



# LIBRARY NEWS

Montgomery County Law Library Newsletter

Issue 96, October 2018

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## THANK YOU LAW LIBRARY SUBSCRIBERS!

Subscriber fees are valuable contributions that help support the Law Library's mission and aid us in our legal print and software purchases. In addition to your monetary support of the library, you support our staff by giving us feedback on our services. This feedback helps us expand our ability to offer you legal services you can trust.

We want you to know we appreciate your company, contributions, small gifts, treats, and coffee donations. You are an invaluable asset to us. We are honored to serve the members of your legal community.

### Research Assistance and Electronic Document Delivery Available!

Have an outdated version of a treatise and need access to the most current version? The Montgomery County Law Library will assist you in meeting your legal research needs and can send documents electronically. We have several treatises available through Westlaw, Lexis, and Fastcase. For example, a few Ohio treatises offered through Westlaw are:

**Baldwin's Ohio Practice Series**—Business Organizations, Civil Practice, Criminal Law, Domestic Relations, Evidence, Local Government, Probate Law, Ohio Real Estate Law, Statutory Charges, and Tort Law.

**Baldwin's Ohio Handbook Series**—Ohio Appellate Practice, Ohio Arrest, Search & Seizure, Ohio Condominium Law, Ohio Consumer Law, Ohio Domestic Violence Law, Ohio Driving Under the Influence, Ohio Elder Law, Ohio Employment Practices, Ohio Insurance Coverage, Ohio Juvenile Law, Ohio Landlord Tenant Law, Ohio Personal Injury Practice, Ohio Planning & Zoning Law, Ohio School Law, and Ohio Trial Practice.

**Ohio Forms Legal & Business, Ohio Jurisprudence 3d, Ohio Jurisprudence Pleading & Practice Forms.**

# Legislation

**Distracted Driving Penalty** - House Bill 95, signed into law by the Governor on July 30, 2018, goes into effect on October 29, 2018. This creates an enhanced penalty for distracted driving. A driver may be fined up to \$100, on top of any penalty imposed for a moving violation, if the violation was committed while the driver was distracted. <http://ohiojudges.org/Document.ashx?DocGuid=d0115ca1-d022-491f-a467-d61cadd1858b>

**Drug Laws** - Senate Bill 1, signed into law by the Governor on August 1, 2018, goes into effect on October 31, 2018. This increases penalties for drug trafficking violations, drug possession violations, and aggravated funding of drug trafficking when the drug involved in the offense is a fentanyl-related compound. <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-1>

**Counterfeiting Offense** - House Bill 405, signed by the Governor on October 23, 2018, goes into effect on January 21, 2019. This creates the offense of counterfeiting and includes counterfeiting within the definition of "corrupt activity" under the Corrupt Activities Law. <https://www.legislature.ohio.gov/legislation/legislation-status?id=GA132-HB-405>

**Child Support Changes** - House Bill 366, signed into law by the Governor on June 29, 2018, some provisions went into effect on September 28, 2018 and the rest will go into effect on March 28, 2019. This made changes to the Ohio child support laws. <https://www.legislature.ohio.gov/legislation/legislation-status?id=GA132-HB-366>

**Sentencing Modification-Rehabilitation** - Senate Bill 66, signed into law by the Governor on July 30, 2018, goes into effect on October 29, 2018. This modifies criminal sentencing and corrections law by including the promotion of effective rehabilitation as a purpose of felony sentencing, modifies the manner of calculating confinement credits, and modifies the eligibility criteria and procedures granting pre-trial diversion and intervention in lieu of conviction. <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-66>

**Outdoor Dining Dogs** - House Bill 263, signed into law by the Governor on July 30, 2018, goes into effect on October 29, 2018. This authorizes a food service operation or retail food establishment to allow a person to bring a dog in an outdoor dining area of an establishment or operation under specified conditions. <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-263>

**LEADS Disclosure** - Senate Bill 33, signed into law by the Governor on December 22, 2017, went into effect on March 23, 2018. This allows for the disclosure of information from the law enforcement automated data system (LEADS) to a defendant in a traffic or criminal case. <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-33>

**Dating Violence Protection Orders** - House Bill 1, signed into law by the Governor on April 5, 2018, went into effect on July 6, 2018. This authorizes the issuance of dating violence protection orders and provides access to domestic violence shelters for victims. <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-1>

## Ohio Supreme Court Opinions

In [Ohio State Bar Assn. v. Ross](#), the Court ruled a Columbus landlord and property manager engaged in the unauthorized practice of law while seeking to evict tenants and obtain money owed to trusts, businesses, and individuals.

In [State v. Bonnell](#), regarding Postconviction DNA testing, the Court ruled that the Appellant failed to demonstrate that results of testing of any evidence he sought to have tested could be outcome determinative. The court lacks jurisdiction to consider matters relating to adequacy of prosecution's search for biological material that could be tested. Trial Court's denial of application for testing affirmed.

In [State ex rel. Keith v. Dept. of Rehab. & Corr.](#), the Court ruled that an inmate failed to show that substantively inaccurate information remains in his parole record, prejudicing his parole applications. Court of Appeals' judgment denying motions for show-cause and contempt orders affirmed.



## Links of Interest

[Legislative Updates by Practice Area](#) provided by The Ohio State Bar Association

[Continuing Legal Education Calendar](#) provided by The Dayton Bar Association

[Professional Ideals for Ohio Lawyers & Judges](#) by The Supreme Court of Ohio; Commission on Professionalism

[Public Notices Ohio](#) is a public service made possible by the newspapers of Ohio and the Ohio News Media Association. This easy-to-use website is designed to assist citizens who want to know more about the actions of local, county and state government as well as events occurring in the local and state court systems.

# Library Corner

## Bloomberg Law's Tax Management Portfolios Discontinued

The Montgomery County Law Library recently received news from Bloomberg Law that they are phasing out their print collections to migrate to an exclusively digital platform. While the Bloomberg Law Tax Management Portfolios are still available for purchase in print, to be eligible for purchase, a license to their digital platform is required. We regret to inform you that the cost of the digital platform is currently too expensive for our library. We hope to be able to reinstate this valuable Bloomberg resource in the future, but for now we will no longer be updating this print collection. We apologize for any inconvenience this may cause. Other public law libraries in Ohio are experiencing the same difficult decision. Further details about this transition can be found at the Law Librarian Blog link below. [https://lib2.com/2018/10/01/tying-print-to-digital-to-make-print-too-expense-to-acquire-how-bloomberg-law-is-executing-its-new-digital-only-publishing-model/?](https://lib2.com/2018/10/01/tying-print-to-digital-to-make-print-too-expense-to-acquire-how-bloomberg-law-is-executing-its-new-digital-only-publishing-model/)

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## Subscriber Invoices Have Been Mailed

Invoices for 2019 Law Library subscriber fees have been mailed to attorneys previously registered as subscribers. The annual \$50.00 fee provides to each attorney circulation privileges; interlibrary loans; remote access to selected online resources; the electronic delivery of documents; research assistance; and the use of conference rooms at no charge. If you would like to become a member of the Law Library and have not received an invoice, patron access registration forms can be printed off the Law Library's website and they are also available at the Law Library.

Pursuant to ORC section 307.51 (D)(2), attorneys employed by government offices need not pay the annual \$50.00 subscriber fee but must register with the Law Library for inclusion in the patron database. If you are a government official and would like to register with the Law Library, statutory access registration forms can be printed off the Law Library's website and they are also available at the Law Library.

In addition, the Law Library recognizes the vital role that paralegals have within the legal community. Library privileges have been extended to paralegals. Each attorney that has paid dues for the current year is eligible to sponsor one paralegal during that membership year. The sponsoring attorney shall be held responsible for any material the sponsored paralegal requests. Any overdue materials will be charged to the sponsoring attorney if not returned. If you would like to register your paralegal, paralegal access registration forms can be printed off the Law Library's website and they are also available at the Law Library.

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## Newsletters to be Sent Electronically in the Future

We are changing the method with which our subscribers will receive all future newsletters. Montgomery County Law Library newsletters will be sent via email instead of being mailed. If you haven't registered your email with the Law Library yet, you can email Susan Worley at [sworley@daylawlib.org](mailto:sworley@daylawlib.org) or you can access our newsletters via our website.



## Why Do I have a Library Card? Remote Legal Research Options for Subscribers

As a subscriber to the Montgomery County Law Library, or a registered government user, there are two valuable legal research tools available to you through the Law Library's website, [http://www.mcoho.org/government/county\\_agencies/law\\_library/index.php](http://www.mcoho.org/government/county_agencies/law_library/index.php).

**HeinOnline**—full text of over 2,000 law review and legal periodical articles in an image-based format which may be retrieved by citation or keyword.

**Fastcase**—full text access to statutes, cases, regulations, forms, and newspapers.

On the left side of the screen click on "Subscriber Log-In." Enter the username and password. This can be found on your library card that was mailed to you by the Law Library.

If you have misplaced your Username/Password or you need assistance with these resources, please contact the library at (937) 225-4496.

## Keurig and Quiet Space

The weather is getting chilly and we want to remind you that the Montgomery County Law Library has a Keurig station with a variety of coffee flavors, tea, and hot chocolate ready to help warm you up. We also have quiet spaces you can relax at whether you are in between court conferences, meeting with clients, or just want to come in and get away from the office.

## RECENT ACQUISITIONS

- 2018 Medicare Seminar and Medicaid Seminar
- Advanced Employment Law
- Advanced Employment Law Seminar
- Advanced Residential Real Estate Seminar
- Advanced Workers' Compensation Law Seminar
- All the Litigation Tech you Need but Aren't Using
- Basics of Employment Law
- Basics of Estate Administration
- Booze Bullets and Bingo
- Business Law Conference
- Data in Motion versus Data at Rest: Understanding Electronic Data Identification and Monitoring for Use in Litigation, Compliance, and Business Investigations
- Estate Planning, Trust, and Probate Law Section
- Update: Ohio HB 432 and SB 232
- Exploring Bias and Navigating the Shifting Legal Landscape: Sixth Annual LGBTQ and Allies Diversity and Inclusion Conference
- Fifty Years of Pat Downs
- Get Organized! Become Laser-Focused, Eliminate Paper, and Become More Mobile in 2017!
- How to Better Manage Your Workload
- Introduction to Real Estate
- Legal Ethics and Professional Conduct Seminar
- Litigation Section Conference: Winning at Trial
- Medical Marijuana Rules
- Ohio Public defender Video Theater
- Public Sector Labor Law Seminar
- Revisiting Younger's 10 Commandments
- Solo and General Practice Video Theater
- Succession Planning: Steps to Successfully
- Transition Your Practice
- Tackling the Opiate Epidemic: Facts Representation, Treatments, and Court Options
- Veterans Day CLE
- Wealth Transfer
- Young Lawyer Connect

## JOURNAL WATCH

CLASS ACTIONS	"MULTISTATE CONSUMER CLASS ACTIONS." 60 <b>FOR THE DEFENSE</b> 68 (JULY 2018, NO. 7).
CONSTITUTIONAL LAW	"WHEN SHOULD THE FIRST AMENDMENT PROTECT JUDGES FROM THEIR UNETHICAL SPEECH?" 9 <b>OHIO STATE LAW JOURNAL</b> 279 (2018, NO. 2).
CYBER CRIME	"DICING THE ONION: AN ANALYSIS OF TRANS-JURISDICTIONAL WARRANTS REGARDING ANONYMOUS CYBER CRIMINALS." 56 <b>UNIVERSITY OF LOUISVILLE LAW REVIEW</b> 437 (SUMMER 2018, NO. 3).
DIGITAL SPEECH	"THE EMOJI FACTOR: HUMANIZING THE EMERGING LAW OF DIGITAL SPEECH." 85 <b>TENNESSEE LAW REVIEW</b> 517 (WINTER 2018, NO. 2).
DOMESTIC RELATIONS	"DIVIDING IRAS IN DIVORCE: AVOID ADVERSE AND UNEXPECTED TAX CONSEQUENCES." 157 <b>TRUSTS &amp; ESTATES</b> 45 (JUNE 2018, NO. 6).
ELDER LAW	"PROVING UNDUE INFLUENCE." 157 <b>TRUSTS &amp; ESTATES</b> 46 (JULY 2018, NO. 7).
ELECTION LAW	"TAKING SELFIES WITH UNCLE SAM." 85 <b>UNIVERSITY OF CINCINNATI LAW REVIEW</b> 1207 (APRIL 2018, NO. 4).
EMPLOYMENT LAW	"CHIPPING AWAY AT WORKERS' RIGHTS." 54 <b>TRIAL</b> 26 (SEPTEMBER 2018, NO. 9).
FAMILY LAW	"A STUDY OF EXPERT FAMILY MEDIATORS' PERCEPTIONS OF FAMILY MEDIATOR EFFECTIVENESS." 73 <b>DISPUTE RESOLUTION JOURNAL</b> 1 (2018, NO. 1).
FIDUCIARIES	"MORAL AND RELIGIOUS QUALIFICATION CLAUSES AND FIDUCIARY DUTY." 157 <b>TRUSTS &amp; ESTATES</b> 31 (AUGUST 2018, NO. 8).
JURORS	"IDENTIFYING 5 JUROR TYPES." 54 <b>TRIAL</b> 34 (AUGUST 2018, NO. 8).
MARIJUANA	"A COMPARATIVE ANALYSIS OF REGULATION ON MARIJUANA AND OTHER CONTROLLED SUBSTANCES." 60 <b>FOR THE DEFENSE</b> 26 (SEPTEMBER 2018, NO. 9).
OPIOID CRISIS	"OUR MODERN EPIDEMIC." 54 <b>TRIAL</b> 22 (JULY 2018, NO. 7).
SENTENCING LAW	"NO INDETERMINATE SENTENCING WITHOUT PAROLE." 44 <b>OHIO NORTHERN UNIVERSITY LAW REVIEW</b> 263 (2018, NO. 2).
TAX LAW	"RECENT DEVELOPMENTS IN INDIVIDUAL TAXATION." 49 <b>THE TAX ADVISER</b> 580 (SEPTEMBER 2018, NO. 9).
VETERANS	"UNLOCK VETERANS' DISABILITY BENEFITS." 54 <b>TRIAL</b> 20 (JUNE 2018, NO. 6).

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41 N. Perry St., P.O. Box 972, Dayton, OH 45422-2490

PHONE (937) 225-4496

FAX (937) 225-5056

WEB [http://www.mcoho.org/government/county\\_agencies/law\\_library/index.php](http://www.mcoho.org/government/county_agencies/law_library/index.php)

Brenda Williams, Law Librarian

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