

# ORALL NEWSLETTER

OHIO REGIONAL ASSOCIATION OF LAW LIBRARIES

JUNE, 2022

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## ***President's Column – Ashley Ames Ahlbrand***

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With another academic year in the books, I find myself in that early-summer period of catching up on projects that I placed on the back-burner during the spring semester (or even longer!) and setting goals for new summer projects to complete before the next academic year rushes in. I don't know if this happens to you, but every year it seems like I put too much faith in having a quiet summer that I significantly overestimate how much work I'll be able to accomplish. In fact, though I try to pare down my plans each year in an effort to make them more realistic, I'm not sure I've ever had a summer project schedule that I actually entirely completed during the summer! Someday, perhaps.

But as always happens, summer feels like it is flying by. How is it already June?! As I try to keep my mind focused on those summer to-do lists, it is already racing toward July, Denver, and the AALL Annual Meeting. I must admit, while I am not totally looking forward to my first flight in three years, I am tremendously looking forward to an in-person Annual Meeting! Looking over the conference schedule, I noticed

several familiar names, so I thought I'd use this month's column to highlight "ORALLians in Denver," the many programs throughout the AALL Annual Meeting that feature ORALL members. *(Note: I did my best to make sure I didn't leave anyone out, but if I missed your presentation, please let me know so that I can share it through the ORALL Forums. The program schedule also converted automatically to Eastern Daylight Time, so I converted back to Denver's Mountain Daylight Time, for your convenience; please excuse any mistakes in my conversions.)*

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# ORALL

## Ohio Regional Association of Law Libraries

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### Membership

**Members: 285**  
**Dues: \$20 per year**

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### Newsletter

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### **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***

### **Saturday, July 16<sup>th</sup>**

#### **9 a.m. - 5 p.m. (Workshop)**

- “Teaching Law Tech Teachers,” in Hyatt Mineral Hall B+C
  - *Featured ORALLians:*
    - Joe Custer, Case Western Reserve University School of Law
    - Theodore Potter, University of Iowa College of Law
    - Jennifer Wondracek, Capital University Law School

### **Sunday, July 17<sup>th</sup>**

#### **11:30 a.m. - 12:30 p.m.**

- “All Boats Rise: Court Navigation using Law Libraries,” in Convention Center 301-303
  - *Featured ORALLian:* Kathleen Weston, William H. Miller Law Library (Vanderburgh County, Indiana)

#### **2:30 - 3:30 p.m.**

- “Data Analytics for Different Models of Faculty Services,” in Convention Center 505-507
  - *Featured ORALLian:* Margaret Kiel-Morse, Indiana University Maurer School of Law

#### **4:00 - 5:00 p.m.**

- “Cool Tools Café,” in Convention Center 301-303
  - *Featured ORALLian:* Rebecca Fordon, UCLA School of Law

### **Monday, July 18<sup>th</sup>**

#### **9:30 - 10:30 a.m.**

- “Can't Afford a Consultant? Go In-House Instead: How to Evaluate Key Online Resources to Showcase Legal Information Professionals' Value at Any Institution,” in Convention Center 401-402
  - *Featured ORALLian:* Michelle Trovillo, BakerHostetler

#### **11:00 a.m. - Noon**

- “Help! How Do I Hire a Strong Middle Manager in an Academic Law Library?” in Convention Center 403-404
  - *Featured ORALLian:* Sara Sampson, The Ohio State University Moritz College of Law

#### **3:00 - 4:00 p.m.**

- “Increasing Library Impact by Promoting Faculty Services,” in Convention Center 304
  - *Featured ORALLian:* Margaret Kiel-Morse, Indiana University Maurer School of Law

- “Designing Data Projects Using Court Records,” in Convention Center 505-507
  - *Featured ORALLian*: Rebecca Fordon, UCLA Law Library

**4:30 - 5:30 p.m.**

- “CDL 101: Using Controlled Digital Lending to Better Serve Law Library Patrons,” in Convention Center 401-402
  - *Featured ORALLian*: Benjamin Keele, Indiana University McKinney School of Law

**Tuesday, July 19<sup>th</sup>**


**8:30 - 9:30 a.m.**

- “Collaborative Scholarship: Proposing and Contributing to Cooperative Writing Projects,” in Convention Center 301-303
  - *Featured ORALLian*: Sarah Starnes, University of Akron School of Law
- “The Troubling Exclusion of Tribal Governments, Tribal Courts, Tribal Law, and Indigenous Knowledge from the *Bluebook*,” in Convention Center 403-404
  - *Featured ORALLian*: Rebecca Fordon, UCLA School of Law

A column about this year’s AALL Annual Meeting would not be complete without acknowledgement of Carol Bredemeyer, Northern Kentucky University Chase College of Law, who is being presented with the **Marian Gould Gallagher Distinguished Service Award**, a fitting tribute to her many years of service to the profession. Congratulations Carol!

From start to finish, ORALLians can be found throughout each day’s programming at the AALL Annual Meeting, an easy way to fill your schedule! If you’re looking to fill your conference social calendar as well, keep an eye on your inbox for an announcement of the traditional ORALL meet-up at the Annual Meeting, coming soon. I look forward to seeing many of you next month, and for those who cannot attend in July, I look forward to seeing you in October in Lexington!

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## ***STORIES FROM THE ORALL ARCHIVES***

**by Rachel Dilley, Research Librarian at the Supreme Court of Ohio Law Library**

While the Covid-19 pandemic has been disruptive to every aspect of life over the last two years, it also opened opportunities for librarians at the Supreme Court of Ohio to tackle projects that had languished untouched for years. One major work-from-home project was organizing and creating finding aids for ORALL's archive of physical materials. Once known as the Ohio Association of Law Libraries (OALL) beginning in 1949, the organizational papers had been stacked on shelves in our AV room for years in loosely organized piles. In need of projects to fill our time working from home, we set out to devour this elephant of an archive one bite at a time.

Being a new employee hired just two months pre-pandemic, I was happy when public services manager Erin Waltz and fellow research librarian Michelle Graff took the lead in dividing the material into major groupings: conference materials, committee papers, general correspondence, etc. We each took home boxes of papers over time, breaking down piles of material chronologically for each major grouping. After eliminating most duplicates, we then wrote out a listing of the contents of each folder, which library assistant Sharon Jewett then transcribed into finding aids. The process took well over a year as we chipped away at the project in between our regular job duties.

While the work could be tedious, there were some humorous, dramatic, and heartbreaking details in the materials themselves. Reading the correspondence allowed us a glimpse into the personalities, relationships, and challenges of law librarians who came before us. Without the benefit of digital communications, early OALL librarians often wrote each other long letters about seemingly mundane issues. But sometimes they wrote each other to vent frustrations, to discuss pending legislation or new technologies, or to express concern for the well-being of fellow members. Many OALL/ORALL members also seemed like a lot of fun.

During the 1950s and 1960s, one of the key topics of discussion when planning an annual meeting was the cocktail bar and how much liquor to order. Meeting organizers kept careful inventory of the bar – the alcohol variety, not the lawyer variety – to fine-tune the libations for future meetings. Librarians are nothing if not organized, right? AALL conferences they attended together seemed fun, too. I wonder if they decided to take the Havana trip or the Nassau trip following the 1954 AALL conference in Miami? Can you imagine what adventures they must have had?

Through the correspondence, we also learned about a pre-FMLA fiasco involving a devoted university law librarian who, after some health issues, was replaced with an inexperienced non-librarian by an insensitive law school dean. It was a long, sad affair, but the librarian's fellow ORALL members spoke up about her dedication. To me, her situation was reminiscent of the poor guy stuck in the basement in the movie *Office Space*. Reading this correspondence made me appreciate legislative protections we have today.

The most heartbreaking revelation from the ORALL archives was the tragic ending to the friendship between two OALL members who had both served the organization since its inception. Viola Allen was the law librarian for the Dayton Law Library Association and later for the Franklin University Law School in Columbus. Virginia Engle was the head librarian at the Akron Law Library. Both were accomplished women. Allen had earned her law degree in 1926, which was no small feat for a woman of that era. Engle had served as the state librarian of Kentucky during the 1940s. From at least 1949, the two women struck up both a professional and friendly relationship as evidenced by years of correspondence. They would try to coordinate arrivals at conferences to maximize their time together, and their letters revealed a convivial relationship.

I came across the October 1965 annual meeting minutes which contained a "Resolution in Memorium for Viola M. Allen." She had been just a month away from retirement when she died July 9, 1965, in a car accident following the annual AALL meeting in New York. The resolution was glowing in remembrance of Allen, but I wanted to know more. I decided to see if I could find newspaper articles about the incident.

Following the 1965 AALL annual meeting in New York, Viola Allen and Virginia Engle were travelling together in Connecticut to visit friends. The July 10, 1965, *Dayton Daily News* reported that while Viola Allen perished in the auto accident, “a passenger, Virginia E. Engle, 64, of Akron, was uninjured in the crash, but was later admitted to Sharon hospital for treatment of shock.” Following the tragedy, Engle understandably took a break from ORALL for about a year before returning to committee participation. This was surely a shocking and devastating event for the organization.

After arranging 50 years of ORALL material, we librarians at the Supreme Court of Ohio were glad to be finished. But we also felt as if we had become invested in the lives of librarians long gone. The three of us would share with each other interesting stories we found as we waded through the archives, growing our own relationships in the process.

If you're interested in viewing some of the archive documents referenced in this article and other related items, check them out at this link:  
<https://drive.google.com/drive/folders/1ZGCVrkwNqFMsTouwonaJjCubUG34XJvX?usp=sharing>

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### ***The Why of Legal Research***

**by Susan M. Boland, Associate Director, Robert S. Marx Law Library,  
University of Cincinnati**

Teaching legal research can be a challenge. In addition to keeping up with and becoming experts in using constantly changing platforms and services, law librarians teaching legal research also experience the challenge of trying to teach students who do not yet appreciate how fundamental legal research is to the practice of law. Legal research is often an afterthought in the law school curriculum. Very few law schools require a stand-alone legal research course for credit.<sup>i</sup> In the first-year curriculum, legal research is usually folded into a writing course and may not even be taught by librarians.<sup>ii</sup> Law Librarians must advocate for the teaching of legal research so here are some quick and easy arguments to make.

Students need to learn legal research to best represent their clients. Many law students choose to go to law school to help others or advocate for social change. For those law students, and for anyone who chose the legal profession because of the career opportunities or to accomplish monetary goals, representing clients to the best of their ability will be important to effectuating their goals. The consequences of poorly representing clients can be a matter of life and death. In one study, 81% of Habeas Corpus proceedings involving cases with the death penalty in the Federal District courts raised an ineffective assistance of counsel

claim.<sup>iii</sup> One of the issues identified in many ineffective assistance of counsel claims is the lack of investigation and research.<sup>iv</sup> Civil cases can also have far-reaching effects for clients, regardless of whether the client is a person or a corporation.

Students need to learn legal research to meet the requirements of the Rules of Professional Conduct, particularly the duty of competence,<sup>v</sup> the duty to bring only meritorious claims and contentions,<sup>vi</sup> and the duty of candor to the tribunal.<sup>vii</sup> A competent lawyer must know or being able to determine what the law governing an issue is and determine the procedural rules that apply. Because a lawyer cannot escape the duty of competency by delegating tasks, lawyers using paralegals, law students, or research consultants for legal research still must be responsible for supervising their work. While a lawyer has a duty to fully advocate for their client, there must be a basis in law for a proceeding to go forward so a lawyer needs to do research to determine if there is a basis in law for their proceeding or controversy.

In addition to the professional rules of conduct, court rules also require legal research skills. Examples of this would be Federal Rule of Civil Procedure 11, as well as Federal Rules of Appellate Procedure 28 and 38. Federal Rule of Civil Procedure Rule 11 says that when an attorney presents something to the court, the attorney certifies that the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law.<sup>viii</sup> Federal Rule of Appellate Procedure 28 states that a brief must contain citations to the legal authorities that support the argument being made.<sup>ix</sup> Federal Rule of Appellate Procedure Rule 38 states that if a court of appeals determines that an appeal is frivolous, it may award just damages and single or double costs to the appellee.<sup>x</sup> Filing a frivolous appeal can be expensive.

Another reason students need to learn legal research is because employers believe it is an important skill. Survey after survey has confirmed this;<sup>xi</sup> and in a 2021 Bloomberg Law School Preparedness survey of a little over 1,000 students, faculty, librarians, and attorneys found that the majority of those surveyed believed that legal research should be taught in law school not on the job.<sup>xii</sup> Employers want to hire law students who can hit the ground running when it comes to legal research.

Legal research is a fundamental skill that students need to learn because even though some lawyers may seem like they know the law off the top of their head; the truth is this would be impossible. The law is simply too vast to memorize. Even if it could be memorized, the law isn't static but rather constantly changing so everything would still need to be continually updated. Furthermore, even if someone was able to memorize all the law and automatically update it as it changed, research is more than just finding legal documents. Researchers are problem solvers. Legal research is an entire intellectual process that requires



ongoing analysis and synthesis of legal resources and where they fit within the institutional structures of our legal system.

Finally, legal research might end up on the bar exam. The National Conference of Bar Examiners' Testing Task Force undertook a comprehensive three-year study to ensure that the bar examination continued to test the knowledge, skills, and abilities needed for competent entry-level legal practice. In their final 2021 report, they recommended that Legal Research be tested on the bar exam as one of the seven foundational skills.<sup>xiii</sup>

Throughout this article, you have been nodding your head and perhaps even rolling your eyes because you already know that legal research is important! This just gives you fast access to arguments and citations that you can use the next time you need to tell students, faculty, and staff why teaching legal research is important.

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### ***A Note from Your Newsletter Editor***

I sincerely want to thank everybody who has contributed to this quarterly newsletter, past and present. Without these contributions, we would not be able to offer this resource to our members. And I hope those reading this newsletter agree that the articles presented are thought provoking, timely and helpful.

As for the future of the newsletter, we continue working within our Committee and with the Executive Board on determining the best way to ensure we provide valuable content to our members. Hopefully we will have a clear picture of what the future holds by the Annual Meeting in October.

Until then, please keep providing feedback and submissions for the newsletter. Our next newsletter will be published in September 2022. I would ask that any submissions be provided by the end of July, but feel free to send early. In September, I am hoping we will have articles sharing information from the AALL Annual Meeting, and more news on what we can expect in October from ORALL.

If you ever have any questions, concerns or ideas, please e-mail me at [pvenard1@udayton.edu](mailto:pvenard1@udayton.edu).

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<sup>i</sup> See Caroline L. Osborne, *The State of Legal Research Education: A Survey of First-Year Legal Research Programs, or "Why Johnny and Jane Cannot Research,"* 108 LAW LIBR. J. 403, 408 (2016).

<sup>ii</sup> See *Id.* at 409.

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iii NANCY J. KING ET AL., U.S. DEP'T JUSTICE, FINAL TECHNICAL REPORT: HABEAS LITIGATION IN U.S. DISTRICT COURTS: AN EMPIRICAL STUDY OF HABEAS CORPUS CASES FILED BY STATE PRISONERS UNDER THE ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996 (2007), <https://www.ojp.gov/pdffiles1/nij/grants/219559.pdf>.

iv See AM. BAR ASS'N., GIDEON'S BROKEN PROMISE: AMERICA'S CONTINUING QUEST FOR EQUAL JUSTICE (Dec. 2004), <https://www.in.gov/publicdefender/files/ABAGideonBrokenPromise.pdf>.

v MODEL RULES OF PROF'L CONDUCT R. 1.1 (Am. Bar Ass'n 1983).

vi MODEL RULES OF PROF'L CONDUCT R. 3.1 (Am. Bar Ass'n 1983).

vii MODEL RULES OF PROF'L CONDUCT R. 3.3 (Am. Bar Ass'n 1983).

viii FED. R. CIV. P. 11.

ix FED. R. APP. P. 28.

x FED. R. APP. P.38.

xi See e.g., NCBE, FINAL REPORT OF THE TESTING TASKFORCE 20-21 (Apr. 2021), <https://nextgenbarexam.ncbex.org/wp-content/uploads/TTF-Final-Report-April-2021.pdf>; LEXISNEXIS, WHITE PAPER: HIRING PARTNERS REVEAL NEW ATTORNEY READINESS FOR REAL WORLD (2015); [https://www.lexisnexis.com/documents/pdf/20150325064926\\_large.pdf](https://www.lexisnexis.com/documents/pdf/20150325064926_large.pdf); Practice Patrick Meyer, *Law Firm Legal Research Requirements for New Attorneys*, 101 LAW LIBR. J. 297 (2009).

xii BLOOMBERG LAW, 2021 LAW SCHOOL PREPAREDNESS SURVEY (2021), <https://aboutblaw.com/1L1>.

xiii NCBE, FINAL REPORT OF THE TESTING TASKFORCE (Apr. 2021), <https://nextgenbarexam.ncbex.org/wp-content/uploads/TTF-Final-Report-April-2021.pdf>