

ORALL NEWSLETTER

OHIO REGIONAL ASSOCIATION OF LAW LIBRARIES

MARCH, 2012

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President's Column – Steven Miller

President's Column

As the New Year began, I found myself in transition from the Indiana University Robert H. McKinney School of Law to Director of the Hamilton County Law Library in Cincinnati. I also found ORALL in transition as ORALL board members and committees began the work of new projects and sought new opportunities for this great library organization. I knew I was blessed with a board and with committee chairs that would move ORALL into a new era.

As spring has sprung early across the entire region, the work of the 2012 ORALL committees is in progress. The Education Committee is the largest ORALL committee and is assigned to the very important task of educational programming for the ORALL Annual Meeting on the beautiful campus of Valparaiso University, October 17-19, 2012. Emily Janoski-Haehlen is Chair and Board Liaison of the committee and is putting together a great educational program to accommodate the continuing educational and professional interests and development of all ORALL members. This year's Education

Committee also includes Susan Boland, Jesse Bowman, Carol Bredemeyer, Carol Furnish, Sarah Glassemeyer, Cheryl Niemeier, and Mary Lynn Wagner.

The Grants Committee, chaired by Kathleen Carrick, will be announcing grant opportunities available for ORALL attendance. Be sure to check your email for announcements concerning both the annual meeting and grant opportunities.

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Newsletter

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page.**

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.

President's Column *continued*

Steve Probst and the local arrangements committee are doing a marvelous job putting together an ORALL Annual Meeting that will see a dazzling display of cutting-edge educational technology on the Valparaiso campus, referrals to low-cost housing in the surrounding communities, and exciting events to attend on and off campus. And remember, Valparaiso is only an hour away from the great City of Chicago with its museums, aquariums, restaurants, ballparks, zoos, concerts, and shows that members can explore after the annual meeting.

New for this year, ORALL has a credit card payment option. Through the efforts of ORALL Treasurer Rick Goheen, ORALL has paved the way for renewals to be paid by credit card. The 2012 renewal forms are in the mail, and you'll receive them in the next couple of weeks. If you would like to use this option, please send Rick Goheen an email (rick.goheen@utoledo.edu) with details of who you're paying for, and Rick will send you a PayPal invoice. If you have questions or need more information, please let me Rick know.

Nominations for new officers will be gathered as the work of the Nominations Committee will soon begin. This year's Nominations Committee is made up of Ken Kozlowski, Chair, Maureen Anderson, Julie Koehne, Miriam Murphy, and Steve Miller as Board Liaison. The Internet Committee has been quite busy this year, updating the web site and listserv. Sue Altmeyer created a Facebook page for ORALL that many ORALL members have joined. Cheryl Niemeier also set up a LinkedIn account. Through social media, ORALL seeks to enhance its professional visibility, strength, and outreach.

All of the committees are actively involved in the work of our library organization. For a current list of ORALL committees and their members, go to http://orall.org/?page_id=15. If you would like to still join an ORALL committee this year, you are more than welcome! It is never too late to contribute to the work of an ORALL Committee. Please fill out the short ORALL committee application form found at <http://orall.org/> (link at the bottom of the web page) or email me (Steve Miller) directly at srmiller@cms.hamilton-co.org. We can use your help! And many thanks for all your help this year!

* * *

BURIED ALIVE...OR NOT: Records Retention in Ohio County Law Libraries

by Kathleen M. Dugan, Esq., Librarian & Chief Administrator, Cuyahoga County Law Library; Secretary, Cleveland Law Library

I should probably knock on wood, but in the nine (9) years that I have been employed at the Cleveland/Cuyahoga County Law Library, we have never received either a subpoena or a public records request. That is probably a good thing because, until recently, we did not have any formal policies or procedures in place to address third-party requests for documents. However, due to the creation of the Cuyahoga County Law Library Resources Board (“CLLRB”) in 2009, and the relatively recent changes to our County’s form of Government from commissioners to an Executive and Council, I felt that I at least needed to create a written policy to manage the maintenance and destruction of public records at our CLLRB. Little did I know how many steps would be involved in creating such a policy, but with the assistance of our County Archivist, I was able to draft, submit, and obtain multiple layers of approval for our brand new Records Retention Schedule, also known as an RC-2.¹ From what I have learned, there is an art to creating a records retention schedule that you can live with and which will not turn you into a hoarder. There were also some significant changes to the rules for local government records programs that occurred in September 2011 that I had to follow when I created our policy.² If you are interested in the process I went through, this article may help you create your own RC-2.

Like all counties, Cuyahoga County is driven by many policies and procedures that I had to learn when I became an official county employee a few years ago. As examples, our county maintains formal policies and procedures for hiring and firing, purchasing, and inventorying equipment. Each agency, department, or court is also required to create its own records retention policy or schedule that a) separately identifies the types of records it receives and creates, b) describes the media formats in which these records exist, and c) designates corresponding time tables or “retention periods” for archiving or destroying each record type.

Although our CLLRB has only been in existence for a few years, it is amazing how many records we have already been accumulating in various media formats.

¹Our RC-2 can be found at the following link on our web site:
<http://clevelandlawlibrary.org/Public/membership/librarypolicies.html>

²In addition to changing the procedures for records retention, HB 153 from the 129th General Assembly amended some of the existing procedures governing scheduled and one-time records disposals. The following page on the Ohio Historical Society’s web site provides more detailed information and a link to the new law:
<http://www.ohiohistory.org/resource/lgr/>

Thankfully, despite being unable to throw away or recycle anything until recently, we are not buried under our own paperwork yet. When I consider the types of documents we receive and create, they can be broken down into three (3) major categories: routine agency records; unique library records; and statutory CLLRB records. Examples of routine print documents that we have received include: letters; invoices; payroll records; statistical reports; and a lot of junk mail. Typical print records that we have created include: correspondence; annual budgets; fiscal and statistical reports; contracts; time cards and other personnel documents; and requisitions, purchase orders, and vouchers. All of these records must be scheduled separately on an RC-2.

As a library, we also receive and create documents that are unique to our industry. As a result, I listed and created retention periods for records relating to cataloging, interlibrary loans, and reference and research requests. While you might not think they belong on an RC-2, I was also advised to list publications such as books, newspapers, law reviews/journals, and AV materials that we buy for our library. That way, we can conveniently dispose of updates or superceded copies on the pre-determined basis set forth in our RC-2 without having to exhaust administrative protocols for one-time disposals.

In addition to these types of records, the legislation which created county law libraries in Ohio gave us all extra responsibilities for which we generate very specific records. These would include creating and maintaining agendas and minutes of CLLRB meetings as well as records relating to approval requests and other decisions on purchases of legal resources for and by county agencies pursuant to O.R.C. §307.51. As a result, I created separate categories for these records on our library's RC-2.

In identifying and listing the foregoing records on our RC-2, I realized that we created many of them originally as digital records such as word processed documents, spreadsheets, faxes, or emails. Some of these records also involved double layers of electronic creation if they were later exchanged by fax or email. The issue of faxes and emails deserves special comment because they admittedly confused me at first. Based on several sample records retention policies I reviewed, I originally listed them as types of records, just like telephone messages or time sheets. However, our local Archivist advised me that our County treats faxes and emails as forms of electronic media for multiple types of documents such as correspondence and mail. Stated otherwise, correspondence and mail can come in print format, such as a written letter you receive in the mail, or a letter you receive in the body of an email or as an email attachment. As a result, our RC-2 addresses retention periods for correspondence and mail in both print and electronic formats, and neither faxes nor emails are separately listed as record types.

The sheer number and variety of records and formats you receive and create may initially deter you from creating your own RC-2. However, you do not have to

start from scratch, and neither did I. For ideas on how to list routine records, the Ohio Historical Society provides several excellent guidelines and suggestions, including a County Records Manual (Revised May 2000) and a Sample Library Retention Schedule for public libraries.

<http://www.ohiohistory.org/resource/lgr/publications.html>

You may also be able to obtain sample policies from other departments or agencies in your county and county law libraries throughout Ohio. To help me get started, I obtained sample RC-2 forms from our Common Pleas Court and Clerk of Courts, as well as several county law libraries, including those in Lake and Summit counties. Recently, the Consortium of Ohio County Law Libraries also prepared its own RC-2. Finally, our local County Archivist provided many good suggestions about preferred Cuyahoga County methods for listing records and choosing retention periods.

Once I had gathered all of my data, I entered it into the Microsoft Word version of the RC-2 that is provided on the Ohio Historical Society's web site. This form provides columns for Schedule Number, Record Title and Description, Retention Period, and Media Type. Two (2) additional columns are for use by the Auditor of State or Ohio Historical Society during the final stages of the approval process. There is no magic to creating schedule numbers, which are simply a combination of a year and a number (e.g., 11-1, 11-2, 11-3 in our case). Almost every sample RC-2 I reviewed listed records in alphabetical order so I did the same, and the only two (2) media formats I was instructed to use were paper or electronic, the latter of which includes CDs, DVDs, and flash drives. The column for retention periods was the most difficult to complete because I had to compare standard recommendations, local county practice, and the realities at our law library, and then come up with final retention periods that all required signatories would approve. However, I learned that you can always make retention periods longer if you have the room to store the records.

Pursuant to applicable standards and local county practice, some records can be disposed of once the information is superseded, obsolete or replaced or no longer of administrative value. However, some records cannot be disposed of while no litigation is pending; others cannot be disposed of until an audit has been conducted by the Auditor of State. There are also special time frames for disposing of documents related to contracts and insurance policies, but other documents such as annual reports and budgets must be retained permanently. From my own experience dealing with personnel issues for former employees who need to confirm dates of employment for OPERS, we decided that we need to keep employee personnel records permanently. Finally, probably one of the most important steps we took that bears repeating was to schedule all of our publication purchases with a retention period of only 30 days after obsolescence.

Something to remember is that even though your approved RC-2 provides that you may dispose of certain records after, for example, 2, 4, or 6 years, you can

decide to keep them longer. Simply stated, designating a defined retention period for a record only establishes the minimum time frame you have to save a record; it does not require an affirmative act on your part to dispose of the record by the date listed.

Once you have your form completed and signed, it will presumably have to go through the same process as ours did. My first step was to present it for approval at a hearing of my local County Records Commission. Next, the Ohio Historical Society signed off and checked the boxes beside a few documents for which I will have to file another form called a Certificate of Records Disposal (RC-3) prior to disposal. That was to be expected. Finally, the Auditor of State granted its approval, and our RC-2 became official. Although this process seemed complicated and time-consuming, we are now able to manage our public documents with certainty.

* * *

***New Archive Collection at the Judge Ben C. Green Law Library
of Case Western Reserve University***
by Deborah Dennison, The Judge Ben C. Green Law Library

A cornerstone of collection development activities in libraries is enhancing access to collections. Library staff has been reviewing archive collections and/or working with faculty on representing their research collections in the online catalog.

The Judge Ben C. Green Law Library is pleased to announce the addition of a new collection of materials donated to the Library by [Emeritus Professor Arthur Austin](#), Edgar A. Hahn Professor of Jurisprudence. This collection focuses on Professor Austin's research about jury comprehension and consists of five series of materials on the topic. The first, and most important, series is the jury research in the trials between the City of Cleveland and the Cleveland Electric Illuminating Co. (CEI). While the trials were significant events in Cleveland's history, in fact; the rivalry between the two electrical utilities dates back to the early 1900s.¹

The City sued CEI, its rival for municipal utilities, over violation of the Sherman Antitrust Act. Subsequently there were two trials: the first resulted in a hung jury with jurors voting five to one in favor of the City; the second trial finding in favor of CEI.² A scholar in the field of antitrust, Professor Austin began attending the trial sessions. While he recognized that the attorneys' arguments were well-organized and persuasively presented, he also was quite aware of the complexities involved in antitrust litigation. In addition to his own interest in

¹ ARTHUR D. AUSTIN, COMPLEX LITIGATION CONFRONTS THE JURY SYSTEM: A CASE STUDY 23 (1984).

² City of Cleveland v. CEI, No. C75-560 (N.D. Ohio, filed July 1, 1975); (2d trial & appeal) City of Cleveland v. Cleveland Electric Illuminating Co., 734 F2d. 1157 (1984).

antitrust³, he became interested in how juries might understand such complex litigation issues. Thus intrigued, Professor Austin carefully followed both trials, and later conducted extensive post jury interviews to analyze jury comprehension. His juror studies of the Cleveland trials led to a book, [Complex Litigation Confronts the Jury System: a Case Study](#). Supplementing Professor Austin's research in the City v. CEI trials, the Library holds the [records of the court proceedings](#) of both trials.

As a result of his book and several articles he authored on jury comprehension, Austin began to be well known as an expert in the field and was asked to perform jury studies in several complex antitrust litigation cases across the country. Austin's collection consists of personal notes, reports, taped interviews, articles and other records. Austin maintains that one of the most valuable pieces in the collection, in terms of a juror's perception, are four spiral bound notebooks of one juror's at trial notes (Series II).

One of the unique features of this collection is that although there is extensive research on various aspects of jury behavior, there is a little data available on post-trial juror interviews and analysis.

Having the opportunity to work directly with a faculty member on their collection has many advantages; for one, questions about the material can be quickly resolved. In this particular instance, Austin's unrecorded stories about his research were highly entertaining and enriched the project immensely. The Library expects to have the collection completed for access soon and will post notice in the ORALL Newsletter at that time.

Statewide Consortium of Ohio County Law Library Resource Boards
by Angela Baldree, Lake County Law Library

The Statewide Consortium of Ohio County Law Library Resource Boards had a very successful first year. Below are some of the highlights of year.

- District Visits – By the end of the year I visited 18 county law libraries (Lucas, Wood, Ottawa, Sandusky, Seneca, Erie, Huron, Lorain, Cuyahoga, Summit, Ashtabula, Richland, Ashland, Wayne, Holmes, Trumbull, Knox, and Coshocton). These visits have been very informative

³ For Professor Austin's treatment of the antitrust issues involved, see [Arthur Austin, City of Cleveland versus Cleveland Electric Illuminating Co.: monopolization, regulation, and natural monopoly, 13 U. Tol. L. Rev. 609 \(1981-82\)](#). (HeinOnline login required)

- and a great way to meet librarians, board members and county commissioners. The libraries are asking a lot of good questions and seem to be pleased with the efforts of the consortium. Thanks to George Baker and Kathy Sasala for accompanying me on some of my visits.
- Grants – The Grant Committee created a grant proposal opportunity for the law libraries of Ohio. Four distinct categories were created (staff training and career development, programming for patrons, technology, and multi-county collaboration). The grant proposal was sent to all 88 counties and law libraries had until the end of February 2012 to submit grant requests. Thanks to Mary Jenkins and Susan Boland for their work on the Grant Committee.
 - Ohio Practice Area Handbooks – The work I am most proud of this year is the successful negotiation with Matthew Bender on a package of 16 of their handbooks and manuals to be purchased by the consortium and distributed to every county law library in Ohio. In addition to providing the consortium a promotional price on these 16 titles, Matthew Bender also extended that price to any additional books libraries wanted to purchase on their own either for the library or their other county agencies. Twenty-five counties took advantage of this offer saving counties in Ohio thousands of dollars.
 - EBSCOHost –The consortium secured a group price for EBSCOHost. This full text online database was offered at a reduced rate to libraries based upon the number of libraries participating. Four libraries took advantage of this offer.

There are several projects in the works for 2012. The consortium will be awarding the first set of grants by the end of March. We were very pleased with receiving 20 grant requests. I only hope this program can continue and the number of requests increases in 2013. We are also talking to several vendors about online databases that county law libraries would be able to purchase through the consortium. I will also be continuing my visits to county law libraries.

* * *

Commentary: Books, Books, and More Books
by Dewey Hicks⁴

I resisted signing up for Amazon for several years. Too easy to buy books. And more books. Eventually, I caved in and signed up. I also was very happy when our Library officially began buying books “on demand” from Amazon, especially

⁴ I'm using a pseudonym for obvious reasons. This article is the third of a very irregular series started several years ago in the ORALL newsletter, for all for the cataloging aficionados out there.

for titles needed very quickly for insistent and/or desperate patrons. This allows for “meeting or exceeding” book needs that make the innovative OhioLINK courier system (even *sans* the current recent (hopefully, by publication) vendor and emergency RFP drama) less necessary when appropriate.

While I still use and appreciate OhioLINK PCIRC borrowing, another problem for me is returning books late and incurring sometimes hefty fines. Instead of setting a goal to cure my tardiness, or spending the 20-40 days necessary to change my bad habit, I looked for alternatives. Buying used books, cheap(er than some of my overdue fines). On Alibris. Or via Amazon’s used book vendors. Of course, being customer-service oriented, I also keep an eye out for the occasional opportunity to buy a (cheap) used book when I get an ILL request at the Reference Desk for a book that is not readily available either on OhioLINK or from a reciprocal library via ILL.

I have had two such successes in the past couple years. I – I mean the Library--bought a book for \$4 on some sort of video game for a student who was writing his Note on an interesting topic. It was from a Goodwill store selling used books online -- no doubt for more than it would have netted from an in-store sale, given the profit on the processing fee vs. the actual postage and handling cost. Saving the world trumps the small-business-saving-the-economy model in this case. The book came in about a week, and the process was a clear WIN-WIN-WIN (library-patron-Goodwill), until the student insisted on returning the book. Of course, I couldn’t add the book to the collection, so it is collecting dust somewhere in my office. If I find it someday, maybe I’ll donate it to Goodwill.

The second success was for a book on national security from a Canadian conference. As everyone knows, conference proceedings can be a pain to get, and most of the libraries that owned the book were Canadian libraries, Yale, and Quantico. (Not that there is anything wrong with Canadian libraries, Yale, and the Quantico, but we aren’t exactly reciprocal institutions.) But I did find a copy on Better World Books for 99 cents, and this time I – I mean the Library – sprung for the expedited shipping, and the book was shipped the same day for \$7.98. I was always curious about the mysterious “Better World Books,” but the recent CRIV sheet answered most of my questions. (Except for: “Why didn’t I think of that before they did?”)

While I’m still mad that one of our consortium libraries is giving away their old, unwanted books to BWB instead of me, the folks at BWB probably don’t just store their books at their houses. My alternative source for used books (besides Alibris and Amazon) is a local business that rhymes with “Trubal’s.” I don’t want to give out the real name to librarians, because that might be akin to selling cigarettes at a “Use Hypnosis To Stop Smoking” event, and, frankly, I really don’t want the competition for pre-twentieth-century homeopathy books. (Or my true favorite subject.)

The recent article⁵ about how Amazon allegedly employs (third party) sweat shops to facilitate its free shipping and lower prices does give me pause about buying personal books from Amazon, but I still think such a service can help a Library get a desperately needed item quickly.

Of course, I had to test all these links to make sure they work for this article. And if I happened to buy a book on curing all illnesses, that is definitely work-related. Because I shall get a whole lot more work finished in the future if I never have to call in sick again, right?

In the meantime, if you have any old books (especially valuable ones), you know where to find me.

* * *

ORALL Announcements

County SIG Spring Meeting **from Galen Avery, Lucas County Law Library**

The County SIG will hold its spring meeting in Delaware on April 25, 2012. It will run from 10:00 a.m. to approximately 2:30 p.m., including a lunch break, and will feature two speakers.

Angela Baldree, Executive Director of the Statewide Consortium of County Law Library Resource Boards, will speak on consortium matters and developments effecting county law libraries in the morning. Minerva Elizaga, Secretary of the Supreme Court's Board on the Unauthorized Practice of Law, will give a presentation on Legal Advice v. Legal Resources in the afternoon.

While an agenda and invitation will be emailed to SIG members in the near future, anyone with a question can contact Galen Avery at [\(419\)213-4747](tel:4192134747) or Juanita Henniger at [\(740\)373-6623 x214](tel:7403736623x214).

AALL Announcements

Learn How to Make Your Voice Heard in State Advocacy

In the midst of state budget cuts that threaten the very existence of public law libraries and a growing number of state governments looking to eliminate print legal resources in favor of online-only, now is a critical time for law librarians to speak up for the important issues that affect the profession.

⁵ Mac McClelland, The Real Price of Amazon's Free Shipping, *Mother Jones*, Sept 20, 2011, <http://motherjones.com/rights-stuff/2011/09/amazon-warehouse-heat-shipping>

Join the free webinar, [Making Your Voice Heard: Your Role in State Advocacy](#), on **March 20 at 11 a.m. CST**, to learn practical skills and strategies to make a difference in your state. You'll hear the latest and most effective ways to influence decision-makers and come away prepared to advocate for the enactment of the *Uniform Electronic Legal Material Act (UELMA)* to ensure authentication and preservation of electronic legal material in your state. [Register by March 13.](#)

This webinar is free for AALL members and chapter members.

Register Today for the 2012 AALL Annual Meeting

Designed by law librarians, for law librarians, the [AALL Annual Meeting](#) is an event you look forward to every year. Join nearly 2,000 of your colleagues from across the country to find out what they are doing in their libraries.

This year in Boston, July 21-24, you can look forward to:

- [Keynote speaker Richard Susskind](#)
- [Nearly 100 educational sessions](#)
- [A bustling Exhibit Hall featuring about 100 vendors](#)
- The return of the [Association Luncheon](#)
- Connecting with the people who understand the issues you face every day

Make sure your plans for this summer include the No.1 educational conference for legal information professionals—you can't afford to miss it. [Registration today!](#)

Spread the word to your nonmember colleagues: **Nonmember Conference Registration packages include a complimentary one-year AALL membership.** By joining us in Boston, they'll be joining AALL!

Renew Your AALL Membership Early for a Chance to Win a Free 2012 AALL Annual Meeting Registration

In March, AALL dues invoices for 2012-2013 mail out to all library directors for their institutionally paid memberships and to all other individual members. The deadline for membership renewal is May 31.

When you renew early—by May 1—you will be entered in a drawing for a free 2012 AALL Annual Meeting and Conference registration. If you renew on time—by May 31—you'll be entered in a drawing for a free AALL webinar of your choice in 2012-2013. Following is the 2012 membership renewal schedule:

- March: First dues invoices mailed out.
- May: Second dues invoices mailed out.
- June: Final dues invoices mailed out.

- July: Expiration notices e-mailed to all members—individuals and those paid by institutions.
- August 1: Expired members deleted from the AALL membership database and access to the AALLNET members-only content and *Law Library Journal* and *AALL Spectrum* subscriptions discontinued.

For more information or to renew your membership online, view the [application form](#) on AALLNET. If you have any questions about your membership renewal, contact AALL Headquarters at membership@aall.org or 312/205-8022.