can be found on the Library website at www.daylawlib.org



CyberSpeak
Eric J. Sinrod

Unauthorized distribution of copyrighted material is bad business

Companies and individuals need to be careful about not distributing copyrighted works, such as newsletters, without authorization.

To bring this point home, as reported by the *Washington Post*, a federal jury in Baltimore just rendered a multi-million dollar verdict against financial services company Legg Mason for distributing unauthorized copies of daily stock market email commentary Lowry's Market Trend Analysis, published by Lowry's Reports, Inc. (Lowry's), to hundreds its broker-dealers for years. Over that period of time, only a handful of Legg Mason employees reportedly had paid the annual \$700 publication subscription.

Lowry's

Lowry's, based in North Palm Beach, Florida, states on its Web site that it was founded in 1938 to provide analysts and investment professionals with an "unbiased, factual analysis of the stock market." Its work is premised on daily price change/volume statistics of all stocks traded on the New York Stock Exchange and the NASDAQ stock market. Tabulations are compiled each day that the markets are open and provide the "the statistical foundation for [Lowry's] supply vs. demand analysis of market trends." Lowry's states that it is the originator of the "highly respected power ratings, for analyzing major sectors, industry groups and individual stocks."

The lawsuit

In late-2001, Lowry's filed suit against Legg Mason in federal district court in Baltimore, Maryland, where Legg Mason is headquartered. Lowry's, according to the *South Florida Business Journal*, alleged that Legg Mason for more than a decade had purchased a single subscription to Lowry's Market Trend Analysis for approximately \$700 per year and then distributed copies of each report by fax, email or Intranet to as many as 1,300 Legg Mason stock brokers and favored clients, all in violation of the Copyright Act.

Lowry's is reported to have alleged that its reports contained prominent copyright warnings, and that Legg Mason was believed to have violated more than 100 of Lowry's registered copyrights and thousands of its unregistered copyrights.

The jury verdict

Almost two years later, a Baltimore federal jury came down with a verdict in favor of Lowry's and adverse to Legg Mason. According to the *Washington Post*, the verdict is in the approximate amount of \$20 million. One expert reportedly stated that the award includes \$825,000 for lost revenue and assessments of \$50,000 each for certain violations and \$100,000 each for other violations of approximately 250 of Lowry's registered copyrights.

A spokesperson for Legg Mason reportedly has stated that the verdict is "grossly excessive" and said that Legg Mason is considering its next legal steps, including a potential appeal.

The message

In the wake of its victory, Lowry's President, Paul Desmond, as reported by the *Washington Post* stated that this result sends "an important message to readers of copyrighted data all across the country." It is hard to argue with that. In the electronic age, with the click of a mouse, it is simple and commonplace to distribute copyrighted works to many others without authorization. Results like the verdict against Legg Mason may help deter such conduct.

This article first appeared on Law.com.

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