

# NEWSLETTER

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## ***THE DAYTON LAW LIBRARY ASSOCIATION***

***1868 – 2008***

### ***SERVING THE LEGAL COMMUNITY AND THE ADMINISTRATION OF JUSTICE FOR 140 YEARS***

ON APRIL 15, 1868, THE SIGNATORIES ON THE ORIGINAL CERTIFICATE OF INCORPORATION WERE A. CAHILL, JOHN A. MCMAHON, E. S. YOUNG, THOMAS O. LOWE, S. CRAIGHEAD, AND JOHN HOWARD. THE FIRST LIBRARY ROOM WAS IN THE REAR OF THE SECOND STORY OF NO. 12 NORTH MAIN STREET. IN OCTOBER, 1871, THE LIBRARY WAS MOVED TO THE ROOM ADJOINING THE OLD SUPERIOR COURT IN CLEGG'S BUILDING ON EAST THIRD STREET AND WHEN THE NEW COURT HOUSE WAS BUILT IN 1884, THE LIBRARY WAS ASSIGNED A SPECIAL ROOM IN THE REAR OF THE SECOND FLOOR ADJOINING THE COURT ROOMS. FROM THAT TIME ON THE ASSOCIATION'S LIBRARY HAS BEEN HOUSED IN THE COUNTY COURT HOUSE AND IN ITS CURRENT LOCATION SINCE 1966.

AT ITS HEART, THE DAYTON LAW LIBRARY ASSOCIATION IS A SERVICE ORGANIZATION AND AS SUCH IS DEFINED BY ITS ABILITY TO MEET THE NEEDS OF ITS USERS AND, IN TURN, THE COMMUNITY. IT WAS ESTABLISHED BY ALTRUISTIC PROFESSIONALS, BUILT UP THROUGH COLLABORATION WITH THE COURTS, AND SUSTAINED UNDER THE WISE LEADERSHIP OF FORWARD-THINKING TRUSTEES. THE ASSOCIATION HAS ENDURED FOR 140 YEARS, FURTHERING ITS PURPOSE OF "*THE ADVANCEMENT OF LEGAL KNOWLEDGE AND THE BETTER AND MORE CONVENIENT DISCHARGE OF PROFESSIONAL DUTIES CONNECTED THEREWITH...*"

IN THE TWENTY-FIRST CENTURY ALL TYPES OF LIBRARIES FIND THEMSELVES IN A CHALLENGING ENVIRONMENT; BALANCING TECHNOLOGICAL TRENDS WITH ECONOMIC REALITIES. ALTHOUGH THE INTERNET AND PERSONAL COMPUTERS HAVE FOSTERED THE ILLUSION OF FREE AND EASY ACCESS TO LEGAL INFORMATION, AUTHORITATIVE AND CREDIBLE SOURCES ARE AVAILABLE TO ONLY THOSE WILLING TO PAY A PREMIUM CHARGE. INFORMATION BUDGETS FOR PERSONAL LAW COLLECTIONS ARE STRAINED. AT THE SAME TIME, THE APPLICATION OF COMPLEX NEW LAWS AND REGULATIONS REQUIRE THE SKILLS OF PRACTICING ATTORNEYS AS CITIZENS AND BUSINESSES STRIVE TO COMPLY. AS THE 141<sup>ST</sup> YEAR BEGINS, THE DAYTON LAW LIBRARY ASSOCIATION CONTINUES TO EXIST IN ORDER TO AID AND SUPPORT OUR LOCAL ATTORNEYS IN THEIR MORE CONVENIENT DISCHARGE OF DUTIES.

#### ***OTHER NOTABLE EVENTS OF 1868 –***

*IMPEACHMENT TRIAL OF PRESIDENT ANDREW JOHNSON*

*WYOMING BECOMES A UNITED STATES TERRITORY*

*MEMORIAL DAY IS OBSERVED IN THE U.S. FOR THE FIRST TIME*

*THE 14<sup>TH</sup> AMENDMENT TO THE CONSTITUTION IS ADOPTED*

***IN COMMEMORATION OF OUR 140<sup>TH</sup> ANNIVERSARY, "BUSINESS-CARD SIZED" NOTEPADS WITH THE LAW LIBRARY'S LOGO AND CONTACT INFORMATION ARE AVAILABLE FOR PATRONS AT THE CIRCULATION DESK. FEEL FREE TO PICK UP ONE ON YOUR NEXT VISIT.***



**The Dayton Law Library Association**

*Your Link Between Information and an Answer*

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## RECENT ACQUISITIONS

HF 554832 .A44 2007	SELLING PRODUCTS AND SERVICES AND LICENSING SOFTWARE ONLINE
KF 299 .W6 P56 2008	PIONEERING WOMEN LAWYERS: FROM KATE STONEMAN TO THE PRESENT
KF 314 .C45 C66 2007	COMPENDIUM OF CLIENT PROTECTION RULES
KF 697 .F6 R36 2007	FORECLOSURES: DEFENSES, WORKOUTS, AND MORTGAGE SERVICING, 2D
KF 801 .F67 2007	FORMS AND SUBSTANCE: SPECIALIZED AGREEMENTS FOR THE CONSTRUCTION PROJECT
KF 849 .A745 2008	GUIDE TO SERVICE SUBCONTRACT TERMS AND CONDITIONS
KF 1263 .C65 D38 2008	DATA SECURITY HANDBOOK
KF 1380 .I49 2007	THE FAMILY LIMITED PARTNERSHIP
KF 1423 .D58 2007	DIRECTORS AND OFFICERS LIABILITY INSURANCE DESKBOOK
KF 1650 .S68 2008	STATE ANTITRUST ENFORCEMENT HANDBOOK
KF 2023 .A95 2008	ANTITRUST HANDBOOK FOR FRANCHISE AND DISTRIBUTION PRACTITIONERS
KF 2980 .I544 2007	INTELLECTUAL PROPERTY DESKBOOK FOR THE BUSINESS LAWYER
KF 3024 .C6 C56 2007	A PRACTICAL GUIDE TO SOFTWARE LICENSING FOR LICENSEES AND LICENSORS
KF 3827 .A58 M47 2008	MESSENGER MODEL HANDBOOK (ABA ANTITRUST SECTION)
KF 3964 .M64 T69 2008	TOXIC MOLD LITIGATION, 2D
KF 4166 .B73 2007	BREAKING DOWN BARRIERS: A LEGAL GUIDE OF TITLE IX AND ATHLETIC OPPORTUNITIES
KF 8950 .E46 2008	VOUCHING: A DEFENSE ATTORNEY'S GUIDE TO WITNESS CREDIBILITY, LAW AND STRATEGY
KF 8972 .I58 2008	THE LITIGATION MANUAL: JURY TRIALS
KFO 107 .A75 G82 2006	A GUARDIAN <i>AD LITEM</i> /TOOLBOX/DOMESTIC RELATIONS AGREEMENTS (OSBA)
KFO 140 .A75 E86 2006	ESTATE PLANNING ISSUES FOR THE NON-TRADITIONAL FAMILY (OSBA)

### **RECESSION-PROOF YOUR LEGAL INFORMATION RESOURCES BUDGET; MASTER THE LAW LIBRARY!**

NEW APPLEMAN INSURANCE LAW PRACTICE MANUAL - \$427.00

ANDERSON'S OHIO CRIMINAL PRACTICE & PROCEDURE (2007-08 ED) - \$289.00

OHIO CIVIL PROCEDURE LITIGATION MANUAL (2008) - \$105.00

3 NEW VOLUMES OF AM JUR PLEADING & PRACTICE FORMS - \$733.50

COST OF ANNUAL LAW LIBRARY MEMBERSHIP? \$50.00 OR \$75.00

## JOURNAL WATCH

- ADA "WHO SAYS YOU'RE DISABLED?" THE ROLE OF MEDICAL EVIDENCE IN THE ADA DEFINITION OF DISABILITY." 82 **TULANE LAW REVIEW** 1 (NOV. 2007, NO. 1).
- ANTITRUST "MANAGING DISTRIBUTION: HOW TO DEVELOP A CORPORATE LEGAL COMPLIANCE PROGRAM (WITH CHECKLIST)." 31 **ALI-ABA BUSINESS LAW COURSE MATERIALS JOURNAL** 5 (OCTOBER 2007, NO. 5).
- BANKRUPTCY "BANKRUPTCY ISSUES IN PARTNERSHIP AND LIMITED LIABILITY COMPANY CASES." 32 **ALI-ABA BUSINESS LAW COURSE MATERIALS JOURNAL** 43 (APRIL 2008, NO. 2).
- "DISHONEST DEBTORS AND DISCHARGEABLE DEBTS IN BANKRUPTCY." 2007 **UTAH LAW REVIEW** 841 (NO. 3).
- "THE LIABILITY OF PROPERTY EXEMPTED IN BANKRUPTCY FOR PRE-PETITION DOMESTIC SUPPORT OBLIGATIONS AFTER BAPCPA: DEBTORS BEWARE" 81 **THE AMERICAN BANKRUPTCY LAW JOURNAL** 233 (SUMMER 2007, NO. 3).
- "ONCE UPON A TIME IN BANKRUPTCY COURT: SORTING OUT LIABILITY OF MARITAL PROPERTY FOR MARITAL DEBT IS NO FAIRY TALE" 41 **FAMILY LAW QUARTERLY** 249 (SUMMER 2007, NO. 2).
- CONSTRUCTION LAW "RECENT CHANGES TO OHIO'S MECHANICS' LIEN LAWS." 78 **CLEVELAND BAR JOURNAL** 6 (OCTOBER 2007, NO. 11).
- COPYRIGHT "DOES *ROCKY & BULLWINKLE* HOLD THE KEY TO UNLOCKING THE MYSTERY OF FAIR USE IN THE AGE OF INTERNET ARCHIVING?" 35 **CAPITAL UNIVERSITY LAW REVIEW** 1021 (SUMMER 2007, NO. 4).
- CRIMINAL LAW "ATTEMPTED ENTICEMENT OF A MINOR: NO PLACE FOR PEDOPHILES TO HIDE UNDER 18 U.S.C. SEC. 2422(B)." 72 **MISSOURI LAW REVIEW** 909 (SUMMER 2007, NO. 3).
- "MIDNIGHT RUN RE-RUN: BAIL BONDSMEN, BOUNTY HUNTERS, AND THE UNIFORM CRIMINAL EXTRADITION ACT." 62 **UNIVERSITY OF MIAMI LAW REVIEW** 59 (OCTOBER 2007, NO. 1).
- "SHAKEN BABY SYNDROME: MEDICAL UNCERTAINTY CASTS DOUBT ON CONVICTIONS." 2007 **WISCONSIN LAW REVIEW** 701 (NO. 3).
- EMPLOYMENT "A PLAINTIFF'S PERSPECTIVE ON SOME EVIDENTIARY ISSUES AND JURY INSTRUCTIONS IN EMPLOYMENT DISCRIMINATION LITIGATION (WITH SAMPLE INSTRUCTIONS)." 32 **ALI-ABA BUSINESS LAW COURSE MATERIALS JOURNAL** 29 (FEBRUARY 2008, NO. 1).
- "EEOC GUIDANCE ON WORKERS WITH CAREGIVING RESPONSIBILITIES." 53 **THE PRACTICAL LAWYER** 17 (DECEMBER 2007, NO. 6).
- "IF YOU ARE ATTRACTIVE AND YOU KNOW IT, PLEASE APPLY: APPEARANCE-BASED DISCRIMINATION AND EMPLOYERS' DISCRETION." 42 **VALPARAISO UNIVERSITY LAW REVIEW** 629 (WINTER 2008, NO. 2).
- ERISA "WHO IS ENTITLED TO SURVIVOR BENEFITS FROM ERISA PLANS?" 40 **THE JOHN MARSHALL LAW REVIEW** 919 (SPRING 2007, NO. 3).
- ESTATE PLANNING "DON'T TOUCH THAT! KNOW THE RULES THAT GOVERN CREDITORS' ABILITIES TO GRAB BENEFICIARIES ASSETS." 146 **TRUSTS & ESTATES** 16 (DECEMBER 2007, NO. 12).
- "PLANNING FOR CLIENTS WITH MULTIPLE SCLEROSIS." 146 **TRUSTS & ESTATES** 19 (JULY 2007, NO. 7).
- "THE SIGNIFICANCE OF THE TRANSFER-ON-DEATH DEED." 21 **PROBATE & PROPERTY** 42 (JULY/AUG 2007, NO. 4).

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EVIDENCE	"THE ADMISSIBILITY OF MEMORIES AND BELIEFS: THE HEARSAY EXCEPTION THAT EVEN THE BEST JUDGES FREQUENTLY MISUNDERSTAND." 22 <b>CRIMINAL JUSTICE</b> 16 (SUMMER 2007, NO. 2).
4 <sup>TH</sup> AMENDMENT	"IS THIS YOUR BEDROOM?: RECONSIDERING THIRD-PARTY CONSENT SEARCHES UNDER MODERN LIVING ARRANGEMENTS." 76 <b>GEORGE WASHINGTON LAW REVIEW</b> 375 (FEBRUARY 2008, NO. 2).
JUVENILE LAW	"CONSIDERATIONS IN THE ASSESSMENT OF COMPETENT TO PROCEED IN JUVENILE COURT." 34 <b>NORTHERN KENTUCKY LAW REVIEW</b> 323 (2007, NO. 2).
PRACTICE OF LAW	"THE DEATH OF A LAWYER." 30 <b>FAMILY ADVOCATE</b> 40 (FALL 2007, NO. 2).  "EFFECTIVE BRIEF WRITING DESPITE HIGH VOLUME PRACTICE: TEN MISCONCEPTIONS THAT RESULT IN BAD BRIEFS." 38 <b>UNIV. OF TOLEDO LAW REV</b> 113 (SUMMER 2007, NO. 4).  "LAWYER MOBILITY AND LEGAL ETHICS: RESOLVING THE TENSION BETWEEN CONFIDENTIALITY REQUIREMENTS AND CONTEMPORARY LAWYERS' CAREER PATHS." 31 <b>THE JOURNAL OF THE LEGAL PROFESSION</b> 199 (2007).  "WHAT A JITTERY ECONOMY REALLY MEANS TO LAW FIRMS." 54 <b>THE PRACTICAL LAWYER</b> 61 (FEB 2008, NO. 1).
PROBATE	"CHILDREN OF MEN: BALANCING THE INHERITANCE RIGHTS OF MARITAL AND NON-MARITAL CHILDREN." 39 <b>UNIV. OF TOLEDO LAW REV</b> 1 (FALL 2007, NO. 1).
REAL ESTATE	"GREEN BUILDING BASICS FOR REAL PROPERTY LAWYERS (WITH FORM)." 24 <b>THE PRACTICAL REAL ESTATE LAWYER</b> 31 (MARCH 2008, NO. 2).
SENTENCING	"HAS THE FAT LADY SUNG ON SENTENCING GUIDELINES? THE IMPACT OF <i>BOOKER</i> , <i>BLAKELY</i> , <i>APPRENDI</i> AND <i>FOSTER</i> ON OHIO'S SENTENCING PROTOCOL." 34 <b>NORTHERN KENTUCKY LAW REVIEW</b> 71 (2007, NO. 1).
TAX LAW	"CHARITABLE CONTRIBUTIONS OF REAL ESTATE INTERESTS." 34 <b>REAL ESTATE TAXATION</b> 4 (4 <sup>TH</sup> QUARTER 2007, NO. 5).  "DESIGN A POLICY FOR REPRESENTING CLIENTS UNDERGOING DIVORCE." 79 <b>PRACTICAL TAX STRATEGIES</b> 105 (AUGUST 2007, NO. 2).
TORTS	"DRIVING THROUGH THE DENSE FOG: ANALYSIS OF AND PROPOSED CHANGES TO OHIO TORTIOUS INTERFERENCE LAW." 55 <b>CLEVELAND STATE LAW REV</b> 339 (2007, NO. 3).
TRADEMARKS	"SELLING KEYWORDS: PROTECTING TRADEMARKS FROM INFRINGEMENT ONLINE." 50 <b>FOR THE DEFENSE</b> 16 (FEBRUARY 2008, NO. 2).
TRADE SECRETS	"PROTECTING TRADE SECRETS: DEALING WITH THE BRAVE NEW WORLD OF EMPLOYEE MOBILITY." 17 <b>BUSINESS LAW TODAY</b> 25 (NOV/DEC 2007, NO. 2).
TRUSTS	"THE UNIFORM TRUST CODE: AN ANALYSIS OF OHIO'S VERSION." 34 <b>OHIO NORTHERN UNIVERSITY LAW REVIEW</b> 135 (2008, NO. 1).