

# Newsletter

ISSUE 82, JULY 2010

**Montgomery County Law Library**  
41 N. Perry Street, Room 505, P.O. Box 972  
Dayton, OH 45422

## After Hours Access

Although often requested, after-hours access to the Law Library has not been restored nor is it likely to be so due to security requirements. Regular hours remain 8:30 am to 5:00 pm Monday-Friday.

## Copy Charges

The 20¢ per page photocopy and print out charge has been reinstated; however, there is no longer a vend unit on the public copier. Please count your copies and the total charge will be calculated at the circulation desk.

## INTERIM PATRON SERVICES POLICIES

During the transition from the private Dayton Law Library Association to the county-managed Montgomery County Law Library, the policies and procedures for the borrowing of library books and materials have been maintained with a few adjustments. Until otherwise determined by the Montgomery County Law Library Resources Board, circulation privileges for attorney users of the former Dayton Law Library Association will remain intact.

The names of attorneys registered as members or statutory users of the Association through 2009 remain in the Law Library's patron database and have been able to borrow materials. The names of local attorneys who have not been Association members may register with the Law Library in order to enjoy circulation privileges.

Noticeable changes in our circulation policy have been an enforcement of the borrowing time periods, more frequent overdue notices, and a less generous extension of renewals. These changes are due to a number of factors. First and foremost is the fact that the books are no longer the property of a membership association. As of January 1, 2010, all books that were identified as having been purchased with public monies were transferred to the ownership of Montgomery County. Uniform application of circulation policies removes any perception that extended use of county property to private individuals would be permitted. In addition, access to the Law Library by members of the general public, who enjoy browsing privileges, has been statutorily mandated.

Another issue for the Law Library is that the transition has reduced the financial resources available for the purchase of print materials. Subscriptions to several titles have been discontinued, thereby reducing the coverage in various fields. Limiting the borrowing periods increases the availability of materials to all patrons. Also, funds for the replacement of missing or damaged books have been diminished.

As in the past, attorney patrons may call the Library to reserve titles or to request the delivery of documents via telefacsimile or email.

Thank you for your understanding of our transition issues. As the new board continues to meet and evaluate the efficacy of policies and regulations our patrons will be kept apprised as changes are implemented. It is our hope to maintain a quality legal research facility for the legal community as well as satisfy our mandate to serve the needs of county offices and members of the general public.

This Newsletter is published by **The Montgomery County Law Library**, 41 N. Perry St., P.O. Box 972, Dayton, OH 45422-2490  
(937) 225-4496 FAX (937) 225-5056 [www.daylawlib.org](http://www.daylawlib.org). Joanne R. Beal, Law Librarian.

Board Members: James W. Drubert, Chair; Gordon D. Arnold; V. Michael Brigner; Janet K. Cooper; John A. Cumming;  
Merle F. Wilberding; David P. Williamson

## Acquisitions Highlights

### BNA ONLINE

At **workstation 7** in the Law Library's Media Center two BNA Online services are available. The *Labor and Employment Law Library* is a complete resource for cases and guidelines in all major areas of the field: fair employment, individual employment rights, disabilities, wages and hours, labor-management relations, collective bargaining, and labor arbitration. In addition to the web service, 6<sup>th</sup> Circuit and Ohio opinions are printed for easy browsing and maintained in binders behind the Circulation Desk.

BNA's *Benefits Practice Center* pulls together three separate libraries, *Employee Benefits Library*, *ERISA Compliance & Enforcement Library*, and *Executive Compensation Library*, into an integrated set with search tools for analysis, guidance and primary source material.

### WESTLAWNEXT

WestlawNext is the new search engine for Westlaw utilizing a *google*-like method for simple language queries. Numerous enhancements increase efficiency for researchers. WestlawNext is used by our patron services staff, any of whom will be happy to demonstrate the new features. Traditional Westlaw remains available for patron use in the Media Center.

### JURY VERDICT RESEARCH

The JVR Evaluator Software remains available on **workstation 3** in the Media Center.

### RECENTLY ADDED TITLES

KF 245 .B58 2010 (Ref)	The Bluebook; A Uniform System of Citation. 19 <sup>th</sup> ed.
KF 905 .C6 P753 2010	ALI Principles of the Law: Software Contracts.
KF 1072 .L45 2010	Regulation of Financial Planners.
KF 1266 .S283	Sack on Defamation; Libel, Slander and Related Problems.
KF 1301 .A2 C668	Corporate Compliance Answer Book 2010.
KF 1544 .B355 2008	Bankruptcy Restructuring Strategies.
KF 4119 .E276	Education Law.
KF 4829 .M55	Immigration Law in the Workplace.
KF 6301 .B53 2006	The Circular 230 Deskbook.
KF 6449 .S56	Tax Compliance for Tax-Exempt Organizations 2010.
KF 8890 .P754 2010	ALI Principles of the Law: Aggregate Litigation.
KF 8972 .L57	Proven Jury Arguments & Evidence.
KF 9365 .S968 2010	The False Claims Act.
KFO 541 .G523	Ohio Trial Objections. 2009-2010 ed.

## Journal Watch

The Journal Watch is updated regularly on the library website at [www.daylawlib.org](http://www.daylawlib.org)

- APPEALS** "Clarity as the Last Resort? Why Federal Rule of Appellate Procedure 4 Should and Could Stipulate Which Judgments are 'Final'" 70 **Ohio State Law Journal** 1481 (2009, No. 6).
- ARBITRATION** "Waiver of Privilege under Federal Evidence Rule 502 and Arbitration Proceedings." 65 **Dispute Resolution Journal** 24 (February-April 2010, No. 1).
- ATTORNEY FEES** "The IRS Will Absolutely, Positively Not Pay Your Attorneys' Fees (or Will They?)." 84 **Florida State Bar Journal** 28 (May 2010, No. 5).
- CIVIL PROCEDURE** "The New Rule 12(b)(6): *Twombly*, *Iqbal*, and the Paradox of Pleading." 62 **Stanford Law Review** 905 (March 2010, No. 3).
- CIVIL RULES** "Days are Days: Calculating Deadlines Under Amended FRCP 6(a)." 2 **Bar Journal of the Cleveland Metropolitan Bar Association** 8 (January 2010, No. 6).
- CONSTITUTIONAL LAW** "The Constitutionality of Sex Offender Residency Restrictions: A Takings Analysis." 29 **The Review of Litigation** 219 (Fall 2009, No. 1).  
"Digitizing the Fourth Amendment: Limiting the Private Search Exception in Computer Investigations." 96 **Virginia Law Review** 677 (May 2010, No. 3).
- CONSTRUCTION LAW** "The Cumulative Impact Claim: Where Do We Stand in 2010." 77 **Defense Counsel Journal** 206 (April 2010, No. 2).
- COPYRIGHT LAW** "Statutory Damages in Copyright Law: A Remedy in Need of Reform." 51 **William & Mary Law Review** 439 (November 2009, No. 2).
- CRIMINAL LAW** "The Use of Parol Evidence Interpretation of Plea Agreements" 110 **Columbia Law Review** 840 (April 2010, No. 3).
- DISABILITY DISCRIMINATION** "Your Insurance Does Not Cover That: Disability-Based Discrimination Where it Hurts the Most." 78 **George Washington Law Review** 636 (April 2010, No. 3).
- DISCOVERY** "Discovery Audits: Model Rule 3.8(d) and the Prosecutor's Duty to Disclose." 119 **Yale Law Journal** 1339 (April 2010, No. 6).
- ELDER CARE** "Advance Health Care Directives: Why Standard Forms Don't do the Trick." 149 **Trusts & Estates** 34 (May 2010, No. 5).  
"Step by Step: Help Your Clients Pick a Nursing Home." 46 **Trial** 16 (July 2010, No. 7).
- EMPLOYMENT LAW** "Carpe Diem: Privacy Protection in Employment Act." 43 **Akron Law Review** 331 (2010, No. 2).
- ESTATE PLANNING** "Considerations, Pitfalls, and Opportunities That Arise When Advising Same-Sex Couples." 24 **Probate & Property** 3 (May-June 2010).  
"I Do, Act II: Your Guide for Estate Planning in the Context of Second Marriages." 149 **Trusts & Estates** 30 (June 2010, No. 6).
- EXPERT WITNESS** "Expert Preparation: Use this step-by-step Plan to Show Your Witnesses the Way." 46 **Trial** 16 (May 2010, No. 5).
- FAMILY LAW** "The Due Process Rights of Parents to Cross-Examine Guardians ad Litem in Custody Disputes: The Reality and the Ideal." 94 **Minnesota Law Review** 2103 (June 2010, No. 6).

## Journal Watch

<b>GUARDIAN AD LITEM</b>	"Procedures for Writing Effective Guardian <i>ad Litem</i> Reports." 2 <b>Bar Journal of the Cleveland Metropolitan Bar Association</b> 10 (February 2010, No. 7).
<b>HONEST SERVICES FRAUD</b>	"Honest Services Fraud: Federal Prosecution of Public Corruption at the State and Local Levels." 84 <b>The Florida Bar Journal</b> 82 (June 2010, No. 6).
<b>INSURANCE LAW</b>	"At the Crossroads of the Intersection of Bankruptcy and Insurance." 52 <b>For the Defense</b> 26 (May 2010, No. 5).
<b>JUROR MISCONDUCT</b>	"Reining In Juror Misconduct: Practical Strategies for Judges and Lawyers." 84 <b>Florida Bar Journal</b> 8 (January 2010, No. 1).
<b>JURY</b>	"The Online Juror." 93 <b>Judicature</b> 231 (May-June 2010, No. 6).
<b>JUVENILE LAW</b>	" <i>Blakely</i> and Blended Sentencing: A Constitutional Challenge to Sentencing Child 'Criminals.'" 70 <b>Ohio State Law Journal</b> 1261 (2009, No. 5).
<b>LANDLORD-TENANT LAW</b>	"Negotiated Form of Landlord's Consent to Sublease (with Annotations)." 26 <b>The Practical Real Estate Lawyer</b> 45 (January 2010, No. 1).
<b>LEGAL PRACTICE</b>	"So You Want to Be 'Of Counsel' (with Forms)." 56 <b>The Practical Lawyer</b> 19 (June 2010, No. 3).
<b>MEDIATION</b>	"Dynamic Demand Letters." 45 <b>Trial</b> 28 (December 2009, No. 12).
<b>MEDICAL MALPRACTICE</b>	"A Rogue Rule?: An Exposé on the Unresolved Issues and Needless Litigation Created by Ohio's Affidavit of Merit Rule." 37 <b>Capital Law Review</b> 1155 (Summer 2009, No. 4).
<b>OPENING STATEMENTS</b>	"Winning in the Beginning by Winning the Beginning." 39 <b>The Brief</b> 40 (Spring 2010, No. 3.)
<b>OVI</b>	"The Hoover/HB 17 Dilemma: Advising the OVI Client in the Age of Forcible Blood Draws and Criminalized Refusal." <b>Vindicator</b> 39 (Winter 2010).
<b>PATENTS</b>	"Prepare a Winning Case Before the USPTO." 2 <b>Landslide</b> 12 (January/February 2010, No. 3).
<b>PENSION PLANS</b>	"2010 HRM 'Stimulus Package': Seven Best Practices for Your Retirement Savings Plan in a Tough Economy." 17 <b>Journal of Pension Benefits</b> 39 (Spring 2010, No. 3).
<b>SEXTING</b>	"Sexting, Statutes, and <i>Saved by the Bell</i> : Introducing a Lesser Juvenile Charge with an 'Aggravating Factors' Framework." 77 <b>Tennessee Law Review</b> 1 (Fall 2009, No. 1).
<b>TAX LAW</b>	"New Section 2511 (c): A Thorn in the Side, not a Dagger to the Heart." 84 <b>Practical Tax Strategies</b> 284 (May 2010, No. 5).
	"HIRE Act, Patient Protection and Affordable Care Act, and Health Care and Education Reconciliation Act of 2010: An Overview." 56 <b>The Practical Lawyer</b> 45 (June 2010, No. 3).
<b>TRAFFIC LAW</b>	"Talking and Texting While Driving: A Look at Regulating Cell Phone Use Behind the Wheel." 44 <b>Valparaiso University Law Review</b> 237 (Fall 2009, No. 1).
<b>UNIFORM ELECTRONIC TRANSACTIONS ACT</b>	"Predicting the Enforceability of Browse-Wrap Agreements in Ohio." 36 <b>Ohio Northern University Law Review</b> 31 (2010, No. 1).