

# NEWSLETTER

## THE DAYTON LAW LIBRARY ASSOCIATION

The image of the American legal system continues to be shaped by the popular culture of best sellers, movies, and television. The Tarlton Law Library at the University of Texas maintains a collection of works of fiction in all genres, as well as legal humor, plays, comics, pulp magazines, and feature films on video wherein either the central character is a lawyer or the work has been authored by a lawyer.

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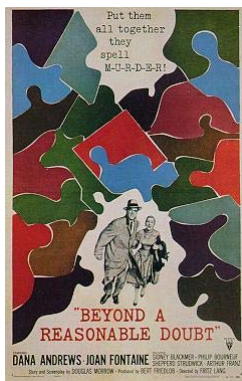
Although courtroom dramas and legal thrillers predominate, there are many works in which the practice of law has little or nothing to do with the plot. The items illustrate both the public's perception of law and lawyers and the lawyer's perception of the public.

Books in the collection are available for interlibrary loan; however, the videos do not circulate beyond the campus. TALLONS is the web browsable online catalog for the entire library's collection. The *filmography* provides an annotated list of the videos in the collection and *The Lawyer's Story* is an extensive collection of full-text books and articles related to legal story-telling. Also available is a subject list of books, artwork, quotes by or about lawyers, as well as related links.



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Visit the Law in Popular Culture Collection at the Univ. of Texas,  
Tarlton Law Library—<http://tarlton.law.utexas.edu/lpop/>.



### Save Search \$\$\$\$

As rates continue to increase for electronic searching on premium databases, remember to check with the Law Library before "outside the plan" charges are incurred. Frequently the scope of the Law Library's WESTLAW and LEXIS subscriptions contain the needed materials.

## A Focus on Treatises

In preparation for a significant reduction in the Law Library's physical facility in 2006, due to the expansion of the Second District Court of Appeals, numerous reporter volumes will be discarded. Shelving space for all official state reports, other than Ohio, as well as West's regional reporters will be eliminated. In order to accommodate the collection of out-of-state annotated codes and practice works in the remaining space, it will also be necessary to discard many bound volumes of law journals and legal periodicals. Without a doubt, the availability of these materials in an electronic format has made the decision to discard these books easier than it would have been in the past.

On the other hand, the retention of text and treatise material remains the focus of the Law Library. With the growth and availability of so much primary law, the need for well-edited and subject-oriented practice works has increased. It is the growth of this area of secondary sources that the Law Library will emphasize in the future. Please submit suggestions for any particular title or field of practice that could be improved or expanded. As in the past, the staff of the Law Library remains ready to assist in obtaining any materials that will no longer be housed on site.

### RECENT ACQUISITIONS

HF 5635 .S64 2005	How to Understand and Analyze Financial Statements for Attorneys. [OSBA-CLE]
KF 547 .B68	The Determination of Income for Child Support.
KF 1070 .S375 2005	Secondary Market Tax-Exempt Asset Securitization.
KF 1223 .H365 2005	Handling Fidelity Bond Claims.
KF 1388.5 .G85 2005	Guide to Nonprofit Corporate Governance in the Wake of Sarbanes-Oxley.
KF 1527 .P45 2005	Letters for Bankruptcy Lawyers.
KF 3790 .G76 2005	Clean Water Act (ABA Basic Practice Series)
KF 6443 .A75 A34 2005	Fiduciary Income Tax Workshop. [OSBA-CLE]
KF 8925 .C55 R67 2005	The Commercial Litigator's Job: A Survival Guide.
KFO 117 .R47 2005	Residential Landlord Tenant Law/Commercial Landlord Tenant Law. [OSBA-CLE]
KFO 119 .S43 2005	1031 Real Estate Exchanges/Eminent Domain. [OSBA-CLE]
KFO 144 .D7 2005	Drafting Wills and Trusts. [OSBA-CLE]
KFO 221 .C657 2005	Consumer and Small Business Bankruptcy. [OSBA-CLE]
KFO 367 .R53 E58 2005	End of Life Decisions. [OSBA-CLE]
KFO 537 .O48 2005	Taking and Defending Effective Depositions. [OSBA-CLE]
RC 520.7 .D56 2006	Excited Delirium Syndrome: Cause of Death and Prevention.

## Journal Watch

- ADR** "Sitting at the Head of the Table: How to be an Effective Labor and Employment Mediator and Arbitrator." 51 **The Practical Lawyer** 35 (December 2005, No. 6).
- ASSET PROTECTION** "Consider the Implications: Face it - most Estate Plans have Asset Protection Issues." 144 **Trusts & Estates** 44 (November 2005, No. 11).  
"Florida, The Tax Haven: The Sunshine State's advantages are great - but only if you know the law. A guide." 144 **Trusts & Estates** 58 (November 2005, No. 11).
- AUTO CRASH DATA** "Motor Vehicle Event Data Recorder (EDR) "Black Box" Systems." 15 **Ohio Trial** 25 (Summer 2005, Issue 2).
- BANKRUPTCY** "How Protected are Your Clients' Retirement Accounts After the 2005 Bankruptcy Act?" 79 **Florida Bar Journal** 14 (November 2005, No. 10).  
"New Law Toughens Rules for Avoiding Taxes Through Bankruptcy." 75 **Practical Tax Strategies** 260 (November 2005, No. 5).  
"What Congress Hath Wrought: Provisions of the Bankruptcy Abuse Prevention and Consumer Protection Act affecting interests in Real Estate." 19 **Probate & Property** 22 (November/December 2005, No. 6).
- CLASS ACTIONS** "The Class Action Fairness Act of 2005: Navigating through Its Sea of Uncertainty - Part I." 47 **For the Defense** 10 (October 2005, No. 10).  
"Opting Out of Liability: The Forthcoming, Near-Total Demise of the Modern Class Action." 104 **Michigan Law Review** 373 (December 2005, No. 3).  
"Turn the New Class Action Act to your Clients' benefit." 41 **Trial** 64 (November 2005, No. 12).
- CONTRACTS** "A Lesson in Drafting Contracts: What's up with 'representations and warranties'?" 15 **Business Law Today** 33 (November/December 2005, No. 2).
- DAMAGES** "Counting Angels and Weighing Anchors: Per Diem Arguments for Noneconomic Personal Injury Tort Damages." 54 **Defense law Journal** 501 (Fall 2005, No. 3).
- DISCOVERY** "A Practical Guide to e-mail Discovery." 41 **Trial** 28 (October 2005, No. 10).
- DOMESTIC RELATIONS** "The Ten Commandments of Military Divorce." 28 **Family Advocate** 18 (Fall 2005, No. 2).  
"Parting Gifts: Drafting Divorce Agreements in the Shadow of IRC Section 2702." 144 **Trusts & Estates** 28 (October 2005, No. 10).
- DOMESTIC VIOLENCE** "When the Bough Breaks: Traumatic Paralysis - An Affirmative Defense for Battered Mothers." 32 **William Mitchell Law Review** 189 (2005, No. 1).
- ELDER LAW** "Establishing an Elder Law Practice: Part One." 16 **Experience** 32 (Fall 2005, No. 1).
- ERISA** "ERISA Stock Drop Cases: An Evolving Standard." 38 **John Marshall Law Review** 889 (Spring 2005, No. 3).
- EXPERT TESTIMONY** "Beyond Admissibility: A Practical Look at the Use of Eyewitness Expert Testimony in the Federal Courts." 80 **New York University Law Review** 1895 (December 2005, No. 6).
- FAMILY LAW** "Don't Drink, Don't Smoke, Don't Download: Parents' Liability for Their Children's File Sharing." 57 **Florida Law Review** 1163 (December 2005, No. 5).
- FLORIDA TRUSTS** "Trusts for Pets." 79 **Florida Bar Journal** 22 (December 2005, No. 11).
- HEALTH CARE LAW** "EMTALA: All Bark and No Bite." 2005 **University of Illinois Law Review** 1021 (No. 4).
- INSURANCE** "The Made Whole Doctrine: Unraveling the Enigma in the Mystery of Insurance Subrogation." 70 **Missouri Law Review** 723 (Summer 2005, No. 3).  
"Multiplying Coverage in Collision Cases." 41 **Trial** 34 (December 2005, No. 13).

## Journal Watch—Continued

THE JUDICIARY	“Specialize the Judge, Not the Court: A Lesson From the German Constitutional Court.” 91 <i>Virginia Law Review</i> 1267 (September 2005, No. 5).
LITIGATION	“ ‘Electronic Fingerprints’: Doing Away with the Conception of Computer-Generated Records as Hearsay.” 104 <i>Michigan Law Review</i> 151 (October 2005, No. 1).
LLC’s	“Minority Oppression & the Limited Liability Company: Learning (or Not) from Close Corporation History.” 40 <i>Wake Forest Law Review</i> 883 (2005, No. 3).
OSHA	“Diesel Exhaust – The Next Asbestos?” 47 <i>For the Defense</i> 16 (November 2005, No. 11).
PARTNERSHIPS	“The Jobs Act Tightens the Tax Rules for Partnerships.” 33 <i>Real Estate Taxation</i> 4 (2005, No. 1).
PERSONAL INJURY	“Malingering of Psychiatric Problems and Brain Damage in a Personal Injury Setting: Mild Head Injuries and Chronic Pain.” 47 <i>For The Defense</i> 28 (September 2005, No. 9).
PRACTICE OF LAW	“The Art of Feel-Good Rainmaking: How to Cultivate a Network of Endless Referrals.” 31 <i>Law Practice</i> 42 (October/November 2005, No. 7). “Taking Charge: Accepting Credit Cards for Legal Fees.” 31 <i>Law Practice</i> 28 (December 2005, No. 8). “The Top 10 Ways to Build a Practice.” 51 <i>The Practical Lawyer</i> 55 (October 2005, No. 5). “Lawyer for Lawyers: The Emerging Role of Law Firm Legal Counsel.” 53 <i>University of Kansas Law Review</i> 795 (May 2005, No. 4).
PROBATE	“Probate Avoidance Techniques: What Did I just do to my Estate Plan?” 77 <i>Cleveland Bar Journal</i> 14 (December 2005, No. 2).
PROPERTY LAW	“Virtual Property.” 85 <i>Boston University Law Review</i> 1047 (October 2005, No. 4).
REAL ESTATE	“The New Bankruptcy Act: Observations on Some of the Provisions Affecting Real Estate.” 19 <i>Probate &amp; Property</i> 42 (November/December 2005, No. 6).
SEARCH & SEIZURE	“Searches and Seizures in a Digital World.” 119 <i>Harvard Law Review</i> 531 (December 2005, No. 2).
SETTLEMENTS	“Settlements: Ethical Issues and Practical Advice.” 77 <i>Cleveland Bar Journal</i> 28 (November 2005, No. 1).
TAX LAW	“Fast Track Settlement – on the Fast Track, but to Where? A Practical Guide to the Program.” 103 <i>Journal of Taxation</i> 288 (November 2005, No. 5). “Tax Planning for the Developer: Allocating Costs among Land and Improvements.” 103 <i>Journal of Taxation</i> 335 (December 2005, No. 6). “Sale of a Residence and Like-Kind Exchanges. (Part I).” 36 <i>The Tax Adviser</i> 678 (November 2005, No. 11). “Sale of a Residence and Like-Kind Exchanges. (Part II).” 36 <i>The Tax Adviser</i> 746 (December 2005, No. 12). “Circular 230 Sets Stringent Requirements for Written Tax Advice.” 75 <i>Practical Tax Strategies</i> 196 (October 2005, No. 4). “Navigate the Maze for Job-Related Education Deductions.” 75 <i>Practical Tax Strategies</i> 324 (December 2005, No. 6). “Section 1031 Provides Advantage for Swapping over Selling.” 75 <i>Practical Tax Strategies</i> 346 (December 2005, No. 6). “Tax Consequences When Debt is Converted to Equity in the Context of Partnerships and LLC’s After the American Job Creation Act of 2004.” 83 <i>Taxes: The Tax Magazine</i> 29 (November 2005, No. 11). “New Rules for Donating Autos and the Sales Tax Deduction for Building Materials – A Reprise.” 83 <i>Taxes: The Tax Magazine</i> 41 (November 2005, No. 11).
TORT LAW	“Ohio’s New Modified Joint and Several Liability Laws: A Fair Compromise for Competing Parties and Public Policy Interests.” 53 <i>Cleveland State Law Review</i> 333 (2005-06, No. 2).