



NEWSLETTER

Fall 2008

Web Site: clevelandlawlibrary.org • Email: lawlib@clelaw.lib.oh.us • Phone: (216) 861-5070 • Fax: (216) 861-1606

6TH ANNUAL OPEN HOUSE

Please join the Law Library staff for our 6th annual Open House on Friday, September 12, 2008, from 2:30 - 4:30 p.m. We will be offering physical and virtual tours of our facility, collection, databases and services, as well as hosting our annual mini-golf tournament for prizes. (Light refreshments will be served.)



CLE AT THE LAW LIBRARY

For the third year in a row, the Law Library is sponsoring various CLE programs to help you comply with your biennial continuing education requirements. As always, Library members receive discounts on registration fees. This year's line-up includes programs on:

- Child Custody & Support Issues In Juvenile And Domestic Relations Courts
- Ethics, Professionalism & Substance Abuse
- Commercial Leases

Click on the links below for registration forms containing more detail on the programs, including dates, times, the names of our guest speakers, and attendance fees.

CHILD CUSTODY & SUPPORT:

ISSUES IN JUVENILE &

DOMESTIC RELATIONS COURTS

CLE on November 7, 2008, 1:00 - 4:30 pm

(3.0 hours of CLE will be sought)

See insert for details



ETHICS, PROFESSIONALISM AND SUBSTANCE ABUSE

CLE on November 21, 2008, 1:00 - 4:15 pm

(2.5 hours of CLE will be sought)

See insert for details



DRAFTING A COMMERCIAL LEASE

CLE on December 12, 2008, 1:00 - 3:45 pm

(2.0 hours of CLE will be sought)

See insert for details



WHERE DO WE GO FROM HERE? AN UPDATE ON THE LIBRARY'S FUTURE

Pending Legislation: The future of the Cleveland Law Library hangs in the balance as we await further activity on SB 345, a bipartisan bill introduced in June that would affect the administration, funding and operations of all of Ohio's county law libraries. As with all legislation, this bill is a compromise. It was originally intended to address provisions in the 2005 biennial budget bill (HB 66) that implemented a 5-year plan to eliminate county funding for county law libraries, but the final scope of SB345 is much greater. As you may already be aware, SB 345 represents the culmination of negotiations between four major interest

groups that pursued legislation based on recommendations issued by an Ohio Task Force on Law Library Associations that completed its work last year. Although the County Commissioners Association of Ohio (“CCAO”) was the driving force for changes in the current system, the Ohio State Bar Association, the Ohio Judicial Conference, and a coalition of county law library boards and bar associations had the opportunity to make recommendations and participate in drafting the legislation. All indications are that the bill will be heard and determined after the November elections are completed.

Legislative Summary: If passed, this bill would amend the statutes governing county law libraries contained in O.R.C. Chapter 3375 and transform Ohio’s county law libraries from private associations providing services to lawyers, county officials, judges, and state legislators into formal county agencies by 2010. Specifically, SB 345 would create County Law Library Resources Boards (CLLRBs) in each county that would run the county law libraries and serve local cities, townships, county agencies, courts, and members of the public. Each CLLRB would provide a public law library, employ a librarian and other staff as needed, and establish local policies relating to access, resources, services, and fees. As a county agency, each CLLRB would also coordinate legal research and reference for all county offices, assume custody of all public revenue the libraries currently receive by statute, and participate in the county budget and appropriation process.

Current law library association boards, like the Board that runs the Cleveland Law Library, would serve in an advisory capacity during a two-year transitional period beginning on January 1, 2009 and have 2 interim seats on the new CLLRB. Permanent CLLRB board members would include appointments by the Common Pleas Court, municipal and county courts, the county prosecutor, and the county commissioners. After the initial two-year period, each CLLRB could still maintain a more informal advisory council.

CLLRBs could create multi-county agencies or contract with other CLLRBs, private entities, public agencies, and a state-wide consortium of CLLRBs that would be created in 2011 to catalog each library’s resources, make grants to CLLRBs, negotiate contracts CLLRBs could use, and otherwise make recommendations. SB 345 also proposes to reinstate the Task Force on law library associations to help implement all of these changes

Potential Outcomes: Although the potential outcomes are probably more numerous than Ohio’s 88 counties, there are a few financial and practical realities we need to consider.

If the bill passes, Ohio’s system of county law libraries would survive, albeit with different governance and goals, and county funding for county law librarians and library space would be partially restored. However, if the bill passes, county boards would be in charge of public revenue the libraries receive from traffic fines and penalties, the libraries would become open to the public, and the method by which county law libraries were historically run by private, non-profit boards of local attorneys and judges would cease. Specifically, SB345 would bifurcate private and public funds, assets, staffing, and services, and the private boards would have to decide whether to move their operations elsewhere, contract with their new county law libraries for combined operations, or fold. Since all but a few of Ohio’s county law libraries only receive public revenue from traffic fines and penalties, that really only leaves them with the last two choices. The first option is only possible for libraries that charge private dues or could otherwise raise private funds. Since the Cleveland Law Library currently charges dues and raises private revenue to provide a larger collection, staff, and level of services, it can consider all three options. However, the Cleveland Law Library’s current budget to run the robust library upon which members, judges and county officials have come to rely currently depends on the aggregate of three sources: county funding for salaries and space; public revenue from fines and penalties; and private income. As a result, SB 345 presents a lot of ‘if’s’ for the future of the Cleveland Law Library, which is one of the largest libraries in the state, has one of the largest collections and staffs, receives the lowest per capita fines and penalties, is not currently open to the public, and raises private income from membership dues.

If the bill does not pass, Ohio’s county law libraries could continue to operate as they have been with their present boards, but they would continue to suffer additional cuts in county funding for library salaries, benefits and space that began in 2007. County funding would completely end by December 31, 2011. The obvious import is that each year of cuts would place a greater burden on the libraries’ public and/or private income, which is already being stretched to pay for the increasing costs of maintaining collections, staffing and services. If SB345 does not pass,

the CCAO has also promised to go after the public funds county law libraries receive from traffic fines and penalties and divert it to help fund indigent defense. This is not an idle threat county law libraries can ignore. Without this income or county funding for salaries and space, virtually all of Ohio's county law libraries would cease to exist. Only those with private revenue have other options, as outlined above.

Comments and Questions: If you have any questions about this pending legislation, please contact the Cleveland Law Library Director, Kathleen M. Sasala, at (216) 861-5070 or ksasala@clelaw.lib.oh.us.

Links: The text and status of SB345 can be found at the following link: <http://tinyurl.com/6ndtym>

The history of the underlying Task Force activities can be found on our website at the following link: http://clevelandlawlibrary.org/Public/Misc/Task_Force.html

50-STATE SURVEYS FROM WESTLAW

The Cleveland Law Library Association now has staff access to *Westlaw's* 50-state surveys database. These surveys cover a wide range of topics, including blue sky laws, voting, overtime regulations, unemployment compensation, mortgages and brokers, health care facilities, professional licensing, insurance laws, taxation, and much more. Ask our reference staff for more information about this new product.



NEW MEMBERS

- | | |
|----------------------|----------------------|
| Georg Abakumov | Bradley Hull, IV |
| Victor Bierman | Simon Johnson |
| Sarah D. Blackburn | Stephanie J. Lane |
| Donald C. Canestraro | David E. Mills |
| Brendan M. Conway | Shadrach G. Neiss |
| Stephen Crawford | J. Daniel Scharville |
| Henry R. Freeman | Jennifer Schwartz |
| Robert Gillen | Howard G. Strain |
| Jason E. Gillis | Rachel Zbiegien |
| David L. Harvey | Justin Zucker |

FREE 8TH DISTRICT COURT OF APPEALS OPINIONS ONLINE

The Law Library is now providing free, online access to 8th District Court of Appeals opinions from 1990 through 2005.* To our knowledge, this new service offers researchers the only free Internet site for finding an additional decade's worth of opinions beyond those that are available at the Ohio Supreme Court's website, which only dates back to 2000. For maximum ease in finding opinions, the Library's database contains text files that are searchable by year and then keyword, the latter of which can be used to find cases by party, case number, judge, date, or legal issue in the case. Searching is easy, and the cases load quickly. Thanks go to the Court of Appeals and the Automation staff of the CLEVNET consortium for allowing us to successfully launch this new service.

*Internet access is available at the following link: <http://clevelandlawlibrary.org/Public/DECISION/CTA8/Opinions/Opinions.html>

SELECTED NEW ACQUISITIONS

- *Making Your Case: The Art Of Persuading Judges* (Thompson/West, 2008)
- *Executive Employment Agreements* (BNA, 2008)
- *Damages In Employment Cases* (ALI-ABA, 2008)
- *Science Of Settlement Ideas For Negotiators* (ALI-ABA, 2008)
- *Convincing The Judge* (ABA, 2008)
- *Virtual Law* (ABA, 2008)
- *Seven Keys To Winning Performance In The Courtroom* (OSBA, 2008)
- *ERISA Basics Series* (ABA, 2008)
- *Legal Guide To AIA Documents* (Aspen, 2008)
- *Surety's Indemnity Agreement: Law & Practice* (ABA, 2008)
- *Preparing Witnesses DVD* (ABA, 2003)
- *Foundations Of Digital Evidence* (ABA, 2008)
- *Anderson's The Law Of Professional Conduct In Ohio* (Lexis/Nexis, 2008)
- *Ohio Trust Code* (OSBA, 2008)
- *America Votes* (ABA, 2008)



RIA DISCONTINUES REMOTE ACCESS FOR ESTATE PLANNING, TAX, AND PENSION & PROFIT SHARING DATABASES

Many of you may have noticed that the RIA databases which you may have accessed through our Members' Only page are no longer available remotely. The sole reason for this change is a new, global policy that RIA instituted nation-wide this year that no longer allows remote access to library patrons. As a result, RIA unilaterally discontinued our remote access to its estate planning database in the Spring, and RIA just pulled our remote access to its tax, pension and profit sharing databases at the end of August. We sincerely apologize for any inconvenience RIA's new policy will cause you, and we have secured some alternatives to try and help you overcome these hurdles.

Estate Planning Alternatives

For those of you who relied on our remote estate planning database from RIA, we have purchased the following two (2) e-books that you can use in the Library: 1) *Asset Protection: Legal Planning, Strategies and Forms*; and 2) *Federal Income Taxation of Estates and Trusts*. We also continue to maintain a large collection of current books on wills and trusts, as well as the following estate planning books that you can check out and take to your office:

- *Price on Contemporary Estate Planning* (CCH 2008)
- *Casner on Estate Planning* (CCH 2007/08)
- *Tax, Estate & Financial Planning for the Elderly* (Lexis/Nexis 06/08)
- *Tax, Estate and Lifetime Planning for Minors* (ABA 2006)
- *Flexible Trusts and Estates for Uncertain Times* (ALI-ABA 2007)
- BNA portfolios on *Estates, Gifts & Trusts* (BNA August 2008)
- *Planning Techniques for Large Estates* (ALI-ABA April 2008)
- *Estate Planning for Same-Sex Couples* (ABA 2004)
- ALI-ABA's series on *Estate Planning in Depth* (ABA 2004)
- OSBA *Estate Planning Conference CLE's* (OSBA 2008)

Tax Alternatives

For those of you who used the remote tax resources we provided from RIA, we have several major alternatives to offer. Although remote access is no longer available, you still have in-house access to RIA's Federal Tax Coordinator and cases on the Law Library's computers. In addition, we have 2 Library laptops you can borrow that provide Internet access to CCH's online tax product containing the Standard Federal Tax Reporter and all 50 state tax reporters. After signing a short "Agreement for Laptop Use," you can check out a laptop for a week, with one (1) renewal. These CCH tax databases are also available for your use on the Law Library's brand new computers. Finally, we maintain a large collection of current tax treatises, practice guides and form books that you can check out and take to your office to use. Some key examples include:



- *Tax Planning for Corporations and Shareholders* (Lexis/Nexis 2008)
- *Federal Taxation of Partnerships and Partners* (Thomson/WGL 2008)
- *Internal Revenue Manual* (CCH 2008)
- BNA portfolios on both *U.S. Income and Foreign Taxation* (BNA 2008)
- Various ALI-ABA publications on taxation (BNA 2008)

Pension & Profit Sharing Alternatives

As an alternative to RIA's pension and profit sharing database, consider our extensive print collection, which includes these and many other helpful books:

- *CCH's Pension Plan Guide* (CCH 2008)
- *ERISA Practice and Litigation* (West 2008)
- *Qualified Retirement Plans* (West 2008)
- Various ALI-ABA publications on pensions, profit sharing, and employee benefit laws



CHILD CUSTODY & SUPPORT: ISSUES IN JUVENILE & DOMESTIC RELATIONS COURTS

(3.0 Hours of CLE Will Be Sought)

Date: Friday, November 7, 2008
Location: Cleveland Law Library, 1 West Lakeside Avenue, 4th Floor
Cleveland, OH 44113-1078 (216) 861-5070
Time: Registration: 1:30 p.m.; Program 2:00 p.m. - 4:30 p.m.
Cost: \$60.00 members, \$85.00 non-members (Registration must be pre-paid by cash, check, or credit card)
Contact: Director, Kathleen M. Sasala, 216-861-5070, ksasala@clelaw.lib.oh.us

PROGRAM

1:00 p.m. Registration

1:15-1:45 p.m. ***The Prosecutor's Role In Juvenile Court Child Support Cases***
Speaker: Robert Milkes, Esq., Cuyahoga County Prosecutors Office

1:45-2:15 p.m. ***The Role Of The GAL In Juvenile Court Custody Cases***
Speaker: Anne S. McFarland, Esq., Reference Librarian, Cleveland Law Library Association

2:15-2:45 p.m. ***Child Custody Practice In Juvenile Court***
Speaker: Cheryl Alikhan, Esq.

2:45-3:00 p.m. Break (Light Refreshments Provided)

3:00-3:30 p.m. ***The Role Of The GAL In Domestic Relations Court***
Speaker: John V. Heutsche, Esq., John V. Heutsche Co., LPA

3:30-4:30 p.m. ***Changes In Child Support From Domestic Relations Perspective & Overview Of Parental Rights Procedures***
Speaker: Valerie Brandenburg, Esq., Legal Dept., Cuyahoga County Domestic Relations Court

4:30 p.m. Program Conclusion

Registration Form:

Name (please print) _____ Atty. Regis. #. _____
Firm _____
Address _____
City, State, Zip _____
Phone _____ Fax _____
Cash _____ Check _____ Mastercard _____ Visa _____
Credit Card # _____ Exp. Date _____

Signature _____

Make checks payable to the Cleveland Law Library. Mail or fax reservation form.

Cancellations must be received in writing 1 business day prior to the program, and refunds will be charged a \$15.00 administrative fee. PERSONS WITH DISABILITIES needing special arrangements to attend this program are asked to contact the Director of the Cleveland Law Library at (216) 861-5070, (fax 216-861-1606) or ksasala@clelaw.lib.oh.us at least 1 week prior to the program.



ETHICS, PROFESSIONALISM AND SUBSTANCE ABUSE

*(2.50 hours of CLE Will Be Sought, with 1.00 of Ethics,
1.00 of Professionalism and 0.50 of Substance Abuse Instruction)*

Date: Friday, November 21, 2008
Location: Cleveland Law Library, 1 West Lakeside Avenue, 4th Floor
Cleveland, OH 44113-1078 (216) 861-5070
Time: Registration: 1:00 p.m.; Program 1:30 p.m. - 4:15 p.m.
Cost: \$60.00 members, \$80.00 non-members (Registration must be pre-paid by cash, check, or credit card)
Contact: Director, Kathleen M. Sasala, 216-861-5070, ksasala@clelaw.lib.oh.us

PROGRAM

1:00 p.m. Registration

1:30-2:00 p.m. ***Substance Abuse, Chemical Dependency And Mental Health Concerns In The Legal Profession***
Speaker: Paul A. Caimi, JD, LCDC-III, - Associate Director, Ohio Lawyers Assistance Program

2:00-3:00 p.m. ***Professionalism: To Be Or Not To Be A Pettifogger***
Speaker: Kathleen M. Sasala, Esq., Director, Cleveland Law Library Association

3:00-3:15 p.m. Break (Light Refreshments Provided)

3:15-4:15 p.m. ***Ethics***
Speaker: Joseph N. Gross, Esq., Partner, Benesch, Friedlander, Coplan & Aronoff LLP

4:15 p.m. Program Conclusion

Registration Form:

Name (please print) _____ Atty. Regis. #. _____

Firm _____

Address _____

City, State, Zip _____

Phone _____ Fax _____

Cash _____ Check _____ Mastercard _____ Visa _____

Credit Card # _____ Exp. Date _____

Signature _____

Make checks payable to the Cleveland Law Library. Mail or fax reservation form.

Cancellations must be received in writing 1 business day prior to the program, and refunds will be charged a \$15.00 administrative fee. PERSONS WITH DISABILITIES needing special arrangements to attend this program are asked to contact the Director of the Cleveland Law Library at (216) 861-5070, (fax 216-861-1606) or ksasala@clelaw.lib.oh.us at least 1 week prior to the program.



DRAFTING

A COMMERCIAL LEASE

(Letters Of Intent & Commercial Leases)

(2.0 Hours of CLE Will Be Sought)

Date: Friday, December 12, 2008
Location: Cleveland Law Library, 1 West Lakeside Avenue, 4th Floor
Cleveland, OH 44113 (216) 861-5070
Time: Registration: 1:00 p.m.; Program 1:30 p.m. - 3:45 p.m.
Cost: \$60.00 members, \$75.00 non-members (Registration must be pre-paid by cash, check, or credit card)
Contact: Director, Kathleen M. Sasala, 216-861-5070, ksasala@clelaw.lib.oh.us

PROGRAM

Speaker: Afif Ghannoum, Esq., Baker & Hostetler

1:00 p.m. Registration
1:30-2:30 p.m. ***Part I - How To Negotiate A Letter Of Intent***
2:30-2:45 p.m. Break (Light Refreshments Provided)
2:45-3:45 p.m. ***Part II - How To Draft A Commercial Lease***
3:45 p.m. Program Conclusion

Registration Form:

Name (please print) _____ Atty. Regis. # _____

Firm _____

Address _____

City, State, Zip _____

Phone _____ Fax _____

Cash _____ Check _____ Mastercard _____ Visa _____

Credit Card # _____ Exp. Date _____

Signature _____

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Cancellations must be received in writing 1 business day prior to the program, and refunds will be charged a \$15.00 administrative fee. PERSONS WITH DISABILITIES needing special arrangements to attend this program are asked to contact the Director of the Cleveland Law Library at (216) 861-5070, (fax 216-861-1606) or ksasala@clelaw.lib.oh.us at least 1 week prior to the program.

CLEVELAND LAW LIBRARY ASSOCIATION

Cuyahoga County Courthouse
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