

ORALL NEWSLETTER

OHIO REGIONAL ASSOCIATION OF LAW LIBRARIES

MARCH, 2019

VOLUME 2019, NUMBER 1

President's Column – Rick Goheen

The Right People in the Right Places

We do not always get to pick who we want for a position. Sometimes you do not have the money in the budget, sometimes the pool is not deep enough, or maybe you have to comply with union rules. As long as candidates meet minimum qualifications, the job may go to the person with the most seniority even if someone lower on the seniority list might be a better fit. In bad economic times, the reverse may happen: you might have to lay off a more productive employee because they have the least seniority.

I am not saying unions are bad -- they can also provide stability and predictability, there is usually a clear path upward for raises and promotions, and everybody knows what the rules are. I was a proud union member myself until I got into management. My law professor colleagues recently unionized, and I would have joined them if I had been eligible. Unions aside, our university has been through several

years of less than ideal finances and we currently have a mandatory 8 month hold on filling staff positions. It is possible to get an exemption for mission-critical positions, but upper management's definition of mission-critical rarely matches ours.

So you might think it would be easy to appoint ORALL committees, because there's no one telling me who I can or can't appoint. We have an amazing pool of volunteer members (thank you!)

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Newsletter

The ORALL Newsletter is the official publication of the Ohio Regional Association of Law Libraries. Published quarterly in March, June, September, and December.

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Unsolicited contributions are encouraged; contributions submitted for publication are subject to editorial review. For extra copies, contact the editor.

Deadlines for submissions: Feb. 28, May 30, Aug. 30, and Nov. 30

Advertising (per issue) : \$150 for full page, \$90 for half page, \$55 for quarter page, and \$35 for eighth page.

Profile

ORALL is a 3-state chapter of the American Association of Law Libraries [Ohio, Indiana, Kentucky]. 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*

There are no seniority rules, no budgetary limitations, and no externally imposed requirement to wait 8 months to appoint anyone. Yet, somewhat surprisingly, I have now learned that getting to appoint whomever you want does not make it any easier.

When you are hiring for an open position, you have the relative luxury of focusing on one person at a time. There will hopefully be several qualified candidates from whom to choose, but you only have to worry about that one job and how its one new incumbent will work with their new colleagues. When you are appointing committees, you may have several dozen openings at the same time. You know who has been on a particular committee before, you know who has expressed interest in being on each committee, and by the time you become president you probably know most of them well enough to make a well-informed judgment. You also have the generous wisdom of past presidents (thank you Ingrid and several others). But eventually you have to make the calls and put the names into boxes. Every ORALL president I have known has put their heart and soul into this organization; we all want to get the right members on the right committees, and I hope I am no exception.

There is one group of people the president does not get to appoint: the officers and board members. Kimberly Mattioli is our nominations chair this year, as well as our local chair for Bloomington, and I know she will do a great job with both of those responsibilities. So please volunteer this year, and please share with Kim and her committee the names of anyone you think should be on the ORALL board.

I hope that by writing the above I have not discouraged anyone from wanting to be an officer or board member. ORALL is a wonderful group of people, you will be working with an outstanding executive board, and being on the board in any capacity is great for getting to know more of your colleagues and for sharing our knowledge with each other. I am looking forward to the rest of my year as your ORALL president, and (as always) to working with all of you in whatever ways I can!

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Mayor's Courts in Ohio¹

By Maureen Anderson, University of Dayton School of Law

I recently assisted a patron who wanted to research Mayor's Courts in Ohio. Specifically, he wanted to know if a defendant was entitled to a public defender in Mayor's Court. After researching the issue, we concluded that a defendant does

¹ Ohio and Louisiana are the only two states that allow the mayors of municipal corporations to preside over a court.

not have a right to a public defender in Mayor's Court in Ohio; however, he does have the right to hire an attorney to represent him. If a defendant requests a public defender, the case is then transferred to a municipal or county court having jurisdiction to hear the case.

After the patron left, I realized that I was unfamiliar with Mayor's Courts in general, so I did a little bit of additional research. This is what I found.

Mayor's Courts are state courts created by some municipalities. Chapter 1905 of the Ohio Revised Code (<http://codes.ohio.gov/orc/1905>) permits mayors of municipal corporations with populations greater than 200 that generally do not already have an established municipal court to conduct Mayor's Court. In addition, municipal corporations with populations less than 201 may conduct Mayor's Court, as long as the municipality is located entirely on an island in Lake Erie.² In 2017, there were 295 municipal corporations operating Mayor's Courts that reported activity to the Ohio Supreme Court.³ Interestingly, these are not courts of record and are not part of the judicial branch; however, the Ohio Supreme Court has adopted rules providing for court procedure rules (<http://www.supremecourt.ohio.gov/LegalResources/Rules/mayor/mayors.pdf>). Mayor's Courts must file quarterly and annual statistics with the Ohio Supreme Court, which publishes an annual Mayor's Court Summary.

Mayor's Courts only hear cases involving violations of local ordinances and state traffic laws. A mayor presiding over a Mayor's Court is not required to be an attorney, but may appoint one who has engaged in the practice of law for three years to cases in the Mayor's Court. Mayors who hear alcohol and drug-related traffic offenses must satisfy additional educational requirements. A Mayor's Court has no jurisdiction over felony cases of any type.

A person convicted in a Mayor's Court may appeal the conviction to the municipal or county court having jurisdiction and shall proceed with a trial de novo.⁴

Mayor's Courts are often criticized. The late Chief Justice Thomas J. Moyer of the Ohio Supreme Court wanted the Ohio General Assembly to abolish them as far back as 2005.⁵

For more information on Mayor's Courts, check out:

Criminal Law Casebook: <https://opd.ohio.gov/The-Library/Criminal-Law-Casebook/Mayors-Courts>

² <http://supremecourt.ohio.gov/Publications/default.asp> (Mayor's Courts 2017 Summary)

³ *Id*

⁴ See O.R.C. § § 1905.23 and 1905.25

⁵ https://www.supremecourt.ohio.gov/PIO/news/2005/moyer_osba_051205.asp

ACLU Ohio: <https://www.acluohio.org/archives/blog-posts/what-is-a-mayors-court>

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A Brief Introduction to Finding and Using Analytics
by Sarah Starnes, University of Akron School of Law

Artificial intelligence is rapidly expanding in the legal world, and law libraries are in a key position to adapt to and become experts in how to work with and educate others on how these new technologies work. With the release of analytic products available on Westlaw, Lexis, and Bloomberg, it has become easier for law students and practicing attorneys alike to figure out what to expect and how to succeed in the courtroom. Below is a brief discussion of the services that Westlaw, Lexis, and Bloomberg offer and how librarians can utilize the product themselves as well as educate students and attorneys.

Litigation Analytics by Westlaw allows users to access data on judges, courts, attorneys, law firms, and case type. This helps attorneys develop a case strategy by viewing historical insights and determining what judges have relied upon and used in prior cases similar to an attorney's current case. The filter function allows users to narrow their results from twenty-three different motion types and shows a graph of how the judge decides on those motions. This helps to gain insight into what a judge relies on and how they generally rule on a motion, which helps manage client expectations, including the likely outcome and potential cost. Easy-to-read visual charts identify more favorable venue options, which courts take less time to process certain types of cases, and which judges are more likely than not to rule in your favor based on prior rulings on a specific type of motion. Beyond venue and judge information, Litigation Analytics also provides information on how judges deal with expert witnesses, including how often a judge accepts expert testimony, the result of expert challenges, and if a judge admits more testimony from plaintiff or defendant experts.

Also helpful is the ability to gain insight into opposing counsel. Litigation Analytics can locate an attorney or entire law firm's docket history, outcomes, and motions filed. This also assists in hiring decisions, as it can be used to determine if a potential new employee has actual experience in the field the firm is looking to hire in. Students can take all of this information and utilize it to help them when looking for jobs by determining if the firm they want to work for would be a good fit. Learning how to utilize this information now will better help students once they becoming practicing attorneys in how to best serve their clients.

Next, LexisNexis launched Lexis Analytics last year, which includes a vast suite of tools that attorneys and students can use to their advantage in the practice of

law. Under the Analytics umbrella, Lexis provides regulatory, transactional, and litigation analytics. Products such as Legislative Outlook and Intelligize help manage compliance issues and helps track regulatory developments, predicts when and which laws will pass, and assists in understanding what needs to be disclosed and how to disclose it. Intelligize also gives attorneys the ability to access the latest precedents and clauses to assist in managing transactions more efficiently and effectively. Tools that support an attorney's work in analyzing and comparing the content and frequency of other industry disclosures strengthen negotiation and the creation of better deals.

Most comparable to Westlaw's Litigation Analytics are Lexis products Lex Machina and the newly released Context, which enables attorneys to better formulate winning legal strategies due to knowledge and insight into anticipated behaviors, potential outcomes, and the ability to deliver a powerful winning argument. Context combines Ravel Law, Lexis Advance, and Lexis Litigation Profile Suite to pull persuasive language and often cited case law from court opinions, challenges, and motions to assist attorneys in creating and arguing their case in front of a specific judge. It also helps attorneys find and select the most credible expert witnesses by displaying which experts appear in front of specific judges, when they have been challenged, and why their testimony may have been excluded or admitted.

Last, Bloomberg Law also offers their own version of Litigation Analytics, including information on companies, law firms, judges, and attorneys. Company analytics allows an individual to search for and see visually through interactive charts which firms are representing a specific company, the types of cases the company has been involved in, any legal history, and a jurisdictional breakdown of litigation. Bloomberg has information on over 70,000 public companies and 3.5 million private companies. It also allows for reports to be run to compare data. The analytics for law firms includes the companies the firm has represented, a portfolio of the types of cases the firm takes, and litigation history. There is information on over 7,000 firms and can be filtered by date, company, case type, and jurisdiction to help identify legal trends.

Much like Westlaw and Lexis, Bloomberg also provides information on judges, such as their history, most cited opinions, how they rule on motions and appeals, average length of cases before a judge, types of cases heard, and recent news. Attorney analytics has information on over 100,000 attorneys, including contact information, firms the individual has worked for, the companies represented, the types of cases litigated, practice area, jurisdiction, and how many cases they've argued.

Librarians have the opportunity, as the products are so new, to become experts in interpreting the information found on these platforms. Academic librarians can teach their students best practices in using analytics, which will help them become better practice-ready attorneys. Firm librarians can educate practicing

attorneys about the different options available and how to best utilize analytics to the attorney's best advantage when working on a case.

* * *

ORALL's Private Law Librarians-SIG 2019 Conversations
by Carolyn Vinyard, Bricker & Eckler LLP

Greetings from Columbus! The March winds are blowing, the emails keep coming, technology keeps changing and the work remains steady!

On Wednesday, January 30, 2019 several ORALLians from Cincinnati, Cleveland and Columbus took time from their overly busy workday to share their thoughts at the first of four 2019 PLL-SIG Conversations.

Topics included: AI; new products from Lexis and Westlaw; vendor relationships; promoting library services; sponsoring educational programs; and, professional development.

You are cordially invited to attend the remaining 2019 conversations scheduled for --

Tuesday, April 16, 2019, 2:30 – 3:30 p.m.

Thursday, July 25, 2019, 12:30 – 1:30 p.m.

Wednesday, October 23, 2019, 2:30 – 3:30 p.m. (2019 ORALL Annual Meeting).

No matter your position, job duties or library size we need you to chime in!

Bring your concerns, your ideas, your curiosity, and your creativity to help make our SIG more robust and purposeful not only for ourselves but also for our fellow ORALLians.

Sharing ideas, expanding our knowledge, learning from and with our colleagues in the pursuit of enhancing our professional wellbeing and strengthening our contributions to our employer organizations can only be a positive force in our careers.

As the April date approaches look for a cross posting on the ORALL and ORALL PLL listservs for information on the conference call number and a proposed agenda to get the conversation moving.

If you have any questions, ideas for agenda topics or bolder ideas for the SIG please reach out to me at cvinyard@bricker.com. I look forward to hearing you in April!

And check out the “Go on Being Dangerous” posting on ORALL’s Facebook page and website! Madeleine L’Engle was one of my favorite authors once upon a day.

* * *

ORALL 2019: Local Arrangements Update
by Lisa Sarty & Angela Baldree, ORALL Local Arrangements Committee

Make a Splash: Advocate, Educate, Innovate!

Six months from now, most of you should be lounging by the indoor water pool at Kalahari Resorts and Convention Center during down time of the 70th ORALL Annual Meeting. Plus, you will be making new friends from the MichALL Chapter who will be joining us.

This meeting is a little out of the norm for us, being the first one not held at a university or government building. But let me expound on the advantage of Kalahari with some bullet points:

- Free parking.
- \$110/night room rate includes wristbands for four people to the waterpark, so bring your kids.
- \$110/night is also extended to early arrivals on Monday and Tuesday.
- \$139/night reduced rate is extended to late departures on Friday and Saturday.
- Cedar Point will be hosting All HalloWeekends during that time.
- If we book 80 rooms, the conference space does not cost a thing – keeping registration costs low.
- Most ORALL and MichALL members are within 250 miles of Kalahari.
- The bar at the opening reception has already been paid for, so it will not be included in registration costs.
- Free parking.

Many more surprises are planned for this 70th anniversary celebration. Check the [Annual Meeting Home Page](#) often for updates.

* * *

A Note from Your Newsletter Editor

A little bit smaller newsletter this quarter, but some very excellent articles. Thanks to those who contributed.

Our next newsletter will be published June, 2019.

As always, please feel free to send any submissions you feel may be informative and useful to the ORALL Library Community.

If you ever have any questions, concerns or ideas, please e-mail me at pvenard1@udayton.edu.