

Newsletter

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The Dayton Law Library Association

After-Hours Access to the Law Library Suspended until Further Notice

Asbestos abatement and construction will begin on the fifth floor of the Courts Building early in July. All crews will be working after hours and on weekends; therefore, no access to the law library will be permitted throughout this phase of the construction project.

This Newsletter is published by
The Dayton Law Library
Association
41 North Perry St. P.O. Box 972
Dayton OH 45422-2490
(937) 225-4496
FAX (937) 225-5056
www.daylawlib.org

Joanne R. Beal, Law Librarian

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Fahrenheit 451? -- Not Really

Numerous comments have been received at the Law Library with regard to the elimination of a significant portion of our print collection. The image of heaps of books in cardboard bins ready for incineration is a harsh reality of the electronic age. The information contained in the discarded books is available electronically from various sources.

In order to accommodate the expansion of the offices of the Second District Court of Appeals the Law Library has lost all floor space on the east side of the courts building. Therefore, all regional

reporters and all official state reports, other than Ohio, have been removed from the collection. In addition, the codes and practice works of states other than Ohio have been repositioned on the west side of the library in shelving that faces the windows.

The Law Library's well-rounded collection of treatises and other secondary sources will be maintained to the best of our ability. In addition, our staff will attempt to obtain any requested items from remote locations if necessary.

Update on Legislative Activities Affecting County Law Libraries

Although no provisions affecting county law libraries were included in the state's current budget bill (HB 119), the "systemic reform" called for in the previous budget bill (HB 66) continues to impact our existence with reductions in county support due to escalate in 2008.

The Task Force formed by HB 66 will continue through October 31, 2007 to negotiate with the County Commissioners' Association of Ohio to alter the current structure of county law libraries with respect to governance, operation and funding. Numerous issues must be agreed

upon before the CCAO is able to effectuate control over what they have referred to as "antiquated entities."

Unless legislation favorable to the retention of the present county law library system is passed before year-end a significant portion of the collection as well as a number of services at the Dayton Law Library will have to be eliminated in order to prepare for further cuts from the county in 2008. Our membership will remain apprised of any further developments. Thank you for your support.

Scott v. Sandford: The Court's Most Dreadful Case



March 6, 2007 marked the 150th anniversary of the Supreme Court's Dred Scott decision. Described as a "forced decision that was contrary to historical facts," on March 26, 1857, the New York *Independent* pronounced the opinion "a treasonable attempt" to alter the law. The pro-slavery decision has come to symbolize "bad jurisprudence" and is cited as a contributing cause of the Civil War. However, the political intricacies have fascinated scholars through the years.

Found at 60 U.S. (19 How.) 393 (1857), each of the nine justices on the Court wrote an opinion. Chief Justice Taney's "Opinion of the Court" is fifty-four

pages long, and along with a few pages summarizing the lawyers' arguments, a total of 260 pages are filled.

Located on the display table in the center aisle of the Law Library is the exhaustive *Symposium: 150th Anniversary of the Dred Scott Decision* (82 Chicago-Kent Law Review, No. 1, Summer, 2007); the 1909 publication, Legal and Historical Status of the Dred Scott Decision, by Elbert William R. Ewing; The Dred Scott Case – Its Significance in American Law and Politics, by Don E. Fehrenbacher; vol. 60 of the United States Reports; and the state court decisions in the Missouri Reports.

Recent Acquisitions

KF 250 .P35 2005	The Legal Writer.
KF 593 .C6 D55 2007	The Lease Manual: A Practical Guide to Negotiating Office, Retail, and Industrial Leases.
KF 1526 .M55 2006	ABCs of the UCC: Related Insolvency Law.
KF 1632.5 .H65 2007	Antitrust Law Handbook.
KF 3958 .T67 T69 2007	Toxic Tort Litigation.
KF 89 .L33 A86 2007	Labor and Employment Lawyer's Job: A Survival Guide.
KF 8961 .B76 2007	Law for the Expert Witness.
KF 8861 .F62 2007	Judicial Disqualification: Recusal and Disqualification of Judges.
KF 8961 .N49 2007	Computer Forensics: Evidence Collection and Management.
KFO 195 .A15 T67	Tort Law Journal of Ohio.
KFO 530 .E44 2007	Baldwin's Ohio Practice; Elements of an Action.
TK 5103.2 .K565 2007	Wireless Crime and Forensic Investigation.

Journal Watch

- ADR** “Tipping Points in Mediation: Critical Thresholds in the Process.” 78 **Cleveland Bar Journal** 12 (May 2007, No. 7).
- “Privatizing the Justice System.” 41 **International Society of Barristers Quarterly** 465 (October 2006, No. 4).
- AUTOMOBILES** “How to Challenge a Black Box Report.” 43 **Trial** 50 (Feb 2007, No. 2).
- BANKRUPTCY** “The 2005 Bankruptcy Reform Act Changes the Rules for Debt Relief Agencies, Assisted Persons, and Advertising.” 31 **ALI-ABA Business Law Course Materials Journal** 55 (April 2007, No. 2).
- “Bankruptcy and the Fair Credit Reporting Act: Ensuring Clients Get a Fresh Financial Start Through Accurate Reporting of Bankruptcy Filings and Related Accounts.” 78 **Cleveland Bar J** 30 (April 2007, No.6).
- “Houston We Have a Problem: Tort Claims of Bankruptcy Debtors.” 17 **Ohio Trial and Verdict Reporter** 33 (Spring 2007, Issue 1).
- “Issues with the Title 11 sec. 101(10A) Definition of “Current Monthly Income: It’s Not Current, Not Monthly, and Not Always Income.” 32 **Univ. of Dayton Law Review** 177 (Fall 2006, No. 1).
- BUSINESS LAW** “Protecting Business Relationships.” 43 **Trial** 34 (June 2007, No. 6).
- CONSTRUCTION LAW** “Who Remembers the Small Builders?: How to Implement Ohio’s New Statewide Residential Building Code Without Sinking Ohio’s Small Builders.” 34 **Capital University Law Review** 741 (Summer 2006, No. 4).
- CORPORATION LAW** “Competing with Delaware: Recent Amendments to Ohio’s Corporate Statutes.” 40 **Akron Law Review** 175 (2007, No. 1).
- CYBERCRIME** “The Changing Face of Cybercrime: New Internet Threats Create Challenges to Law Enforcement.” 86 **Mich Bar J** 18 (June 2007, No. 6).
- DATA SECURITY** “Notification of Data Security Breaches.” 105 **Michigan Law Review** 913 (March 2007, No. 5).
- DISCOVERY** “Electrifying Changes to the Federal Discovery Rules.” 36 **The Brief** 32 (Spring 2007, No. 3).
- “The Perfect Preservation Letter.” 43 **Trial** 28 (April 2007, No. 4).
- ELDER LAW** “State Mandates for Reporting Financial Abuse of the Elderly.” 78 **Practical Tax Strategies** 340 (June 2007, No. 6).
- “Elder Empowerment as a Strategy for Curbing the Hidden Abuses of Durable Powers of Attorney.” 59 **Rutgers Law Rev** 1 (Fall 2006, No. 1).
- EMINENT DOMAIN** “The *Kelo* Blowback: How the Newly-Enacted Eminent Domain Statutes and Past Blight Statutes Are a Maginot Line-Defense Mechanism for All Non-Affluent and Minority Property Owners.” 68 **Ohio State Law Journal** 609 (2007, No.2).

Journal Watch—Continued

- EMPLOYMENT LAW** “Protect Against the Surge of Employee Retaliation Claims.” 36 **The Brief** 14 (Spring 2007, No. 3).
- “If You Love Me Dear, Please Sign Here: Will the ‘Love Contract’ Play a Role in Protecting Employers from Sexual Harassment Liability?” 40 **John Marshall Law Review** 311 (Fall 2006, No. 1).
- “Why Don’t “Reasonable Women” Complain About Sexual Harassment?” 82 **Indiana Law Journal** 711 (Summer 2007, No. 3).
- ESTATE PLANNING** “Essential Steps After ‘Finishing’ the Estate Plan: Part 1 – Pre-mortem Planning.” 21 **Probate & Property** 20 (March/April 2007, No. 2).
- “Till Death Do Us Part (Again) – Estate Planning for Second Marriages.” 21 **Probate & Property** 34 (March/April 2007, No. 2).
- LAND USE** “Religious Land Use in the Federal Courts Under RLUIPA.” 120 **Harvard Law Review** 2178 (June 2007, No.8).
- LEASES** “Space and Term Issues in Commercial Leases (With Sample Clauses).” 23 **The Practical Real Estate Lawyer** 53 (March 2007, No. 2).
- PAYDAY LENDING** “Just Until Payday.” 54 **UCLA Law Review** 855 (April 2007, No. 4).
- PENSIONS** “He Ain’t Heavy, He’s My Brother: Hardship Distributions for Beneficiaries.” 14 **Journal of Pension Benefits** 65 (Spring 2007, No. 3).
- PRACTICE OF LAW** “Representing Non-English-Speaking Clients.” 24 **GP Solo** 18 (January/February 2007, No. 1).
- “Sample Engagement Letters and Fee Arrangements.” 24 **GP Solo** 22 (January/February 2007, No. 1).
- “Earn What You’re Worth: Discuss Salary Confidently and Professionally in Job Interviews.” 35 **Student Lawyer** 16 (May 2007, No. 9).
- PUBLIC EMPLOYERS** “Workplace Searches by Public Employers and the Fourth Amendment.” 39 **The Urban Lawyer** 75 (Winter 2007, No.1).
- REAL ESTATE LAW** “How to Depose an Opposing Appraiser (with Deposition Questions).” 23 **The Practical Real Estate Lawyer** 33 (January 2007, No. 1).
- SEARCH & SEIZURE** “Canines, Kids & Classrooms: The Use of Dogs to Search in Public Schools.” 90 **Massachusetts Law Review** 126 Fall 2006, No. 3).
- “One Stop, No Stop, Two Stop, Terry Stop: Reasonable Suspicion and Pseudoephedrine Purchases by Suspected Methamphetamine Manufacturers.” 105 **Michigan Law Review** 1573 (May 2007, No.7).
- TAX LAW** “Tax Issues Complicate the Costs of Chronic Illness and Long-Term Insurance.” 106 **Journal of Taxation** 216 (April 2007, No. 4).
- “Establishing Basis for Gambling Losses.” 38 **The Tax Adviser** 330 (June 2007, No. 6).
- “Exceptions to the Additional Tax on Early Distributions Under Code Sec. 72(t).” 85 **Taxes: The Tax Magazine** 37 (May 2007, No. 5).