

The Dayton Law Library Association

Issue No. 66

April 2005

STATUS ON OHIO HOUSE BILL 66

Many thanks to all our members who voiced their support on our behalf by contacting state representatives urging them to strike from the bill the provisions to reduce county support for law library associations. It has been reported that the Ohio State Bar Association has negotiated an additional year before cuts are implemented in order for law library advocates to draft and present legislation revising the current funding statutes. Updates on this issue will be forthcoming.

This Newsletter is published by
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Newsletter



Without Libraries, Prepare to Enter the Digital Dark Age ...

Commenting on the cost-saving legislative proposal to close the State of Georgia Law Library, Fulton County Law Librarian Sandra Howell warned of an “impending *digital dark age* as an increasing amount of the information online is available by subscription only.”

Which of the following remarks in regard to the future of libraries have you heard?

“It’s all on the Internet. I never use books.”

“I find all the information I want by using Google.”

“Web resources and the Internet are free.”

For pleasure, for leisure, and for interactive communication the Internet and its free or low-cost search engines are truly a modern marvel, but electronic access to authoritative or value-added information is not free nor is it low-cost and it disenfranchises those who cannot keep up with the rates.

For over thirty years the growing body of case law, statutes, regulations, and secondary materials has been warehoused

electronically. But in many cases, the rising subscription costs to the premium information databases impedes access to the authoritative and up-to-date materials that are required for a just and proper practice of law. As with other forms of telecommunications, be it cell phones or cable TV, the more that is offered, the higher the cost.

Just as law libraries have, for centuries, maintained print subscriptions that are too costly or inconvenient for practitioners to possess, access to the wider and more encompassing databases has become the province of an organized library serving a legal community. In addition, search techniques employed by information specialists are often faster than a “Google.” As reported by the State Law Librarian of Montana, “Half the reference questions we get are from people who’ve already spent 45 minutes looking for it online.”

Ignorance of the importance of qualified information sources and specialists must not lead to the extinction of practitioner-oriented law libraries. Rather, negotiated subscription rates and cooperation among libraries must be legislatively supported in order to reduce costs and to prevent the coming of a “digital dark age.”

Recent Acquisitions

HF 5667.15 .B87 2004	Audit Committees: A Guide for Directors, Management and Consultants.
KF 250 .E378 2003	Legal Writing and Analysis.
KF 276.5 .B47 2004	Best Practices in Attorney Professional Development: Heading Off and Handling Wrong Turns.
KF 320 .L4 A45 2004	ABA Model Guidelines for the Utilization of Paralegal Services.
KF 924 .Z9 R87 2004	ABCs of the UCC: (Rev.) Article 7: Documents of Title.
KF 1659 .J66 2004	Legal Guide to Microenterprise Development.
KF 2023 .F86 2004	Fundamentals of Franchising.
KF 3389 .G67 2004	Basic Text on Labor Law Unionization and Collective Bargaining.
KF 4819 .T65 2003	Aggravated Felonies: Instant Access to All Cases Defining Aggravated Felonies.
KF 4842 .Z9 T66 2004	Post-Conviction Relief for Immigrants.
KF 8779 .A96 2004	Annotated Model Code of Judicial Conduct.
KF 8900 .J847 2004	Taking and Defending Depositions.
KF 8959 .A7 A935 2004	The Attorney-Client Privilege in Civil Litigation: Protecting and Defending Confidentiality.
KF 9084 .A75 A37 2004	ADR Handbook for Judges.
KF 9645 .T66 2003	Criminal Defense of Immigrants.
RA 1057.55 .F667 2005	Forensic DNA Evidence Interpretation.

OSBA/CLE Institute Presentations

KF 320 .A9 F49 2004	The \$5,000 Law Office.
KF 740 .Z9 C48 2004	Charitable Planning.
KF 3825 .Z9 H42 2004	Health Care Law Basics.
KF 8915 .Z9 M334 2004	The Heart of the Case – McElhaney.
KF 8959 .A7 S65 2004	The Attorney-Client Privilege and the Work Product Doctrine.
KF 8972 .A5 T68 2004	Total Impact: Litigation with the Jury in Mind.
OHIO KFO 107 .A75 G82 2004	Guardian <i>Ad Litem</i> .
OHIO KFO 114 .C6 C648 2004	Condominium Law Update.
OHIO KFO 140 .A75 E778 2004	Estate Planning for Non-Traditional Families.

Journal Watch

ADR	“Do’s and Don’ts of Mediation Practice.” 11 Dispute Resolution Magazine 19 (Winter 2005, No. 2).
ACCOUNTING	“Navigating the Minefield: Ethical and Liability Risks in Auditor Response Letters after Sarbanes-Oxley.” 34 The Brief 16 (Winter 2005, No. 2).
ANTITRUST	“Arbitration Procedures: The Rules of the Road in Arbitrating Antitrust Disputes.” 19 Antitrust 15 (Fall 2004, No. 1.)
BUSINESS LAW	“Confidentiality Agreements and Tax-Saving Strategies: How Confident are You? (With Forms).” 19 The Practical Tax Lawyer 39 (Winter 2005, No. 2).
CONTRACTS	“Measuring “Actual Harm” for the Purpose of Determining the Enforceability of Liquidated Damages Clauses.” 41 Houston Law Review 1579 (Spring 2005, No. 5). “Drafting the Consideration Provision of a Contract.” 51 The Practical Lawyer 11 (Feb 2005, No. 1).
CORPORATION LAW	“Can a Board Say No When Shareholders Say Yes? Responding to Majority Vote Resolutions.” 60 The Business Lawyer 23 (November 2004, No. 1).
CRIMINAL LAW	“ <i>You Have the Right to Remain Silent</i> : A Case for the Use of Silence as Substantive Proof of the Criminal Defendant’s Guilt.” 38 Indiana Law Review 1 (2005, No. 1). “What Happens When Dirty Harry Becomes an (Expert) Witness for the Prosecution.” 79 Tulane Law Review 1 (November 2004, No. 1). “You Ride With’em, You Die With’em: A Look at <i>Maryland v. Pringle</i> and the United States Supreme Court’s Implementation of Probable Cause by Association. [<i>Maryland v. Pringle</i> , 540 U.S. 366 (2003)]” 44 Washburn Law Journal 189 (Fall 2004, No. 1).
DOMESTIC RELATIONS	“The Marital Residence: Who Benefits from the Sale and Deductions?” 27 Family Advocate 18 (Winter 2005, No. 3).
DUI	“New Test for DUI Defense.” 91 ABA Journal 34 (February 2005, No. 2).
EMPLOYMENT LAW	“Give that Handbook a Hand: Employee Handbooks Deserve Both Applause and Attention – Keep them up to Date.” 14 Business Law Today 27 (March/April 2005, No. 4). “Measuring the Mind: A Comparison of Personality Testing to Polygraph Testing in the Hiring Process.” 109 Penn State Law Review 857 (Winter 2005, No. 3).
ESTATE PLANNING	“Private Family Foundations: An Effective Charitable Instrument in the Advisor’s Toolbox.” 76 Cleveland Bar Journal 6 (February 2005, No. 4). “The Beauty of QPRTs.” 144 Trusts & Estates 24 (February 2005, No. 2).
EVIDENCE	“E is for Evidence: Examining Recent E-Discovery Developments.” 1 The SciTech Lawyer 8 (Winter 2005, No. 3).
FAMILY LAW	“A New Form of Family Planning? The Enforceability of No-Child Provisions in Prenuptial Agreements.” 54 Catholic University 335 (Fall 2004, No. 1). “Growing Pains: The Scope of Substantive Due Process Rights of Parents of Adult Children.” 57 Vanderbilt Law Review 1883 (October 2004, No. 5).
FLSA	“The New FLSA White-Collar Regulations – Analysis of Changes.” 79 Florida Bar Journal 20 (February 2005, No. 2).
HEALTH PLANS	“Your Next Nightmare: DOL Audits of Group Health Plans.” 12 Journal of Pension Benefits 4 (Winter 2005, No. 2).

JOURNAL WATCH—Continued

LITIGATION	<p>“Turning Lemons into Lemonade: Effective Tactical Handling of Driver Logs.” 47 For the Defense 54 (February 2005, No. 2).</p> <p>“Talking to the Press and Making Them Listen.” 31 Litigation 40 (Winter 2005, No. 2).</p>
LLC’s	<p>“LLC Operating Agreements: Drafting Tips and Traps for the Unwary.” 19 Probate & Property 44 (January/February 2005, No. 1).</p>
MILITARY LAW	<p>“SCRA: For Those Who Go in Harm’s Way.” 22 GP Solo 20 (January/February 2005, No. 1).</p>
NON-PROFITS	<p>“Compensation Issues for Non-Profit Organizations – Part I.” 21 Journal of Compensation and Benefits 30 (January/February 2005, No. 1).</p>
PRACTICE OF LAW	<p>“The Lowdown on High Tech: What you need to run your business.” 25 California Lawyer 24 (January 2005, No. 1).</p> <p>“Ethics Perspectives: The Conflict Virus” When are Lawyers Imputed to the Firm?” 76 Cleveland Bar Journal 16 (January 2005, No. 3).</p> <p>“Nine Marketing Keys to Your Best Year Ever.” 84 Michigan Bar Journal 39 (February 2005, No. 2).</p> <p>“Do-it-yourself Accounting.” 41 Trial 26 (January 2005, No. 1).</p>
<i>PRO SE</i> LITIGANTS	<p>“Self-Represented Litigants: Learning from Ten Years of Experience in Family Courts.” 44 The Judges’ Journal 24 (Winter 2005, No. 1).</p>
REAL ESTATE	<p>“Dealing with Real Estate Sales Contracts for Multiple Properties (with Forms and Checklist).” 21 The Practical Real Estate Lawyer 51 (January 2005, No. 1).</p>
SEARCH & SEIZURE	<p>“The Fourth Amendment’s Prohibition of Unreasonable Search and Seizure Does Not Prevent the Police from Implementing a Traffic Roadblock for the Purpose of Soliciting Information Related to a Specific Crime: <i>Illinois v. Lidster</i>.” 43 Duquesne Law Review 163 (Fall 2004, No. 1).</p>
SENTENCING	<p>“The Roots and Realities of <i>Blakely</i>.” 19 Criminal Justice 4 (Winter 2005, No. 4).</p>
SCHOOL LAW	<p>“Children are not Second Class Citizens: Can Parents Stop Public Schools from Treating Their Children Like Guinea Pigs?” 39 Valparaiso University Law Review 147 (Fall 2004, No. 1).</p>
TAX LAW	<p>“The World Changes: Broad Sweep of New Tax Shelter Rules in AJCA and Circular 230 Affect Everyone.” 102 Journal of Taxation 134 (March 2005, No. 3).</p> <p>“Master the Tax System for Gambling Winnings and Losses.” 74 Practical Tax Strategies 17 (January 2005, No. 1).</p> <p>“Shore-up Tax Breaks for Weather-Related Casualty Losses.” 74 Practical Tax Strategies 68 (February 2005, No. 2).</p> <p>“Formulate a Tax-Efficient Dividend Strategy for Retirement.” 74 Practical Tax Strategies 168 (March 2005, No. 3).</p> <p>“FLP Planning Pointers for Tax Advisors After <i>Kimbell</i>.” 83 Taxes: The Tax Magazine 77 (January 2005, No. 1).</p>
TRUSTS	<p>“Income and Estate Tax Planning for Special Needs Trusts.” 36 The Tax Adviser 40 (Jan 2005, No. 1).</p>
WHISTLEBLOWERS	<p>“America’s First Comprehensive Statute Protecting Corporate Whistleblowers.” 57 Administrative Law Review 1 (Winter 2005, No. 1).</p>