

ORALL NEWSLETTER

OHIO REGIONAL ASSOCIATION OF LAW LIBRARIES

JUNE, 2011

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President's Column – Steven Probst

President's Column

What Exactly Do We Do?

A recent conversation with my two young sons took an interesting turn when I happened to ask each of them what it was they thought I did for a living. "You're a librarian" says Wyatt, my seven year-old, "and a teacher." Lincoln, my four year-old, had a different opinion. "You're a superhero" he said. I couldn't argue with him, it had been a long semester full of lots of challenges. "But what do you think I actually do all day while you're in school?" I asked them. "You give people books" and "you teach kids" says Wyatt (ah, the firstborn – always eager to please). "You build houses" and "you blow things up" were all I could get from Lincoln. Mental note not to have him help me write my next annual report to the dean.

Childlike perspective aside, this conversation with my boys became part of a larger theme that I have encountered on several occasions in the past few months. The larger theme involves people not knowing or appreciating exactly what it is that I (or

my fellow librarians) do, or not clearly understanding information we assume they do about us or the library. A recent meeting with our summer research assistants is a good example. We employ these students to work through our research assignments given to all of the students in our first year legal research course.

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Newsletter

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Profile

ORALL is a 4-state chapter of the American Association of Law Libraries [Ohio, Indiana, Kentucky, Michigan]. It was formed in 1949 "to further the development and usefulness of law libraries and to stimulate a spirit of mutual helpfulness among law libraries of this region." An annual conference is held each fall. ORALL publishes or sponsors the following publications: *Core Legal Collection* [bibliographies for Ohio, Indiana, Kentucky, Michigan], ORALL Membership Directory, ORALL Newsletter, Ohio Legal Resources Annotated Bibliography & Guide 3rd.



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President's Column *continued*

We maintain a three-year rotation of these assignments, and have four different sets of questions we use each year for each subject taught. After we review and correct these assignments ourselves to ensure that they still work after the passage of three years' time, we have the research assistants work through them to make sure the answers are within a student's ability to find. The particular assignment that they were reviewing for me was on secondary sources, and each assignment tracked a single fact pattern through six different sources. In the middle of our debriefing meeting with the research assistants one of them, despite having just spent a year in our research course, had a revelation. He stopped discussing the assignment for a moment to express disbelief at exactly how much effort was expended by my colleagues and me for the creation of just one of these assignments - something that as a student in our course, he didn't appreciate (His amazement may have been deeper had I shared that we repeat the entire process again in the fall with another set of research assistants just before the assignments go out to the 1L class). He then warmed my heart by wondering out loud how, given all of the other responsibilities he knew we had, we managed to get anything else done.

A similar type of misunderstanding of our library was also recently revealed following the completion of a survey of our users. If you have not conducted one of these recently, you may find one illuminating – maybe even depressing. Among the many attitudes and themes displayed in their anonymous comments, I found it rather frustrating that, despite our best efforts, our students had some fundamental misunderstandings about the library. They didn't understand our call number arrangement, why we are open the hours that we are, where and when to find one of us when they need assistance, or even where in the library they should be studying if they expect absolute silence. This survey also served as a means for them to communicate with us, and we were surprised by the attitudes we uncovered. Far from the paperless, music and conversation-filled Barnes and Noble-esque food and drink-palooza we envisioned students wanted, it seems most of the students who responded wanted more books, less food, and much less noise.

Assuming that these recent experiences are valid on a much larger scale among our users, it would seem that we have a communication problem within our library: our key users don't fully appreciate the role that my colleagues and I play within the library. They also don't understand basic information about our library, how it functions, and why it functions the way that it does. This lack of communication also appears to be a two-way problem. My colleagues and I, despite our best intentions, perhaps don't understand what our users want from

our library. What is worse is that, as our users seem to become younger and have less familiarity with the library, we may be tempted to adopt a patronizing attitude toward them – assuming that we alone know what is in their best interest, and making our plans accordingly.

It would seem that now, more than ever, communication with our users is key as we are all focused on what the law library of the future will look like. Our users need to be aware of the value that we provide, and we cannot let them forget. The county law librarians in Ohio know this probably better than anyone and aren't likely to forget that lesson anytime soon. This communication needs to go further, however, to make sure our users are aware of the services we offer, and in turn, to give our users the ability to let us know what they need or desire from us.

So how about you ORALL – how are you communicating with your users? One of the things I like the most about our annual meeting is having the opportunity to compare notes with all of you on issues like this, and finding out how you are addressing them. Touring each other's libraries each year is also often productive. In past years my colleagues and I have frequently come back from ORALL energized by ideas and services we have seen all of you providing. I am still trying to copy some great pamphlets the Supreme Court of Ohio Law Library had on display for their users that I saw during the most recent Columbus meeting. These pamphlets delivered information about that library's collection and services to the user at the time they were ready to receive it – and at the same time communicated the cumulative value of information available within the library. This point-of-need approach is something that we are planning to experiment with at Valpo as we are beginning to produce a series of very short videos about different services within our library that will be available to our users on the web. I would love to hear some other ideas, though – perhaps on ORALL's list-serve?

That's all from the Vale of Paradise for now. I hope to see many of you at our ORALL lunch in Philadelphia.

* * *

Romans, Robes and Gavel

By Magistrate David Hejmanowski, Delaware County Juvenile Court

"The law follows custom."

Plautus

Trinummus, c. 190 B.C.

“When a judge puts on his robes, he puts off his relation to any; and becomes without pedigree.”

Thomas Fuller
Holy State, 1642

The small screen and the silver screen constantly show us the ceremony and tradition of our courts. The black robe and the gavel are as immediately recognizable as the promise to tell, “the truth, the whole truth and nothing but the truth.” These traditions are drawn from various sources both historical and hysterical.

Nearly all American judges wear black robes when presiding over hearings. To say that the robes are a simple adoption of the English tradition would be true, but it would also be taking the easy way out. After all, why did the British judges wear black robes? That’s not nearly as easy a question.

Historians tell us that robes date back to medieval times and were worn largely because they were warm and because they were the appropriate dress of regal appointees such as judges. They were various colors and were usually lined with fur in the winter and with lighter-weight material in the summer. Around 700 years ago, the color began to become standard and was usually green in the summer and violet in the winter. For formal occasions, such as a visit from royalty, the accepted robe was scarlet (sorry, no grey to go with it).

In 1635, the judges of Westminster issued the “Judges Rules” and formally established those colors. There is disagreement as to when black became the standard but not why. Upon the death of a Queen, the judges all wore black to the funeral to show their mourning and after one such somber event never returned to the more colorful robes. The only disagreement is whether it was because of the death of Queen Mary II in 1694 or Queen Anne in 1714.

Robes weren’t the only thing to make it across the Atlantic from England- wigs came with them. The wearing of wigs was a natural part of aristocracy. They were expensive, they helped prevent head lice and they were a lot better than a head of greasy hair. Three events, occurring close in time, helped to spell the end of wigs as a fashion necessity. First, the British imposed a tax on hair powder that made wearing wigs even more expensive. Second, the American Revolution led to a desire to break with many British traditions and wigs were among the rejected fads. Third, during the French Revolution wearing a wig was enough to get you a trip to the guillotine. So, it wasn’t so much that American judges refused the wig as it was that British judges didn’t notice that the fad had passed.

The history of the gavel is very muddled. It is known that the word “gavel” originally meant to pay a debt to a superior. From that meaning came the words

“gavelet” meaning a legal action to recover rent and “gavelman” meaning a tenant who owed rent. Some scholars say the current use of wooden gavels derives from 17th century Masonic meeting halls. Others say their use is because the sound of the gavel striking wood or two hands slapping had symbolic meaning in ancient Mesopotamia. The fact is that other than the gavel being a symbol of authority, its origins are largely unknown.

Anyone testifying in court must first swear an oath to tell the truth. Almost universally, that oath is accompanied by the person raising their right hand. The reason for doing so dates back thousands of years and although the practical purpose for it is long since gone, the habit continues. It was the Romans who gave us this tradition, and not for any religious or ceremonial purpose. Quite to the contrary, the Romans only wanted to know if the witness had lied before. You see, in ancient Rome, if you were convicted of perjury, the palm of your right hand was branded. Then, each time that you tried to testify again, you would be asked to raise your right hand and upon displaying the brand, would not be permitted to testify.

Many thanks to Wyoming State Law Librarian Kathy Carlson- a former Buckeye- for confirming the Roman oath information. For more information on legal history and curious facts about the courts, visit the web site of the National Center for State Courts at www.ncsconline.org.

* * *

Ohio Constitutional Law and History Website

By Sue Altmeyer, Electronic Services Librarian, Cleveland Marshall College of Law

The Ohio Constitution is constantly in the news. Recent ballot issues proposing amendments to the constitution have covered subjects such as casinos, livestock boards, minimum wage, smoking and same sex marriage. Recent Ohio Supreme Court cases address issues such as the constitutionality of retroactive application of sex offender reporting statutes, whether state prohibition of city residency requirements violates the Ohio Constitution’s home rule provision and whether a state law prohibiting cities from limiting an Ohioan’s individual right to bear arms violates home rule. The Ohio Constitutional Law and History Website, <https://www.law.csuohio.edu/lawlibrary/ohioconstitution>, can help you keep up with these developments as well as assist in conducting research on particular constitutional provisions.

The [Ohio Constitutional Law and History Website](https://www.law.csuohio.edu/lawlibrary/ohioconstitution) links to full text primary sources such as current and older versions of the Ohio Constitution, and Constitutional Convention transcripts. The Convention transcripts can be very useful when making an argument as to the meaning of an Ohio Constitutional provision, similar to how legislative history is useful when arguing the meaning a statute. For example, if you were working on a case involving home rule issues,

you could look at the transcript from the 1912 Constitutional Convention in order to build arguments on the meaning of home rule.

The site has detailed information on [calls for conventions](#) and [constitutional revision](#), both historical and current. As you may know, voters will be asked whether to call a constitutional convention in 2012. The site contains materials pertaining to the upcoming vote. There is also information on the proposed Constitutional Modernization Commission which could assist a constitutional convention or be a substitute for a convention.

The constitutional revision section of the site has a useful [table](#) of all the proposed amendments to the constitution from 1857 to current, including whether the amendment was proposed by the general assembly or by individual(s) via initiative petition and the number of votes for and against. There is also information on proposed amendments on the upcoming year's ballot, and information on the procedure for constitutional amendments.

The site is frequently updated to include new Ohio Supreme Court decisions and cases pending in the Ohio Supreme Court dealing with Ohio Constitutional issues. There is also a non-comprehensive (but lengthy) bibliography, listing books and articles on the Ohio Constitution, Ohio History and State Constitutions generally. The bibliography contains many links to full text documents.

Professor Steven H. Steinglass and I are working to add more materials to the site this summer. If you have any suggestions for the site, please send them to me: sue.altmeyer@law.csuohio.edu.



* * *

IU-Indianapolis Law Librarians Teach & Promote Required Online Legal Research Course By Debra Denslaw, Reference Librarian, Ruth Lily Law Library

Nothing is more valuable to a client than a lawyer's ability to research, analyze, and apply the law. The quality of the lawyer's research skills is an important factor in efficiency and cost-effectiveness in representing clients. In fact, one of the primary reasons for approval of the course was a general agreement that students need more experience in law school to be prepared to practice law after graduation.

Last year, Legal Research was approved as a required, one credit hour course at the Indiana University School of Law – Indianapolis. In Spring 2010, Miriam Murphy, Debra Denslaw, Steven Miller, and Catherine Lemmer were awarded a Curriculum Enhancement Grant by the IUPUI Center for Teaching & Learning to develop the course. Thirteen weeks long and entirely online, the course is required after completion of the first year of law school. Now in its third semester, the duration of the course increases student exposure to legal resources from three sessions in the research and writing curriculum. The additional sessions allow law librarians to provide students with more experiential and problem-based learning.

Instructional materials and graded quizzes are delivered in weekly modules via course management software. The course materials include instructional presentations, readings, CALI lessons and other tutorials, practice exercises, graded quizzes, and a comprehensive exam. A wide variety of technology is used, and the course is designed to foster self-directed learning. The primary strengths of the course include opportunities for students to develop and practice their skills in legal research and legal reasoning, time flexibility for students, increased contact between students and librarians, automatic grading and immediate feedback, and comprehensive comments on graded quizzes.

To share their experience in developing and teaching the course, IU-I law librarians have participated in several poster sessions including IUPUI's campus-wide 2011 E.C. Moore Symposium on Excellence in Teaching, an Indianapolis Law Librarians' Association meeting, the Academic Libraries of Indiana annual meeting, and Indiana University Librarians' Day. This fall, IU-I librarians will offer a program at ORALL's annual meeting in Cincinnati.

* * *

***eDiscovery* By Carol Ottolenghi, Director of Library Services, Office of Ohio Attorney General Mike DeWine**

The prospect of eDiscovery can cause great wailing and gnashing of teeth among attorneys. However, I've found it to be an opportunity for the Ohio Attorney General's Library staff to exercise what S. Blair Kauffman calls "assertive reference." Kauffman defines assertive reference as the action of offering specific reference information to people who haven't figured out that they need it yet.*

To meet an unrecognized reference need at the Attorney General's Office(AGO), we created an online eDiscovery library with links to relevant Rules, case law, blogs, articles, how-to's, pod-casts and more (see attached screen shot). This complements our collection of eDiscovery books, loose-leafs and forms. We announce updates and additions to these libraries in regular emails to all attorneys, paralegals and IT staff. As a result, the Library is called regularly by AG staff members dealing with eDiscovery. We instruct on the resources and help create Boolean searches to mine information.

I'd like to know if other Libraries have similar "assertive reference" or eDiscovery initiatives, and what the results have been.

* * *

ORALL LUNCH AT AALL

Here are all the details for the ORALL lunch at the AALL annual meeting. If you're attending AALL and are free at this time, please join us. This is just lunch and good company -- no business meeting. RSVP requested for planning and reservation purposes. Please reply off-list to me with your response if you'll be joining us.

Sunday, July 24, 2011
12:00 noon
Fado Irish Pub & Restaurant
1500 Locust Street, Philadelphia
<http://www.fadoirishpub.com/philadelphia/>

This is a chain but it looks good and meets all our requirements -- varied menu, able to accommodate our anticipated group size, time frame, and a request for separate checks. Google Maps shows Fado as a 17 minute walk from the convention center (or 12 minutes from the conference hotel). Taxis would be an option if you'd prefer that. (It's about 16 minutes by subway but I think you'd have to walk about 8 minutes first to get to the nearest stop; I could be wrong

about that.) Fado will give us a special menu so that they can better accommodate the size of our group and the relatively short lunch time block in our AALL schedule. If you'd like to see the menu before you say yes, see <http://www.hamilton-co.org/cinlawlib/images/fadogrouplunch.pdf>

Again, if plan to attend, please email Mary Jenkins at mjenkins@cms.hamilton-co.org so she can include you in the count. It doesn't matter if you didn't reply with a date preference earlier; the more the merrier! Just let her know if you're coming.

* * *

ORALL 2011 – Cincinnati, Ohio

The Local Arrangements for the annual ORALL meeting is looking forward to your visit. The meeting will be October 19-21. If you'd like to come early or stay for the weekend, here are some places you can visit during your stay in Cincinnati:

- Contemporary Arts Center (about a 4 block walk from the Hyatt)
<http://contemporaryartscenter.org/>
- Krohn Conservatory - the Fall Orchid Show begins on October 22.
<http://www.cincinnati-parks.com/krohn-conservatory/index.shtml>
- Cincinnati Art Museum
<http://www.cincinnatiartmuseum.org/>
- Taft Museum of Art
<http://www.taftmuseum.org/>
- Newport Aquarium (site of the 2004 ORALL Opening Reception)
<http://www.newportaquarium.com/>
 - Newport on the Levee also includes a 20 screen movie theater and several restaurants
<http://www.newportonthelevee.com/>
 - You can take the Southbank Shuttle to Newport from the Hyatt (conference hotel) for \$1 each way.
- Cincinnati Zoo and Botanical Garden
<http://www.cincinnati-zoo.org/>

- Cincinnati Reds Hall of Fame and Museum (about a 3 block walk from the Hyatt)
<http://mlb.mlb.com/cin/hof/index.jsp>
- American Sign Museum - by appointment only
<http://www.signmuseum.net/>
- Cincinnati Museum Center - located in the historic Union Terminal, includes a children's museum, the Museum of Natural History and the Omnimax Theater.
<http://www.cincymuseum.org/>
- GAMBLING - There are 3 casinos riverboats in southwest Indiana that are not far from Cincinnati. Each has a hotel nearby. Belterra and Grand Victoria have golf courses. The entertainment schedules are usually posted a month in advance.
 - Belterra - <http://www.beltterracasino.com/branded-campaign-2010.aspx?gclid=CNjUz7-fvagCFcW5KgodskyaDg>
 - Grand Victoria - <http://www.grandvictoria.com/en/>
 - Hollywood - <http://www.hollywoodindiana.com/>

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ORALL Announcements

The University of Kentucky Law Library welcomes two new reference librarians:

Franklin Runge (Faculty Services Librarian) began May 16; and Tina Brooks (Electronic Services Librarian) will be onboard July 1.

AALL Announcements

AALL2go Pick of the Month

AALL's Continuing Professional Education Committee presents the AALL2go pick of the month: [Federal Regulatory Information and Where to Find It](#).

In this one-hour video, David Pritzker of the U.S. General Services Administration (GSA) Regulatory Information Service Center provides a handy tutorial on the federal rulemaking process, including where the public can find access to federal regulations. The GSA Regulatory Information Center publishes a semiannual unified agenda on regulatory actions under development. The fall publication of the agenda includes a regulatory plan identifying current regulatory priorities and highlighting significant regulatory actions expected in the coming year. The center also helped establish Reginfo.gov to provide a “regulatory dashboard” of current information on the regulatory process, which includes handy FAQs on the regulatory process and hyperlinks to government sources for the regulations.

Pritzker's presentation explains the evolution of public access to regulatory information (including the genesis of the *Code of Federal Regulations* and *Federal Register*), how the *Administrative Procedure Act* creates a legal framework for the adoption of regulations in a manner allowing for public input, and where to find regulatory information, including new, free web-based government resources.

New and Improved AALLNET Now Live

In May AALL launched the redesigned [AALLNET](#) where you'll discover a new layout, easy-to-use navigation, more features and functionality, and a stronger brand.

The new AALLNET will allow you to:

- Easily navigate the site to browse for information or complete a specific task, such as register for an event or apply for a grant.
- At a glance from the homepage, view the latest news, events, job postings, and AALL's Twitter feed.
- Use the search box to find specific information; results can also be further refined or used to discover related resources.
- Collaborate electronically with your special interest sections, caucuses, and committees and network with like-minded members by using our online network called [My Communities](#).

Visit [AALLNET](#) today and explore the new resources available for you!

A New AALL Membership Year is Underway—Don't Miss Out!

AALL's new membership year just began on June 1. If you haven't renewed already, be sure you do today so you don't miss out on valuable member benefits.

The new and improved [AALLNET](#) debuted this spring. The new site is easy to navigate, features a fresh new look, and includes improved search functionality.

New social media tools allow you to form your own member groups and create group discussion forums, websites, blogs, and more.

[AALL2go](#), your online center for professional development, brings continuing education programming to your desktop, available 24/7. There are already more than 80 free programs for AALL members, with new content added monthly. Look for the 2011 Annual Meeting and Conference programming to be available on August 5.

AALL's online [Career Center](#) provides advanced resume and job search features, whether you're looking to find or fill a law library position.

AALL is offering a discounted membership rate for AALL members who are recently unemployed (\$57 instead of \$226). Unemployed AALL members should fill out the [online form](#).

Find more information or [renew your membership online](#). If you have any questions about your membership renewal, contact AALL Headquarters at membership@aall.org or 312/205-8022.