



# NEWSLETTER

## *THE DAYTON LAW LIBRARY ASSOCIATION*

*Issue 81, December 2009*

### **Transition of Law Library Management**

As the year ends so does an era of law library management by The Dayton Law Library Association. Many thanks are due to the company of forward thinking lawyers who founded the Association in 1868; the succession of trustees who oversaw the growth of one of the finest practitioner libraries in the state; and the numerous members whose support and interest aided the direction of an organization driven by the needs of its patrons. Members will be notified of an annual meeting to be held early in 2010.

On January 1, 2010, the governance of the facility transfers to the newly formed Montgomery County Law Library Resources Board. This new county agency that was established pursuant to Ohio H.B. 420 (2008) has the responsibility to provide legal research, reference, and library services to the county and to manage the coordination, acquisition, and utilization of legal resources. [ORC 307.51(B)]. In addition, the board is required to adopt rules for public access and hours of operation of the law library [ORC 307.51(D)]. The statutorily provided funds heretofore disbursed to The Dayton Law Library Association will be deposited into a special fund in the county treasury for use by the new CLLRB.

It is hoped that the transfer of governance will appear seamless to the library's users as the staff members familiar to the patrons will remain into 2010. The new CLLRB will certainly communicate to library users any changes or distinctions in the operation of the facility.

Along with the change to a county agency comes a reduction in the amount of financial resources available for books and services. A noticeable change in the collection will be the suspension of many print subscriptions as well as the duplication of popular titles. It is anticipated that subscriptions to premier electronic databases will be retained.

### **Court of Appeals Access**

Until the Courts' renovation is complete, access to the offices of the Second District Court of Appeals will be through the Law Library. A door at the rear of the library will lead to a reception area for the Court.

### **Recent Acquisitions**

- KF 2231 .A75 U53 2009 Understanding DUI Scientific Evidence.
- KF 2231 .W58 2009 Witness Preparation and Examination for DUI Proceedings.
- KF 3510 .S69 2010 Value of Pensions in Divorce.
- KF 8900 .B4 2007 Pretrial Advocacy: Planning, Analysis and Strategy.
- KF 8915 .B45 2008 Trial Advocacy: Planning, Analysis and Strategy.
- KF 8920 .P68 Cross-Examination: Science and Techniques.
- KF 9365 .S968 The False Claims Act: Fraud Against the Government.
- RA 1063.4 .C65 2010 Color Atlas of Forensic Medicine and Pathology.

## Journal Watch

- ADA** “Discipline and Disability: When is Disease a Defense?”  
26 **GP Solo** 30 (October/November 2009, No. 7).
- ADOPTION** “International Adoption Law: A Comparative Analysis.”  
43 **The International Lawyer** 1337 (Fall 2009, No 3).
- ARBITRATION** “Arbitration Contract Clauses: A Potential Key to a Cost-Effective Process.”  
16 **Dispute Resolution Magazine** 9 (Fall 2009, No. 1).
- BANKRUPTCY** “Get Real: Reframing the Debate Over How to Calculate Projected Disposable Income in §1325(b).”  
83 **American Bankruptcy Law Journal** 345 (2009, Issue 3).
- CHILD CUSTODY** “Avoiding Conflict at Home When There is Conflict Abroad: Military Child Custody and Visitation.”  
43 **Family Law Quarterly** 349 (Summer 2009, No. 2).
- CONSTITUTIONAL LAW** “Constitutional Issues Under Ohio’s New Regulatory Framework for the Video Service Providers.” 37 **Capital Law Review** 819 (Spring 2009, No. 3).  
“On the Limits of Supremacy: Medical Marijuana and the States’ Overlooked Power to Legalize Federal Crime.” 62 **Vanderbilt Law Review** 1421 (October 2009, No. 5).
- CONSTRUCTION LAW** “Constructing the Construction Case: Tips, Traps and Tricks.” 64 **Dispute Resolution Journal** 62 (August-October 2009, No. 3).
- CONTRACTS** “Drafting Effective Contracts: How to Revise, Edit, and Use Form Agreements.”  
19 **Business Law Today** 35 (Nov./Dec 2009, No. 2).
- COPYRIGHT LAW** “Global Trends in Online Copyright Enforcement: A Non-Neutral Role for Network Intermediaries?”  
49 **Jurimetrics** 375 (Summer 2009, No. 4).
- CORPORATE TAX** “Liquidation, Reorganization, or Both: Unrestrained Complexity is Not a Joy.”  
111 **Journal of Taxation** 269 (November 2009, No. 5.)
- CRIMINAL LAW** “Taking a Stand in Taking a Stand: The Effect of a Prior Criminal Record on the Decision to Testify and on Trial Outcomes.” 94 **Cornell Law Review** 1353 (September 2009, No. 6).  
“Procedural Obstacles to Reviewing Ineffective Assistance of Counsel Claims in State and Federal Post-conviction Proceedings.” 24 **Criminal Justice** 6 (Fall 2009, No. 3).  
“Does the Prior Conviction Exception Apply to a Criminal Defendant’s Supervised Release Status?”  
76 **The University of Chicago Law Review** 1323 (Summer 2009, No. 3).
- DISCOVERY** “True Lies: Cutting-Edge Technology has Renewed the Search for a Better Lie Detector. Some Show Promise, but They Have Yet to be Tested in Court.” 95 **ABA Journal** 56 (October 2009, No. 10).  
“Simplifying Expert Witness Discovery: Proposed New Federal Civil Rule 26.”  
2 **Bar Journal of the Cleveland Metropolitan Bar Association** 16 (November 2009, No. 4).
- ELDER LAW** “End-of-Life Care: Doctors’ Complaints and Legal Restraints.”  
53 **Saint Louis University Law Review** 1155 (Summer 2009, No. 4).
- EMPLOYMENT DISCRIMINATION** “*Gross v. FBL Financial Services, Inc.*: Supreme Court Radically Changes the Ground Rules for Proving ADEA Claims.” 60 **Labor Law Journal** 121 (Fall 2009, No. 3).
- EMPLOYMENT LAW** “A Death in the Office.” 95 **ABA Journal** 30 (November 2009, No. 11).  
“Attorney-Client Privilege Trumps Workplace Regulations.”  
35 **Litigation News** 10 (Fall 2009, No. 1).  
“Employers Cannot Get the Message: Text Messaging and Employee Privacy.”  
54 **Villanova Law Review** 513 (2009, No. 3).

## Journal Watch

<b>ENVIRONMENTAL LAW</b>	<p>“Climate Change Litigation: Drawing Lines to Avoid Strict, Joint and Several Liability.” 98 <b>The Georgetown Law Journal</b> 185 (November 2009, No. 1).</p> <p>“The Evolution and New Directions in Environmental Auditing and Compliance Management.” 24 <b>Natural Resources &amp; Environment</b> 3 (Fall 2009, No. 2).</p>
<b>ESTATE PLANNING</b>	<p>“Adapt Estate Planning Strategies to fit the Needs of Same-Sex Couples.” 83 <b>Practical Tax Strategies</b> 284 (November 2009, No. 5).</p> <p>“Adopted Kids and Old Money: State Laws on Inheritance Rights Vary Dramatically Creating Traps for the Unwary.” 148 <b>Trusts &amp; Estates</b> 11 (October 2009, No. 10).</p>
<b>FAMILY LAW</b>	<p>“Justice Delayed in Child Support Cases Involving Incarcerated Parents.” 83 <b>The Florida Bar Journal</b> 35 (November 2009, No. 10).</p>
<b>INSURANCE LAW</b>	<p>“A New Option in Health Insurance Law.” 23 <b>Ohio Lawyer</b> 14 (November/December 2009, No. 6).</p>
<b>INTERNATIONAL LAW</b>	<p>“Electronic Identity Cards: the Egovernment Accelerating Factor in Europe.” 6 <b>The SciTech Lawyer</b> 4 (Fall 2009, Issue 2).</p>
<b>JUDGES</b>	<p>“Overcoming Judicial Bias.” 35 <b>Litigation</b> 28 (Summer 2009, No. 4).</p>
<b>LANDLORD-TENANT</b>	<p>“Landlord Lease Remedies: What Are a Landlord’s Default Rights and What Can it Recover?” 23 <b>Probate &amp; Property</b> 16 (November/December 2009, No. 6).</p>
<b>LAW OFFICE MANAGEMENT</b>	<p>“Fine-Tuning Human Resources: Top Tips for Frugal Law Firms.” 35 <b>Law Practice</b> 30 (November/December 2009, No. 7).</p> <p>“Letting Lawyers Go: The Legal and Practical Aspects of Law Firm Layoffs.” 55 <b>The Practical Lawyer</b> 43 (October 2009, No. 5).</p>
<b>LAW PRACTICE</b>	<p>“Business Development Strategies for Smaller Firms: Tactics and Tools for Competing on Any Budget.” 35 <b>Law Practice</b> 38 (September/October 2009, No. 6).</p> <p>“Résumé Rules: The Right Design Can Make Your Résumé a Tool to Generate and Direct Interviews.” 38 <b>Student Lawyer</b> 20 (November, 2009, No. 3).</p>
<b>LEGAL MALPRACTICE</b>	<p>“The Duty to Report Malpractice by Trial Counsel.” 51 <b>For the Defense</b> 56 (November 2009, No. 11).</p>
<b>LITIGATION</b>	<p>“The Parental Immunity Doctrine: Is Insurer Bad Faith and Exception or Should the Doctrine be Abolished?” 83 <b>The Florida Bar Journal</b> 58 (October 2009, No. 9).</p>
<b>MEDICAID</b>	<p>“Making Medical Assistance Available: Enforcing the Medicaid Act’s Availability Provision through §1983 Litigation.” 109 <b>Columbia Law Review</b> 1440 (October 2009, No. 6).</p>
<b>MEDICARE</b>	<p>“Medicare Secondary Payer Enforcement: Shifting the Burden of Medicare to the Private Sector.” 39 <b>The Brief</b> 12 (Fall 2009, No. 1).</p> <p>“There is no Free Lunch. Municipalities and Medicare.” 51 <b>For the Defense</b> 16 (October 2009, No. 10).</p>
<b>MEDICARE</b>	<p>“Medicare Secondary Payer Enforcement: Shifting the Burden of Medicare to the Private Sector.” 39 <b>The Brief</b> 12 (Fall 2009, No. 1).</p> <p>“There is no Free Lunch. Municipalities and Medicare.” 51 <b>For the Defense</b> 16 (October 2009, No. 10).</p>

## Journal Watch—Continued

<b>MUNICIPAL LAW</b>	“When the Interests of Municipalities and Their Officials Diverge: Municipal Dual Representation and Conflicts of Interest in §1983 Litigation.” 119 <b>Yale Law Review</b> 86 (October 2009, No. 1).
<b>PATENTS</b>	“The Internalization of Corporate Patent Infringement: Challenging the Federal Circuit’s Approach to Corporate-Participant Liability.” 88 <b>Texas Law Review</b> 217 (November 2009, No. 1).
<b>PENSION PLANS</b>	“International Investments: Surprise Reporting Requirements for Plans and Fiduciaries.” 17 <b>Journal of Pension Benefits</b> 45 (Autumn 2009, No. 1).
<b>PENSIONS</b>	“Current Developments in Employee Benefits and Pensions (Part I).” 40 <b>The Tax Adviser</b> 756 (November 2009, No. 11).
<b>PROBATE</b>	“Reconfiguring Estate Settlement.” 94 <b>Minnesota Law Review</b> 42 (November 2009, No. 1).
<b>REAL ESTATE LAW</b>	“Green Building Leasing Issues.” 25 <b>The Practical Real Estate Lawyer</b> 29 (November 2009, No. 6).
<b>REAL PROPERTY</b>	“The Consequences of Acquiring Distressed Real Estate Loans.” 37 <b>Real Estate Taxation</b> 14 (4 <sup>th</sup> Quarter 2009, No. 1).
<b>SCHOOL LAW</b>	“MySpace, YourSpace, OurSpace: Student Cyberspeech, Bullying, and Their Impact on School Discipline.” 2009 <b>University of Illinois Law Review</b> 1623 (No. 5).
<b>SPECIAL NEEDS TRUSTS</b>	“Don’t Give Directly to Special Needs Relatives.” 148 <b>Trusts &amp; Estates</b> 16 (November 2009, No. 11).
<b>SUNSHINE LAWS</b>	“Opening Virtual Doors: Addressing Ohio’s Open Meeting Law and the Use of Electronic Communication.” 34 <b>University of Dayton Law Review</b> 407 (Spring 2009, No. 3).
<b>TAX LAW</b>	“Debt Workout Issues for REITs are Complicated, Whether They are Debtors or Creditors.” 111 <b>Journal of Taxation</b> 158 (September 2009, No. 3).  “Structure a Buy-Sell Agreement for Maximum Utility.” 83 <b>Practical Tax Strategies</b> 196 (October 2009, No. 4).  “New Tax Rules for Child Dependency Exemptions of Divorced or Separated Parents or Parents Who Live Apart.” 87 <b>Taxes: The Tax Magazine</b> 36 (October 2009, No. 10).  “Triangles in a World of Squares: A Primer on Significant U.S. Federal Income Tax Issues for Natural Resources Publicly Traded Partnerships (Part I).” 87 <b>Taxes: The Tax Magazine</b> 21 (December 2009, No. 12).
<b>TORTS</b>	“W(h)ither Preemption?” 45 <b>Trial</b> 24 (November 2009, No. 11).
<b>TRIAL</b>	“Closing Arguments.” 76 <b>Defense Counsel Journal</b> 437 (October 2009, No. 4).
<b>WAGE &amp; HOUR</b>	“Fair Labor Standards Act and Federal Wage and Hour Issues.” 33 <b>ALI-ABA Business Law Course Materials Journal</b> 3 (October 2009, No. 5).
<b>WORKERS’ COMP</b>	“The Case for Bad Faith in Workers’ Comp.” 45 <b>Trial</b> 32 (October 2009, No. 10).