

ORALL NEWSLETTER

OHIO REGIONAL ASSOCIATION OF LAW LIBRARIES

JUNE, 2021

VOLUME 2021, NUMBER 2

President's Column – Lisa Wernke



It has been over a year since our daily routines and life as we knew it changed drastically. Words like Zoom, Google Meet, and WebEx became part of our vernacular and the way we kept in touch with colleagues, friends, and even some of our families. Two years ago, did you ever imagine that we would be attending ORALL, AALL, CALI, ALA, and all our other professional conferences virtually? It boggles the mind. The wait is over, though, and we will see each other in person this October!

With mask mandates being lifted and the COVID vaccine readily available, many of us are now making plans to go back to work in person. Quite a few of

our group have been in person in our libraries for some time and we are excited about welcoming and seeing our colleagues back in the building. As our plans for reopening develop there are quite a few things to consider, including welcoming new students, both from last year and this coming year, and our returning third year students, too. We will have two groups of students who have not received an in-person orientation of the library and one group who has been away for a year. And that last group? They just completed their first year of law school, being remote for the last three months of that academic year, so what do they remember about the library?

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Ohio Regional Association of Law Libraries

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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*

What will reopening look like, though, when opening our doors in August? Will lending books go back to normal? Do we open our stacks for browsing again, rather than requiring anyone who wishes to borrow a book to request it and have contact-free pickup? Social distancing will most likely be observed in some form, but will we still ask students to sanitize the areas they were using at the end of their study time? Do we put out the staplers, hole punches, and pencil sharpeners again? And I am sure most of us are wondering what happens if there is another outbreak of COVID? Should we always be prepared to work remotely and what does that mean? Flexibility in our operations will be necessary. This new academic year could be just what a lot of libraries need to revamp their space and day-to-day operations.

Just like ringing in a new calendar year holds a lot of promise and the opportunity to start fresh, so could this new academic year. If there are programs you have always wanted to try or eliminate but have not had the chance to do so in the past, this could be your year. For now, though, the prospect of seeing and talking IN PERSON to our colleagues is exciting and I am looking forward to our Annual Meeting this October. Until then, have a wonderful summer. I hope everyone has the opportunity to rest, relax, and recharge for the fall!

* * *

Report of the ORALL Diversity & Inclusion Committee **by Amy L. Kurlansky, Chair, Hamilton County Law Library**

On Friday, February 26, 2021, the PLLIP and BLLS of AALL held the inaugural *Diversity Summit: From Difficult Conversations to Collaborative Action*. As the initial announcement stated,

The year 2020 has been one of upheaval and change, but has made obvious that serious and important conversations need to take place regarding race, both in the world and in our profession. PLLIP Summits have historically been a place to explore ways to embrace change and we are excited to partner with the BLL-SIS to launch the first ever Diversity Summit, which was created to facilitate these discussions in order to find a call to action in which we can all take part.

The day was built on the keynote speech by Michelle Silverthorn, and a workshop on the issues discussed in the summit. There was also a panel discussion, Diversity Shares: Listen to Learn, with Panelists: [Ramon](#)

[Barajas](#) (Library Manager, Alston & Bird), [Catherine Deane](#) (Research Specialist, Shearman & Sterling), and [Kim Nayer](#) (Edward Cornell Law Librarian, Cornell University Law Library).

You can find the agenda and speaker bios here:

<https://pllsummit.wordpress.com/diversity-summit-2021/>

I wanted to take a moment and share some of what I learned with you.

1. Why (and how) people “sort” each other into groups of “us” and “them”
2. How hard it can be to be the “first” in your space, how difficult it has to be for “Kevin from Yale”
3. Why diversity matters, and
4. What inclusion/equity looks like

Ms. Silverthorn began the day by demonstrating how everyone forms groups of things.

When given a number of different colored puzzle pieces, and told to “group them” by similarities, most people begin sorting the pieces by shape—all the circles in one group, squares together, triangles, trapezoids, etc.

When next asked to sort the pieces again, people tend to match them by colors instead. All the green ones, the red ones, blue, yellow and so on.

But, the 3rd time people are asked to sort the puzzle pieces, they sort them into even smaller groups, based on colors and shapes. So, all the red squares go together, the blue circles, the orange triangles, and the yellow stars. Thus, the groups of what (or who) goes together shrinks even more.

This process is similar to the process of creating “in-groups,” where people are “like us” and share the same characteristics, and “out-groups,” where they are not. Everyone does it, and since we are intentional in the sorting, we must be intentional in choosing to include diversity in the groups.

Ms. Silverthorn stressed that this is how marginalized groups are created—because those on the outside are trying to find a way in.

When people are left out of the “group,” they strive to find a way in. Once they do break in, they become the “first,” which is exhausting. Being the “first” in a space really means being the only.

Take, for example, the mythical, “Kevin, from Yale.”

“Kevin from Yale” is the mythical success unicorn, he is the One Black Man who seems to have defied all the odds and works in everyone’s office. And, he is amazing, and perfect, and proves that “anyone can be successful no matter who they are or where they are from.”

But, Ms. Silverthorn further asked us to consider, “What does it feel like for “Kevin from Yale?”

Because, he has to bring his A game EVERY single day. Because, he cannot stumble. He cannot lower his social mask, raise his voice, mispronounce anything or use the wrong word. He cannot make any mistakes at all. Because, “Kevin from Yale” knows that he is emblematic of not just himself, but, representative of a much larger group of people his colleagues most likely will never meet.

And, he is exhausted.

“Kevin from Yale” is also a myth, though there are plenty of people who are the first and, therefore, only person like them in their space, wondering if they belong in their space and if they can be successful there.

In approaching a broader discussion of diversity, equity, and inclusion, Ms. Silverthorn asked:

Who wants change? Who wants to change? And, Who wants to lead the change?

According to Ms. Silverthorn, “the work we do to include different perspectives IS the work.”

And diversity is important because teams made up of diverse groups of people are better performers, better problem solvers, and better peers. Everyone’s story and perspective matters.

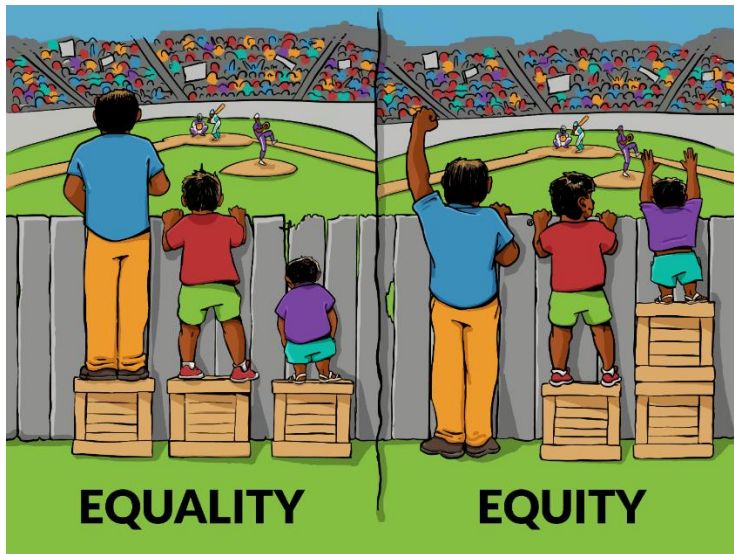
All of this starts with people. Everyone deserves to be told the truth that they belong, and included.

Inclusion is when people are welcome, respected, supported, and valued. Creating an inclusive environment involves examining equity, which is fair treatment, access, opportunity, and includes eliminating barriers to success.

Angus Macguire created the following image for Interaction Institute for Social Change, and Ms. Silverthorn shared it with us.

In the first image, called Equality, each person has a box of the same size to see over the fence. But, even with a box each, they cannot all see over the fence. In

the image marked Equity, there are the same number of boxes, yet, due to a more equitable distribution, everyone is now able to see what is going on inside the fence.



**Attribution: "Interaction Institute for Social Change | Artist: Angus Maguire."

Of course, growing numbers of people may be asking—why is there even a fence? Ms. Silverthorn noted that the challenge is why we aren't "there yet."

The conversations are great starting off points, and I appreciate that I was able to learn about the first hand experiences of the librarians in the panel discussion, and further meet with other AALL members in breakout sessions to consider all of these challenges. I could go on for days.

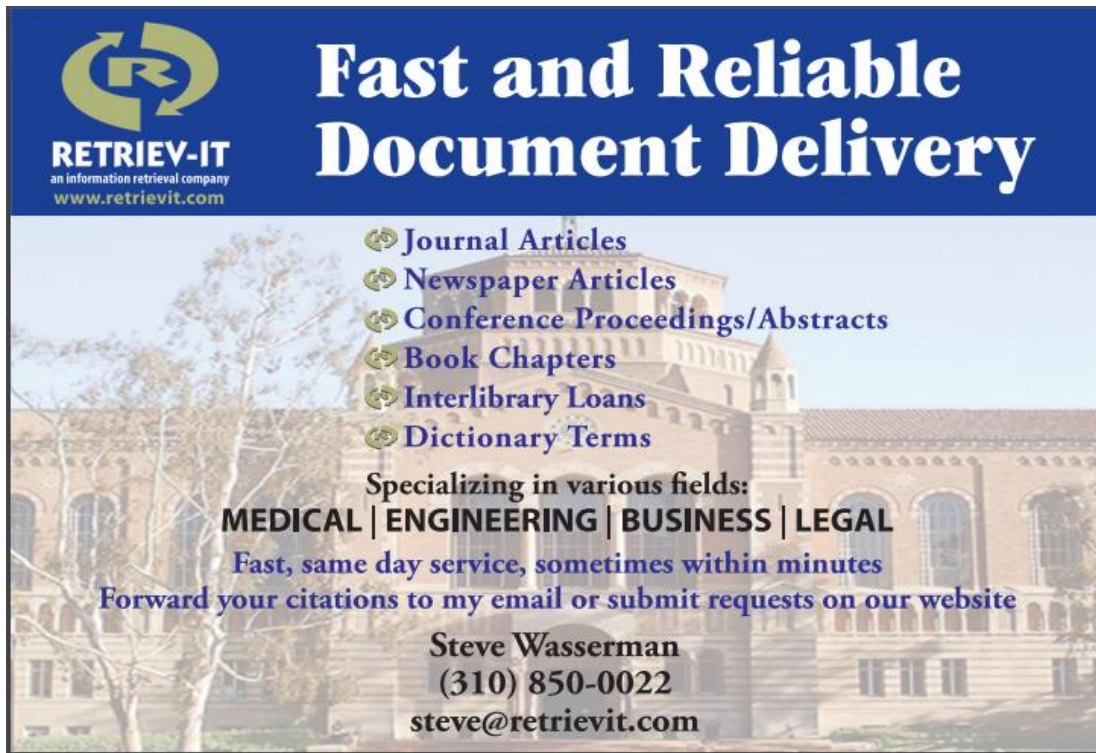
But, I will leave you with Ms. Silverthorn's 10 things to get started in creating a more diverse community

1. Start with respect—recognize someone else's value, respect them because of who you are.
2. Be aware—of these issues
3. Be intentional--intend to create spaces of belonging for people
4. Second guess yourself—question your unconscious biases to think slower
5. Engage in perspective shifting—observe what is happening, with empathy
6. Set out a plan for success—what is your plan for increasing minority representation, what steps, what allies who support this work, what resources can you commit to it
7. Use your competencies for transparency and clarity—identify paths to success and create competencies for them, how do you open the door for more people
8. Stand up and use the voice you have—use the platform and resources you have earned to amplify those who bias excludes from success

9. Speak up—be more than ally, be an upstander, and set the norm for what behavior and actions are welcome here
10. Make diversity matter for good—with authenticity
11. Authentic lives + authentic work = inclusion

This way, no one is left behind. And, may your colorful puzzle pieces find themselves combined in all kinds of ways that you have not yet imagined.

* * *



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* * *

Report of the Nominations Committee

Submitted by Rob Myers (chair), Kimberly Mattioli, and Shara Parkomaki

The Nominations Committee respectfully submits the following candidates for this year's ORALL Executive Board offices. We are fortunate to have outstanding candidates running for each position again this year. The Nominations Committee expresses its gratitude to all who stepped forward to run. We, and the membership, appreciate your willingness to give of your time and energy. With so many great candidates, we will continue to have strong leadership no matter who wins. Stay tuned for more information regarding the upcoming election.

Candidates for Vice President/President Elect: Brian Cassidy and Sarah Starnes

Brian E. Cassidy, Student Services Librarian, Cleveland-Marshall College of Law, Cleveland State University

I grew up in Brooklyn, New York where I attended New York City public schools. After high school I attended Southern Connecticut State University earning a BS in Political Science with a minor in History. At Southern, I played football and was a founding brother of the Tau-Eta Chapter of Tau Kappa Epsilon Fraternity (TKE) and was on the Dean's List 6 out of 8 semesters. I received several scholarship offers to law schools, and decided to go west to the University of Dayton where I received my Juris Doctorate.

After graduating law school, I went back to New York to assist family for a time before returning to my new home—Ohio to work at LexisNexis as a legal customer service representative. This work helped fine tune my legal research skills. Along with that I was friends with several co-workers who are now like me law librarians at ABA accredited law schools. That's where I began to think of being a law librarian. I worked for LexisNexis for a total of five plus years punctuated in the middle with three plus years of active Army service. My time in the Army included a combat deployment to Al-Rashid, Baghdad, Iraq in 2004 with the 5th Brigade Combat Team, 1st Cavalry Division.

After my return to LexisNexis for several years, I moved to Northeast Ohio and worked in lobbying and political contribution reporting compliance and related research for three years. During this time, the new GI Bill was passed which allowed me to go to Kent State to earn my MLIS degree. While at Kent, I worked as a graduate reference assistant at Kent and as a library staff member at the Akron Beacon Journal.

After graduating from Kent, I took the position as reference librarian for the West Virginia State Law Library for about a year and a half before being offered my current position at Cleveland-Marshall College of Law, Cleveland State University where I have worked for nearly 8 years. In my time at Cleveland State, I have written for the Cleveland Metro Bar Association's magazine and the ORALL newsletter. I have also written several internal articles on library marketing and social media use. I am in charge of the C|M|Law Library blog which is consistently recognized as a top law library blog by fellow librarians, third parties and the American Association of Law Libraries (AALL). AALL daily news email (Know it AALL) has republished our blog consistently 15-20 times a year for many years running. The favorite parts of my current work are working with students and faculty on legal research assistance and legal research projects.

Sarah Starnes, Assistant Law Librarian, University of Akron School of Law

Sarah Starnes works at the University of Akron School of Law as an Assistant Law Librarian. She teaches advanced legal research, legal analysis, writing, and research (LARW), and legal drafting. She is passionate about the growth of distance education in law schools and has created and currently teaches both first and second semester asynchronous online LARW courses. She was on a panel at AALL in 2019 regarding the subject. She was also on panels at ORALL's Annual Meetings in 2019 and 2020 about librarians teaching both writing and research and distance education research. She's also spoken at several virtual conferences on the topic of distance education and tools to assist in making it a better experience for students. She is interested in the growth of artificial intelligence in the legal field and has published and spoken on the topic. She is a frequent contributor to the ORALL Newsletter, writing articles on a variety of topics.

She's been a member of AALL since 2014 and a member of ORALL since 2015. She has served on AALL's Excellence in Community Engagement Jury for two years, and is an active member of AALL's RIP-SIS and ALL-SIS. She's served on RIP-SIS's programs committee from 2018 until present and is currently the vice-chair of the Scholarship Committee. She's also served on ALL-SIS's programs committee in 2020 and is the chair of the Local Arrangements Committee for AALL in 2021. She has served on several committees for ORALL, including the internet and social media and newsletter committees. She served as the chair for the AALL Arrangements committee for the 2019 AALL annual meeting in Washington D.C., and reprised the role for the 2020 AALL virtual annual meeting. She was elected to ORALL's Executive Board as a Member-At-Large in 2020. She is also excited to serve as the local arrangement chair for ORALL 2021 in Akron, Ohio.

Candidate for Treasurer: Susan Azyndar

Susan Azyndar, Associate Director, University of Notre Dame Law School

I am honored to have been nominated for a third term as ORALL Treasurer. I joined ORALL in 2012 and became the treasurer in October 2017. I am now well versed in the dues renewal process, conference registration, and tax filings.

As a refresher of my background, I joined the Kresge Law Library at Notre Dame Law School as an associate director in August of 2020, after many years as a reference librarian at Ohio State's Moritz Law Library. I earned my J.D. at the University of Arizona and my M.L.I.S. at the University of Washington. Before working towards my library degree, I served as assistant district counsel at the United States Army Corps of Engineers, where my job included reviewing budget requests.

I have enjoyed serving the ORALL community because of its spirit of collaboration and dedication to serving legal research needs, and it would be a pleasure to continue serving as treasurer.

Candidates for At-Large Executive Board Member: Amelia Landenberger, SaraJean Petite, Sara Samson

Amelia Landenberger, Legal Information Librarian, Boston University School of Law

Amelia Landenberger is a Legal Information Librarian at Boston University, where she teaches legal research to 1Ls and LLMS as well as International Legal Research to 2Ls and 3Ls. Prior to Boston, she worked at the University of Kentucky and the University of Colorado, Boulder.

Her Ohio roots run deep: she has a B.A. from Case Western Reserve University, a J.D. from The Ohio State University, and an MLIS from Kent State University. Her first experiences in law librarianship came from student employment at The Ohio State University and a practicum at The Ohio Supreme Court Law Library, where she was introduced to ORALL.

She has served as the Chair of the ORALL Grants Committee and the Nominations Committee and as a member of the ORALL Grants Committee and ORALL Membership Committee. She is the current chair of the AALL Arrangements Committee for ORALL. She once had the great honor of winning the ORALL Annual Meeting Euchre Tournament.

SaraJean Petite, Reference and Government Documents Librarian, Case Western Reserve University School of Law

SaraJean Petite has been a law librarian at the CWRU Judge Ben C. Green Law Library since 2003. While working, she completed her J.D. at the law school, facilitating her transition from technical services to Government Documents/Reference Librarian, where she supervises FDLP compliance while also teaching legal research, serves as a liaison and personal librarian, and answers reference and research questions.

As a member of the ALLStAR Advisory Board, she co-authored the 2020 Trends questions. She has presented at ORALL, given a poster presentation at the Depository Library Conference, and is scheduled to present at FDLP Academy this summer. She is a member of the Ohio Bar and a volunteer attorney for Legal Aid Society of Cleveland. She would be happy to serve on the ORALL Executive Board.

Sara Samson, Assistant Dean for Information Services & Communications, Director of Law Library, and Senior Lecturer, Moritz College of Law, The Ohio State University

Sara Sampson is the Assistant Dean for Information Services & Communications, Director of Law Library, and Senior Lecturer at The Ohio State University's Moritz College of Law. If elected, Sara hopes to help the ORALL board transition to our post-pandemic normal while continuing to support the professional development of ORALL members.

Her leadership in the law library community is wide-ranging. She is currently serving as the law library representative for Ohio's statewide academic library consortium, OhioLink, and on the University's Digital Accessibility Advisory Committee. Sara has previously served on the boards of the Society of Academic Law Library Directors, Legal Information Preservation Alliance, Law Libraries Society of the District of Columbia (LLSDC), Academic Law Libraries Special Interest Section of AALL (ALL-SIS) and Librarians' Association at the University of North Carolina at Chapel Hill. She chaired the Section on Law Libraries and Legal Information of the American Association of Law Schools (AALS), the OhioLink Research Grant Committee, and the American Association of Law Libraries Publications Award Jury and has served on numerous other committees and juries, including the ORALL Grants Committee.

Sara regularly presents at law and library conferences. She's presented on Ohio legal research, citation, and lessons learned from an active shooter situation at the ORALL conferences in the past decade. She recently presented at AALS on sustaining support for your law library and on digital accessibility as part of AALS's summer series on technology.

Sara's connections to the ORALL region run deep. An Ohio native, Sara began her law library career at Capital University. Returning after 8 years spent at Georgetown Law as the Head of Reference and UNC as the law library's deputy director, she returned to OSU as the law library director in 2014. She's also worked for all three branches of the Ohio government. During law school, Sara spent a summer working at the Ohio Legislative Service Commission and a year working at the Ohio Department of Mental Health's legal department. Before becoming a librarian, she spent five years as a judicial law clerk at the Ohio Fourth District Court of Appeals. She is currently preparing the third edition of Ohio Legal Research with her co-authors.

* * *

Clickwrap Agreements in Patron Access Databases **by Kathleen M. Dugan, Cleveland Law Library**

When I purchased a pair of sandals the other day online, the seller required me to read and sign a digital agreement containing certain terms and conditions that applied to the sale. Admittedly, I only skimmed the agreement because I really wanted the sandals, but I started thinking about how often clickwrap agreements are tied to online transactions. Whether they realize it or not, our patrons have been signing clickwrap agreements for years in order to access online legal research databases at our law library. Setting aside the legalities of these agreements, which are presumably enforceable as other contracts, have you ever stopped to read the terms that govern the patron access plans at your law libraries? Once upon a time I did, but I decided that I should take the opportunity to review them again now.

More importantly, have you ever seen one of your patrons reading one of your vendors' clickwrap agreements? In my 18+ years at the Cleveland Law Library, I have only personally seen one patron take the time to read one clickwrap agreement tied to one of our patron access plans. There may have been a few others, but most of our patrons, who needless to say are lawyers, click through the clickwrap agreements with wild abandon. Since the pandemic has caused many law library patrons to transition from books to online legal research tools, I thought I should revisit this issue and see what they are missing.

If you are unfamiliar with the term clickwrap, it is simply an online agreement that requires a person to click or select a button on the screen of a computer, tablet or smartphone to agree to certain terms and conditions in order to proceed. A clickwrap agreement can also be referred to as a clickthrough agreement or a clickwrap license. As examples, you might have been required to sign a clickwrap agreement in order to sign up for a credit card or online banking. A clickwrap agreement is also often a precondition to accessing an online database, and our law library's two traditional patron access plans both require our patrons to sign clickwrap agreements before they can use the databases.

By way of initial comparisons, patrons using either database are considered users under the umbrella agreements that our law library executed with the legal research vendors. Importantly, users of both products are entitled to only limited, nontransferable rights to access database content, and the law library is responsible for any unauthorized use, even though we do not police our patrons' online legal research. By way of initial contrasts, one online agreement is rather lengthy, while the other agreement is relatively short and simple; one asks patrons to sign in with a first and last name, but the other does not require any personal identifying information.

Although I found other similarities and differences between the two vendors' agreements, I could not just stop there because both agreements incorporate additional or supplemental terms beyond the 'four corners' of the clickwrap

agreements themselves. Navigating between the clickwrap agreements and the supplemental terms would be complicated for anyone, so it is no wonder that busy lawyers decline to take the time to read everything before logging into the databases. If they did, they would learn that they are limited to accessing the databases solely for general and/or legal research and that the databases cannot be used to check someone's credit or for other purposes related to insurance, employment, and government licenses or benefits. Reading the fine print shows that both vendors retain all intellectual property rights in the data that they and their partners provide, and both prohibit users from selling, licensing or distributing any data they capture. Although both vendors restrict exporting options differently (e.g., printing, downloading, emailing), they both incorporate the breadth of copyright laws and protections, as well as various other laws and Acts, such as the Fair Credit Reporting Act and the Gramm-Leach-Bliley Act.

As with any well-drafted contracts, both vendor agreements contain similar boilerplate clauses related to notices, the choice of law, forum selection, anti-assignment, amendments, termination, severability and entirety, but one vendor is particularly protective of its source code, while the other vendor safeguards its logo. Both vendors provide their databases "as is" and disclaim all liability and warranties, including the traditional warranties upon which consumers and businesses rely related to merchantability and fitness for a particular purpose. Interestingly, one agreement is very straightforward about that vendor's right to change database content, features and capabilities. Although more indirectly in one case, both vendors exempt themselves from problems beyond their control such as a flood, fire or power outage, which are some of the key reasons for inclusion of a *force majeure* clause. In addition, both agreements contain damage caps on any claims our law library might make that are limited by the payment terms in our contracts with the vendors.

After reviewing all of these provisions, I realized that I did not really find any surprises, except perhaps for breadth and scope of the disclaimers and the incorporation of so many other comprehensive laws. That may be because I am also a lawyer who used to negotiate contracts as part of my job, and I understood most of the legalese that I read. The same might be said of most of our lawyer-patrons who have chosen not to read the agreements themselves. However, as a law library director, I realize how fortunate we are that our law library has not run afoul of our vendor agreements and that our patrons have not abused their patron access privileges either. I should probably also 'knock on wood' that our vendors continued to provide uninterrupted patron access during the pandemic so that our patrons could use our databases onsite when we open. Finally, although the terms of neither agreement allow offsite or remote access, both vendors deserve a huge thanks for offering our patrons off-site, remote access at no additional charge when our law library had to close in the interests of safety.

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A Note from Your Newsletter Editor

Thanks to all who contributed once again this quarter. This is our last newsletter before AALL (which will unfortunately be virtual again this year). But our next newsletter should have plenty of reports from the Conference from the people who receive grants from ORALL (even if you don't get a grant, please feel free to contribute your reports as well).

Please consider contributing to our next newsletter (to be published September, 2021) as this newsletter cannot exist without our members' input. Feel free to suggest new types of content or, better yet, submit the type of content you would like to see. This newsletter is always new ideas and becoming what our members want to read.

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