1868-1925
The Dayton Bar Association

1925-2009
The Dayton Law Library Association

2010-2018
The Montgomery County Law Library
Prepared for the
150th Anniversary Celebration
of the founding of the
Law Library of Dayton & Montgomery County
held on April 18, 2018 at
The Old Courthouse
Dayton, Ohio
Dedicated to all the high-minded attorneys, staunch friends, and ardent workers who, for 150 years, have loved this Law Library as I have.

– Joanne R. Beal
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The contents of this 150th anniversary booklet is not an exhaustive treatment of the Law Library’s growth and statistics, but rather a commemoration of the lineage and longevity of a professional organization established by local attorneys in order to better serve the research needs of lawyers representing the citizens of Dayton. The foresight of its founders and builders has been a benefit to all for 150 years.

Each segment of this booklet contains the mention of events and points of interest from the Library’s beginnings to the present and provides a chronology under each heading. Quoted remarks are in reference to the board meeting minutes and reports. Names of attorneys and librarians often appear within the text; however, the focus of the booklet is the story of the Law Library as an institution; its growth and its changes.

What is difficult to convey in these few pages summarizing 150 years of corporate minutes is the sentiment and camaraderie that the trustees felt for each other in their united efforts on behalf of the Law Library. With quaint gentility they offered support for each other’s endeavors and profound condolences on the loss of their colleagues.

Words cannot express my appreciation for the efforts of former librarians in recording the milestones and activities of the Law Library that made the compilation of this booklet so much easier. For years I overlooked their narratives contained in file folders unassumingly labeled, “History.”

Of equal gratitude is that for former Law Library Board President David C. Greer for his outstanding, unparalleled book, Sluff of History’s Boot Soles, which provides an exceptional history of the Dayton Bar. His publication provided me with much-needed points of reference throughout my examination of the contents of early, handwritten minute books.

It is my hope that the commemoration contained herein celebrates only the first 150 years of the Law Library. This is a part of Dayton’s history that should be preserved.

Respectfully,

Joanne R. Beal

Law Librarian (1993 – 2018)
Assistant Law Librarian (1976 – 1993)
THE STATUTORY DEVELOPMENT OF OHIO’S COUNTY LAW LIBRARIES

Only one county law library association predates the incorporation of the Dayton Law Library Association. That one is the Cincinnati Law Library, established in 1834. The Cleveland Law Library was incorporated in 1869 and the Toledo Law Library followed in 1870.

Although these four local law libraries originally consisted of donated books from private collections, access to which attorney members paid annual membership dues, use of the libraries was provided to elected and appointed officials without charge. This shared practice prompted the passage of the first state statute in April of 1872, to promote and encourage Law Library associations.

The statute authorized the court of common pleas, upon recommendation of the trustees, to appoint a special bailiff to act as librarian and to be paid compensation out of the county treasury. In addition, the statute provided for an appropriation of fines and penalties from the police court. 69 v. 163 (1872).

In both 1873 and 1874, legislation was passed to extend statutory funding to all county law libraries that served the courts and included funding amounts with the size classifications of Ohio cities at that time. In 1904, such size classification was removed and added was the requirement that county commissioners provide a “suitable room or rooms...with sufficient and suitable bookcases in the county court house for the use of such law library and [they] shall heat and light the same.”

In a 1910 act, it was mandated that “For all fines collected from courts for offenses prosecuted in the name of the state, law libraries were to receive no less than 15% of the fines collected in police courts each quarter and no more than $500.00 per year from the common pleas and probate courts.”

In 1931, near the end of prohibition, lawmakers made a provision for law libraries to receive limited funding from prohibition fines. Additionally, as municipal courts began replacing police courts, the statutes reflected the change, allowing law libraries to receive funding from either court. The courts were to pay the law libraries monthly instead of quarterly - still at 15% for the police or municipal court and $500.00 annually from common pleas and probate courts.

In 1936, Dayton Law Library trustee Roy G. Fitzgerald, former U.S. Congressman, was appointed by the Executive Committee of the Ohio State Bar Association to chair the Law Library Committee commissioned with the development and drafting of legislation to meet the demand for clear and uniform support benefiting the state’s local law library associations. His assistant in the matter would be fellow trustee Harry L. Munger.

The product of their efforts, Ohio Senate Bill 46 became law on August 31, 1939. General Code section 3056 increased the statutory income for county law libraries from fines in state cases tried in various police and municipal courts to 25% until they reached a maximum combined contribution of $7,500.00
per municipality. Four subsections of section 3056 described how justices of the peace, common pleas, and probate courts were all to pay some money to the law library associations. Also, General Code section 3056-3, which allowed law libraries to receive 50% of traffic fines (no maximum amount) and 50% of liquor law fines (with an annual maximum of $1,200.00) shifted the major source of funding for law libraries to income received from traffic fines. Because of Roy Fitzgerald’s personal attention and effort, many of the provisions of this Act have remained the primary source of revenue for county law libraries to this day.

October 1, 1953, marked the beginning of the Ohio Revised Code. The law library statutes fell under sections 3375.48 - 3375.56. Only minor changes were made to the provisions for the next 50 years, with no major changes to the funding sources.

However, in 2005, with a provision in the State’s budget bill, House Bill 66, to reorganize the operation of county law libraries, a transition in the management and control of funds began. In 2006, House Bill 363 provided details as to the transition, phasing out the county’s responsibility for staff compensation and space over a five-year period beginning in 2007. Also created was a Task Force of legislators, members of the bar, law library representatives, judges, and county commissioners to address the “phase out” and other issues. The Final Report of the Task Force detailed the many compromises agreed upon by the “stakeholders.”

Ultimately, House Bill 420 was enacted on December 31, 2008, mandating that, on January 1, 2010, all county law libraries receiving funds pursuant to statutory provisions be under the control of a county-appointed board and all monies received be deposited in the county treasury for the sole use of the law library board. No further amendments to that enactment have been made.
THE FOUNDING & INCORPORATION

The country was in its third year of the Reconstruction Era. There were only 37 stars on the American flag and it would be another 8 years before the country would celebrate its centennial. The Fourteenth Amendment to the Constitution was adopted guaranteeing to African Americans full citizenship and all persons in the U.S. due process of law.

It would be 2 more years before The Ohio State University would be founded; 10 years before the first cash register was invented; and 35 years before the first flight of the Wright Brothers.

An early year in Dayton’s heritage and yet, “on the 15th day of April, 1868, a company of lawyers met in the office of Young & Gottschall, six of whom thereupon appended their names to a certificate of incorporation of the Dayton Bar Association, a body corporate whose purposes were defined in the instrument to be the advancement of legal knowledge and the better and more convenient discharge of professional duties connected herewith, to purchase, hold, and acquire a library of books for the purposes, uses and objects of said corporation, etc.” The capital stock of the Association was fixed at $12,000.00 divided into 240 shares at $50.00 each. The signatories were: A. Cahill, John A. McMahon, E.S. Young, Thomas O. Lowe, S. Craighead and John Howard.

Daniel A. Haynes

The first stockholders’ meeting was held on December 24, 1868. Seven directors were chosen by ballot by the thirty-six shares of stock represented. The members of the first Board were: Daniel A. Haynes, Edmund Stafford Young, John A. McMahon, Clement L. Vallandigham, Jackson A. Jordon, David A. Houk, and Thomas O. Lowe; the first president being Daniel A. Haynes. The first library committee was comprised of Messrs. Young, Jordan and McMahon.

The first By-Laws were adopted March 22, 1869.

The first librarian appointed was Mr. J.A. McDonald, shortly followed thereafter by Mr. John A. Graham who served until 1873.

In December of 1873, the Board voted to sponsor a banquet for the benefit of the Law Library and invited all members of the Dayton bar to attend. This was the first of many annual dinners which provided for its attendees the warmth of collegiality among attorneys gathered in support of the Law Library.

At the Board’s Annual Meeting of 1881 discussion was had over the need of a separate organization of lawyers apart from the library work. In March of 1889, there was a “popular” name change to The Dayton Law Library Association and at the Annual Meeting of 1896 it was voted to take steps to change the name, but no definite action nor legal steps were taken until May 15, 1925, at which time the Articles of Incorporation were changed and the name was formally changed.

Daniel A. Haynes
THE BUILDING

Location & Furnishings for a Law Library

After its founding in 1868, the first Law Library room was in the rear of the second story of No. 12 North Main Street. In October, 1871, the Law Library was moved to the room adjoining the old superior court in Clegg's Building on East Third Street. When the “new” court house was built in 1884, the Law Library was assigned a special room in the rear of the second floor adjoining the courtrooms.

In 1895, desperately needing more space, the Law Library expanded into front rooms on the third floor of the courthouse, at which time the Board authorized the purchase of a long distance telephone for the Library, new chairs and the “necessary spittoons.”

By 1898, portraits of Edmund Stafford Young and Samuel Craighead adorned the Library walls and the county commissioners were requested to lower the chandeliers in hopes of improving the gas light which was very poor; a situation rectified in 1902 with the installation of electric lights. In 1906, central lighting was installed along with additional shelving and chairs and “an electrically heated branding die was, on motion, given into the hands of the Librarian.”

In 1914, the Law Library had expanded into hallways of the courthouse and in 1917 the Board considered removing the Law Library to a private building for enlarged quarters; following the precedent of former Daytonian William H. Winters who, as Librarian of the New York Law Institute, relocated his 83,000 volume library to the new Equitable Building. However, the decision was made to remain in the courthouse. The Law Library Board revisited that option in 1927 asking the County to consider leasing suitable space on the third floor of the Mutual Home Building at 120 W. Second Street; however, the request was denied.

In 1937, the Law Library moved into the new courthouse Annex, on the third floor. The space was not sufficient at the outset, much less the ten years of expansion space promised.

At the November election of 1945, bonds were approved for a New Court House Project with special reference to the needs of the Law Library in a new Court’s Building.

During the 1940s metal bookcases replaced wooden shelving and electric typewriters replaced manual ones. Suitable ladders were needed to access books stacked on high shelves and an overflow library room was created in Dayton’s Municipal Building until 1949, when the materials were relocated to room 202 of the Custer Building, at the County’s expense. Attorneys George R. Murray, Byron Murr, and Francis D. Schnacke negotiated this rental of space. In February of 1952, the Law Library was asked to vacate the space in the Custer Building and the overflow collection was relocated to the Horne Building.
In 1953, air conditioning was installed in the main library facility in the Annex and, as the installation was paid for by the Library Association, the County owned the building, but the air conditioning was owned by the Library Board.

As space continued to be at a premium for the Law Library, rather than relocating the entire collection to the Horne Building in 1955, additional hallway space and a basement room in the Annex was provided for a portion of the collection.

In 1957, cork flooring and a fire-proof, acoustical ceiling was installed after a 1955 incident when a book falling from a Photostat copying machine burned a hole in the carpeting and on one of the library chairs. Two fire extinguishers were purchased as well.

In August of 1957, two steel doors, of the riot type that could only be opened from the inside, were installed following a break-in damaging library office desks and the safe.

By 1959, books damaged by dampness and dirt in the Annex basement were moved to the Grand Jury Room to be placed on new shelving purchased by the Law Library Association.

On November 8, 1960, incorporated into the minutes of that day’s meeting, was a letter to the membership asking for assistance in securing the return of Law Library space in the Annex that had been designed for the Law Library in 1936, yet temporarily loaned to the Court of Appeals. At a meeting held on Saturday, November 12, 1960, it was determined that all space in use by the Court of Appeals would be returned for use by the Law Library because the division of domestic relations would be moving into the new Family Courts Center and that Annex space would be available for the Court of Appeals. The exchange of space was completed by the end of 1961.

By the end of 1963, the formal drawings of the Law Library’s space in the plans for the New County Courts Building were presented to Librarian Louise Prinz and the Board. Originally planned that the Law Library would be housed on the entire fifth floor of the new building, a compromise was reached which relinquished a portion of the space to the Court of Appeals.

With new furniture and equipment ordered, decorating by the Rike-Kumler Company, and a 10-year projection of shelf space, the Law Library moved into its new, and current, quarters in 1967. Nearly one hundred years from its founding, the Dayton Law Library Association was now a shining and contemporary example of the perseverance of a board of trustees and a resolute staff.

Within ten years exactly, the Library’s collection had outgrown its commodious space. In 1978, the first of several extensions of shelving and reconfigurations of book ranges began. The search for off-site storage began in the 1980s and was provided by the county commissioners in the lower level of the parking garage of the Administration Building. Due to the renovation of the entire Courts Building in the early 1990s, the Law Library was required to take up temporary quarters on the first floor in office space that formerly housed the Sheriff’s Department. For eleven months, the library staff worked with approximately 10,000 volumes in “store front” conditions serving patrons’ needs with selected texts, microfiche, and a LexisNexis terminal.

In October, 1992, the Law Library reopened in its previous quarters. Though shelving capacity was reduced, 1,507 square feet of office space was gained. This would be the last increase in space for the Law Library. In two reallocations of fifth floor space in 1996 and in 2008, nearly one-half of the Library’s original square footage was used to accommodate the expanding Second District Court of Appeals.
In 1999, the Law Library's Reading Room was named for a prominent defense attorney in Dayton, Hugh H. Altick. He served on the Law Library Board from 1953 until 1974; as president from 1949 - 1950. In honor of his deep and ardent interest in the Law Library, after his passing in 1990, his widow, Dorothy B. Altick, set aside a sizeable bequest for the library’s operations. The Library’s soft seating areas and oak panels on the book ranges were enhancements made possible by these funds.

With a redecorating project in 2016, the Law Library removed several of its looming book ranges in favor of lower shelving and an increase in soft seating and enjoys, again, a shining and contemporary image.
THE BUILDING

The Collection

The beginnings of the Library’s collection were two-fold. In February of 1869, a purchase of law books from the publishing company Banks & Bros. was made in the amount of $2,500.00 along with an annual subscription at the same rate. A second source of books was the donation of private collections.

The first mention in the Association’s minutes of such a donation was that of successful real estate lawyer Henry Stoddard, Sr., in March of 1869. At the same time the Board agreed to purchase the private collection of Abraham Cahill at the price of $300.00.

The collection grew fairly quickly through purchases and donations and, within the Library’s first year of existence, the Board was faced with issues over who might borrow the books and for how long. The Board requested that the several courts of the county “make a rule requiring the Crier or Constable of such Court to return all books used in such Court and belonging to this Association at the close of each day’s session.”

The first overdue fines were assessed to Messrs. Young and Gottschall for the keeping out of books.

It was determined by Board Treasurer Quincy Corwin that assessed fines remaining unpaid would result in the forfeiture of stock in the Association.

Considered less desirable in the collection than the carefully acquired English and American law reports, in 1875, the Board authorized the disposal of any and all text books in the Library. As the Library turned 25-years old in, 1893, the collection numbered 4,582.

Reporting on the collection as of January 2, 1899, Librarian Carl Lenz offered guidance to incoming Librarian Daniel Iddings by stating that “The Library should be kept as clean of the floating trash and text-books as it has been in the past. The library at Hamilton, Ohio followed the text-book plan and today its doors are closed.”

Under the care of the very efficient Daniel W. Iddings, the collection grew from 5,640 volumes to over 17,000 at the time of his resignation in 1920. In 1905 he had agreed to the purchase of text-books to appease young lawyers, but categorized them as “statutes.” In 1904 the first catalog of the library’s holdings was printed.

In 1909, Mr. Iddings boasted of the increasing completeness of the Library’s collection with “a full line of all the American and English official reports, the addition of the general encyclopedias, digests, text-books, statutes and laws,”. He spoke of the text-books as a “rapidly popularizing branch of the Library that should steadily grow with at least one up-to-date text on every live topic of law.” Also added were the translations of the Codes of France, Germany, Belgium and Mexico. His process of binding the advance sheets of the National Reporter System was short-lived.

Mr. Iddings took it upon himself to “reverse the old order of things and make a feature of permitting members in good standing to take books to their offices for twenty-four hours at a time.” They might even be sent out by the library’s messenger to a member’s office upon a telephone call.
In 1913 the Librarian and Board reported the opening of the Edmund Stafford Young Library, a collection of legal literature selected by Mr. Iddings and Mr. R.G. Corwin. The collection was presented to the Library by sons, George R. and William H. Young, in memory of their father, a Law Library founder.

At the time of the opening of the Federal Building in January, 1915, the Board authorized books to be purchased and loaned to the “Federal Branch Library.” The process of the Association purchasing books for courts within the County and designating the materials as being “on continuous loan” lasted until 2010 when the books were replaced with a specially designed LexisNexis product at the Library’s expense.

By the time the Law Library was 75 years old, in 1943, the collection totaled 30,507 volumes and the cost to maintain the collection was likewise increasing. Cards were ordered from the Library of Congress in order to provide a better inventory.

In 1950, Board President Roy Fitzgerald recommended that the Library maintain references “to great law libraries in other states where books might be obtained missing from our own library, and reference to the larger private law libraries in the city where additional copies of the Federal Reporter and other books may be available when the services of the library are overtaxed.” He looked into the future and recognized that cooperation and inter-library loans may be necessary to meet the needs of the Library’s patrons.

In 1955, Trustee James C. Baggott raised the issue of adding a medical encyclopedia to the collection. Within a year, over 40 titles of medico-legal materials had been selected for their helpfulness to attorneys handling personal injury cases. As demonstrative evidence in trial work was increasing, the Library purchased anatomical trial aids, a three dimensional projector, and three record albums entitled “The Voice of Modern Trials.” In 1960, the Board instructed the Librarian to purchase up to $1,000.00 in international law books, reflecting the growing need by Dayton lawyers.

During the 1960s, law library space in the new Montgomery County Courts Building was superiorly planned by Librarian Emerita Louise Prinz and in 1968, at the time of her retirement, the collection totaled 56,931. In one hundred years the collection had pushed out in every direction in form and subject, but the most dramatic changes were yet ahead.

In 1971, Librarian Lawrence Anderson made the first remark about an automated approach to maintaining a law library and the electronic retrieval of legal information, utilizing OBAR, the forerunner of LexisNexis.

In 1974, a complete collection of the Ohio State Supreme Court Records and Briefs from 1965 to present was purchased by the Law Library in a “micro-card” format. This necessitated the purchase of a micro-card/microfiche reader; a piece of equipment in its various upgrades that would serve the Library well in its future conversion of print volumes to the space-saving format.

Throughout the 1970s, the size and scope of the collection continued to grow and the Board engaged a consultant to provide a baseline insurance valuation that was regularly updated to reflect the various information formats. This insurance inventory provided sufficient information in order that adequate coverage could be maintained under the Board’s valuable papers policy.

Under the regulations promulgated pursuant to the U.S. Copyright Revision Act, effective January 1, 1978, the Library was required to post a notice near the photocopy machine that provided a warning to patrons about exceeding the provisions of the new copyright law. Book publishers were anxious to reclaim what was lost with a library copy machine and soon regular use of electronic access to legal information would help their efforts.
In 1981, the same year the print collection of the Library was reaching its peak of just over 86,000 volumes, a LEXIS terminal for computerized research was installed in order to increase the accessibility to legal documents in a non-book form. As well, the entire first series of the National Reporter System was converted to Ultrafiche.

An unforeseen drop in revenue in 1982, precipitated the cancellation of subscriptions to over 150 titles before the end of 1983, and prompted the Board to increase membership dues, with a sizeable portion of the increase to provide financial support for all automation pursuits.

Initiating automated systems would begin with the Library’s accounting and financial record keeping system, followed by the book inventory records and then the creation of an automated catalog requiring the cataloging and classifying of every title in the library as if it were a new acquisition. This retrospective conversion process would last for many years.

In November of 1985, the Law Library received extensive water damage as a result of heavy rains that interfered with the re-roofing of the Courts Building. The saturated ceiling tiles collapsed and water flowed into the Library damaging furniture, carpeting, draperies and books. Hundreds of books were damaged to varying degrees. Some were replaced and many were discarded. County Commissioners inspecting the damage became acutely aware of the existing potential for damage to the fifth floor facility and to a collection valued at 2.7 million dollars.

With the remodeling of the Law Library in 1992, the entire collection was rearranged to take advantage of window seating as well as the reclassified treatise collection shelved under the Library of Congress classification scheme that provided enhanced subject access to materials.

By the mid-1990s the Law Library’s collection had several dimensions. Cassette tape and VHS tapes had given way in popularity to the CD-ROM format. Loose-leaf services and voluminous serials were available in multiple CDs. By the end of 1995, the library possessed a CD network that consisted of two servers and 28 drives in 4 towers. Having only three workstations often created wait times for patrons.

In 1996, at the time of another planned expansion of the Second District Court of Appeals which would result in the loss of Library space, an appraisal was commissioned of the rare and historical materials in the Trustees’ Room and British Commonwealth area before considering their relocation to a library annex in the Reibold Building. The value of the materials under consideration for removal totaled $40,000.00. The decision was made to retain these books in the main library and approximately 5,000 other items were relocated.

A spacious media center was created in the Library to provide patrons with easy access to Lexis, Westlaw, CD products, and the Internet. By 2001, it was reported that the use of print materials in the Library had declined. Patrons wanted electronic access for research. The Librarian’s focus was to balance what was available against what was credible and preserve what had worked while testing what was untried.

In 2005 it was reported that the cost of maintaining a traditional law book collection was increasing by double-digit percentages each year and the license agreement costs of electronic information vendors were not far behind. It was once again determined that the Second District Court of Appeals would expand into Law Library space; leaving 10,436 square feet for stack areas and a library workroom. The next year Ohio House Bill 66 was passed that would require County Law Libraries to begin a process of reimbursing to the County the cost of salaries and benefits and to begin to pay rent on Library space. Shoulderng higher subscription costs and new expenses, along with a reduction of shelving space, efforts were made to decrease the collection size through disposal as well as suspend many subscriptions.
Heading into the transition years the Law Library maintained a leaner, trimmer book collection, additional PCs in the Media Center for access to electronic services, and an insightful staff ready to serve.
THE BUILDING

Membership and Library Use

As Librarian Emeritus Daniel Iddings commented in 1903, “this is a Library Association of lawyers, for lawyers.” The worthiness of the organization is evidenced by how many different professional groups and private citizens petitioned for access throughout the years.

Thirty-six of the sixty original stockholders of “The Dayton Bar Association” met on December 24, 1868, at 2 P.M. in the rooms of the Bar Society for the purpose of electing Directors. The seven members elected as Directors were: D.A. Haynes, E.S. Young, J.A. McMahon, C.S. Vallandigham, J.A. Jordon, D.A. Houk, and T.O. Lowe. Judge D.A. Haynes was elected President.

In 1877, a committee of three was appointed, E.S. Young, Warren Munger, and Elihu Thompson, to solicit more members for the Association. At the same time the membership voted to formally extend library privileges to the judges of the courts of Montgomery County and to all officials of the City of Dayton.

With Library space limited, in 1895, Trustee John M. Sprigg requested that “a list of members be prepared and printed to be posted up in the Library together with a statement that the Library is for the use of members.” Mr. Oscar M. Gottschall then requested that a reception be held for the members in the library rooms. Mr. J.A. Sprigg, E.A. Rowe, and J.A. McMahon were appointed as the Committee on Reception.

In 1899, the practice of allowing one member of a firm to purchase a stock certificate and then allowing other members of the firm to have access to the Library was stopped. “Considerable money is lost in this way, which may be of great value to the library.”

However, in 1900, a resolution was unanimously adopted by the Board that “If a member of the Association files a certificate that the person named in the certificate is his partner or is in the office or employ of the member, and is expected to do work for him in the examination of the law, such person shall be entitled to the use of the Library for such member but not for his own purposes.”

In 1902, Mr. Iddings recommended that out-of-town attorneys be offered membership in the library “due to the ease of access which our library presents to the attorneys of surrounding counties.” He also seemed open to public use of the Library with his comment that “Even now we rarely refuse a desiring tax-payer a glance at the statutes.”

Mr. Iddings’ Report of 1917, contained the news that the bar’s first woman lawyer, Bessie D. Moore, enrolled as a member of the Association and that members in the military service of the country were granted “a leave of absence without dues.” The future Law Librarian, Judge John Roehm, was also granted Association membership without dues and was refunded his 1917 payment “when blindness came upon him.” In 1920, the Hon. John Roehm was appointed Law Librarian and he served for three years.

During the difficult financial years of the Great Depression, Judge Don Thomas, president of the Dayton Bar Association, asked if a junior membership in the Library Association, with reduced annual dues, could be offered to attorneys in practice for five years or less. Judge John Kreitzer responded with “a very able statement of what the Library stands for and that each and every attorney in Montgomery County should feel it his duty to become a member in the usual way and make use of the facilities provided at such a small cost.”

In 1937, admission and use of the Law Library was extended to “Students at law in Montgomery County, employed by or connected with the office of any attorney, firm, or partnership of attorneys…in good standing with the Association.”

In 1938, the Association’s annual membership dues increased to $10.00 from $5.00 and, under the supervision of attorney and Law Librarian Viola Allen, use of the Library was extended to members of the Women’s & Professional Association.
During World War II, upon request by attorney James C. Baggott, Captain Air Corps, Judge Advocate Office at Wright Field, “use of the Law Library was extended to attorneys on duty at both Wright Field and Patterson Field as so designated in writing to The Dayton Law Library Association by the respective commanding officers of said Fields.” In 1944, attorneys who had served in the armed forces were extended free use of the Library for a period of one year from the date of discharge.

Personal requests for use of the Library were regularly presented to the Board. In December of 1944, Miss Allen reported to the Board that “a Nebraska lawyer who presented proof of being a member of that bar and who was a crippled and incapacitated veteran of World War I now domiciled at the Veterans’ Administration facility requested the privilege of visiting the Law Library when downtown.” The Board voted unanimously to extend such courtesy use.

At the close of 1948, the Association was 80 years old and there were 277 attorney members in good standing and 16 attorneys were extended free use by virtue of employment in government offices.

In 1951, a procession began of regular and insistent requests for use of the Law Library by members of the public. Board President Roy Fitzgerald reported that “a Mr. R.S. Slothower had requested use of the Library in order to plead his own case in Federal Court.”

At the December 19, 1956 meeting of the Board the request to use the Library from a Mr. Julius Maranze was considered. Mr. Maranze requested access to the Library’s collection in order “to further his case for the ‘Committee to Save Cooper Park’.” After considerable discussion it was decided not to honor his request. It was then moved by Mr. James C. Baggot that:

“Permission to use the facilities of the Dayton Law Library Association be denied to all persons except those entitled to such use by the provisions of the Revised Code of the State of Ohio, and those entitled to such use under the Constitution of the Dayton Law Library Association.”

His motion was seconded and unanimously carried.

In 1959, Ohio House Bill 983 was introduced to require Law Library Associations receiving funds under provisions of the Ohio Revised Code to provide for a class of membership of non-lawyers who have been approved for such membership by a common pleas court judge. The Library’s Board members wrote letters to legislators voicing their disapproval of such a bill. The bill eventually died in committee, but those public access provisions would reappear several times during the years ahead.

In 1960, the Board determined that “for sentimental reasons, a transfer of a share of stock belonging to a member now deceased, may be made to a son or daughter duly qualified for membership.” Also at this time, the issuance of stock certificates was replaced with annual membership cards; however, no card was issued until all installments were paid for the initial $50.00 certificate amount. The annual membership fee remained at $10.00 per year.

Beginning in 1961, a practice began to send congratulatory letters to those attorneys recently admitted to the Bar, inviting them to membership in the Law Library Association. Those who had used the Law Library as registered law students were especially receptive to this outreach.

On September 20, 1961, a special meeting of Shareholders and Members was convened during which it was voted to amend the Association’s Articles of Incorporation to meet the requirements of the Internal Revenue Code in order to secure a ruling that The Dayton Law Library Association is an exempt organization under the meaning of section 501(c)(3) of The Act. All outstanding shares of stock were “voided, cancelled and held for naught” and henceforth only memberships would be available in compliance with the Ohio Revised Code relative to non-profit corporations. Many stock certificates were returned to the Law Library at that time and many were retained in office files only to reappear many years later as a reminder of the early days.

In 1967, moving into the completed Montgomery County Courts Building, 519 members enjoyed the spacious accommodations of the Law Library on the fifth floor of the building. Trustees Joseph H. Colvin and Paul Ziegler presented their final report to the Board as Co-Chairmen of the Space Committee. They
commented on how difficult it was to project themselves twenty years into the future, into 1987, and visualize the Library and its members at the end of the 20-year space projection. Many changes would come before that time.

In 1969, permission had been given for three litigants, not represented by counsel, to use the Law Library pending Board action. The Librarian had been given discretion to deal with such use on a case-by-case basis until the Membership Committee, comprised of Robert Corwin, Lawrence Anderson, and Harold B. LeCrone, could study the matter and make a recommendation. It was the committee’s recommendation that no change in the Library’s policy be made to include use by litigants or other groups, such as accountants. Amendments to the Association’s Constitution in 1970 strictly defined the classes of membership and use.

In 1971, requests for use of the Library by students were received from Antioch College and the University of Dayton. The Board noted that similar requests had been made by Wright State University, Miami University, Sinclair Community College, and Kent State University; none of which had law schools. The Board determined that it was beyond the capabilities of the Law Library to handle such non-legal student use. The next year, a group of students from a local seminary requested use of the Library and, when denied, submitted a petition to the Board as the Ad Hoc Committee for Citizen Law Libraries. Shortly thereafter five individuals entered the Library demanding use but left quietly after a Sheriff’s Deputy was called.

By 1973, the question of paralegal use of the Law Library was before the Board and would remain an issue for consideration for several years.

At the Annual Meeting of the membership in January of 1974, two members addressed the Board regarding use of the Law Library by members of the public. Mr. Asher Bogin moved that the Board form a committee to explore three questions: “1. To determine whether the Constitution of the Association should be amended to permit use of the Library by the public; 2. To determine whether a civil liberties question is involved for litigants who wish to represent themselves; and 3. To determine whether a taxpayer’s complaint or other legal implications could lie against the Association for barring the public.” It was the Board’s contention that all points had been considered and all controlling statutes researched and there was no issue in limiting access to the Library to the classes of membership outlined in the Constitution. By a vote of the members present, Mr. Bogin’s motion was not approved.

Requests for access to the Library continued from ministers, professors, police officers, and self-represented litigants. Each request aptly responded to by the Board in the same manner.

In 1975, Ohio House Bill 257 was introduced to require law libraries receiving funds pursuant to revised code sections to be open to the general public. In letters to legislators, the Board restated its contention that the Library was not designed for public use; that dues paying members might not have access to materials if the public would be allowed; and that there is a danger of costly damage to the materials by public patrons. Both this House Bill and House Bill 60 in 1979, with the same provisions, died in committee, but a laundry list of House and Senate Bills would continue.

For The Dayton Law Library, the issue of public use culminated early in 1979 in a lawsuit filed by Mr. Edward Ray Stacy in the Federal District Court against David Greer, as president of the Association. In his complaint, filed on behalf of himself and all others similarly situated, Mr. Stacy alleged that the restrictions against the use of the Law Library by the general public were in violation of First Amendment Rights. On June 28, 1979, the Court ordered that the action be dismissed on the basis that the Court lacked jurisdiction in the matter. A notice of appeal was filed by Bruce A. Campbell of the American Civil Liberties Union of Ohio. On February 4, 1981, the case was heard by the Sixth Circuit Court of Appeals in Cincinnati and on February 27, the Court upheld the Law Library’s position that denying general public access was not an equal protection violation.

By 1981, the Board’s concerns over a lack of uniform training for paralegals as a reason for denying access to the Law Library was challenged by the Director of the Paralegal Program at Sinclair Community College. The Board evaluated various criteria for establishing paralegal proficiency and accreditation,
as well as employment by an attorney or law firm, and by 1984, sponsored paralegals were permitted access to the Law Library.

In 1982 and 1983 the Ohio General Assembly again heard two bills requiring law library associations that received funds pursuant to state law to provide access to members of the general public. Trustee David Greer participated in a television interview with a representative of HALT: Help Abolish Legal Tyranny.

HALT was a strong proponent of public access to law libraries and had mounted successful campaigns for such in other states. HALT testified before a supportive Senate Judiciary Committee that, in a foreshadowing comment, mentioned that its members might attack the composition of law library boards as well as statutory funding if public access was not permitted.

In spite of a sizeable dues increase in 1984, the membership of the Association grew to 964 in 1985, with an additional 104 statutory users, 142 registered law students, and 23 registered paralegals. The number of users more than doubled its figure of 519 in 1967 when the law library opened in its new quarters with a 20-year growth projection.

Throughout the 1980s and 1990s numerous Ohio House and Senate bills were introduced to affect law library funding and public access, as well as a Court Reorganization Study and a Redistribution of Fine Monies Task Force. No proposal gained traction, yet in 1993, Board President Joseph Buchanan advised the Librarian to adopt a case-by-case approach to public access; erring on the side of goodwill.

In 1996, an opinion of the Ohio Attorney General concluded that “A county law library, whether or not it receives public funds, has no statutory duty to afford members of the general public free access to its facility.”

In 2001, the Law Library was first used as a classroom for the Capital University Extension Paralegal Program. In order to meet the requirements of the ABA, a certified paralegal program would need access to a law collection. Other paralegal programs followed suit with legal research classes regularly held in the Law Library.

In 2005, in response to a request to add another class of membership to the Association’s Constitution for retired members of the Bar, the informal practice of extending free use of the library on a courtesy basis to those requesting access was affirmed by the Board.

In April of 2008, the Association marked its 140th anniversary. In the Librarian’s Annual Report the membership was described as “altruistic professionals” and praised the trustees for their wise and forward-thinking leadership. The transition to a county agency was a year away and it would change both the membership and the board.

With the growth of electronic access to legal information on the Internet, by the time legislation was passed in 2008, mandating public access to county law libraries beginning January 1, 2010, such use at the Montgomery County Law Library was quite insignificant. Few public patrons visit the Law Library in Montgomery County, but those who do are provided with suitable assistance in using the materials and services of the facility.
The Business Operation of the Association

From its very beginning, as a body corporate, the Association would function in a business-like manner with precise record-keeping, and diligent oversight, pursuant to a constitution and by-laws.

**State of Ohio Charter Number 1164 [1868]**

*Said Corporation would be known as The Dayton Bar Association. Property of said corporation would be located at the City of Dayton, in the County of Montgomery and State of Ohio. The amount of Stock of said corporation shall be twelve thousand dollars and shall be divided into shares of fifty dollars each.*

Notice of the first meeting to be held on December 24, 1868 was published for ten days in two newspapers of general circulation in Dayton. The Association had procured stock subscriptions to the amount of three thousand dollars and at this first meeting of the stockholders a Board of Directors was elected; being D.A. Haynes, E.S. Young, J.A. McMahon, C.S. Vallandigham, J.A. Jordon, D.A. Houk, and T.O. Lowe. Daniel A. Haynes served as first Chair.

On March 22, 1869, the Minutes read: “Bylaws reported, engrossed, read and accepted.” In May, Secretary Oscar Gottschall directed to have 200 copies printed.

First, foremost, and always the issue of funding for the Association has been regularly addressed. Initially supported by only membership dues, legislation was passed in 1872 to provide an appropriation of fines and penalties from the police court to county law library associations and to require the Treasurer to submit an annual detailed statement to the county auditor of receipts and expenses.

Stockholders who became delinquent in the payment of the annual dues of $5.00, or an installment payment on the purchase of the $50.00 stock, suffered termination of membership and exclusion from the library. A list of delinquent members was submitted annually to the Board.

At the end of 1881, with the collection totaling 2,333 volumes, Board Chair Warren Munger appointed Mr. Quincy Corwin a committee of one to pursue the purchase of insurance for the Library. Adequate insurance coverage for the collection was a regular expense for the Board throughout their management years.

On the 25th anniversary of the Association, the annual income for 1893 totaled $247.00 in membership payments and $1,838.20 from the police court.

The membership dues delinquencies continued to rise, yet, by 1902 the funds received from the police court had significantly increased and the Board voted to send a letter to “heartily commend the Hon.
In his annual report to the Board in January, 1903, Librarian Daniel Iddings expounded on the importance of law enforcement and succinctly stated the undisputed truth about the financial support for the state’s law libraries. “Just so long, however, as we are dependent for our main revenue upon our receipts from Police Court, consisting of a part of the fines, etc., there collected in state cases, which the statute gives us, we are going to have our ‘ups and downs’ financially.”

This unpredictable nature of statutory revenue prompted each Board throughout the years to judiciously invest available balances in order to build a “reserve” amount. The first mention of such an effort was the purchase on January 14, 1907, of a “certificate of deposit of Third National Bank bearing 3% interest paid for by voucher check number 58 for $2,000.00.” For the next one hundred years, the investment decisions of the Directors created a strong financial foundation for the Association and a vital lifeline and safety net for the Library.

In his report to the Board in January, 1913, Mr. Iddings complained of reduced fine receipts due to “the lax or non-enforcement of the laws, especially those concerning the Sunday closing of the saloons.” However, he was optimistic that the library would soon benefit from a number of cases being prosecuted by the Anti-Saloon League.

The first mention of an audit by the State Bureau of Inspection and Supervision of Public Offices was in March, 1912, for the period of 1909 to January 1, 1912. Mr. Iddings summed up the report by referencing the language that “all official transactions were handled in detail and all receipts and expenditures properly accounted for.” Throughout the years, such “clean” audits were the hallmark of the proper and business-like management of the Law Library Association.

During World War I, revenue from fines diminished. “The war and army enlistment is offered as an excuse for the decrease of crime and consequent decrease in fines.” Also, it was determined by the Board that during military service, suspension of the payment of membership dues was proper.

Security of the Library being an issue, in 1925, the Board ordered all new keys to be made, as many of the old keys were in the hands of non-members. This problem resulted in a loss of books and presented the opportunity for the Library to be used for other purposes. Fire insurance coverage increased from $10,000.00 to $100,000.00, though still considered a conservative amount.

In 1925, the corporate name was formally changed from the Dayton Bar Association to the Dayton Law Library Association and new stock certificates were issued, though it had been popularly referred to as such since 1896.

In 1932, the Board approved of the Library’s temporary librarian John Dineen to be employed by the Bar Association as secretary and also that his research and preparation of briefs should not be construed as the practice of law.

During the Depression, Board Treasurer Roy Fitzgerald’s recommendation to cut all library expenses, including the salaries of the staff was approved. In 1933, $465.00 was transferred from the Library’s Third National Savings account in order to take advantage of a discount offered by the W.H. Anderson Company to pay the account in full. This may have been the first instance of the private funds of the Association supporting the public fund expenses.

In 1938, as another transfer was made of $1,200.00 from the savings account to the Library’s checking account, the Board voted to provide additional financial aid to the library by the increase of annual membership dues to $10.00 from $5.00.

The 1940 annual report of the Librarian reflects the statewide concern over the unwillingness of various county officials to comply with the recently enacted code provisions affecting funds disbursed to law libraries. These were the 1939 funding provisions drafted and advanced by Association Trustee Roy G. Fitzgerald. It was reaffirmed that the decision by the Board that “the funds from dues and stock
assessments deposited in the Third National Bank and Trust Company are being kept separate so that a reserve can be built up for local future emergencies if there is a change in the Code Sections whereby aid to the Library, such as been received during the last year, is withdrawn.”

As of January 1, 1942, there was a balance of $1,404.03 in the reserve fund “for such time, if it should arrive, when we do not receive sufficient income under the General Code to keep the library up-to-date.”

In 1943, the Dayton Bar Association replaced the City of Dayton in providing Legal Aid Services to indigent persons, as well as a Legal Reference Service. The Board agreed to permit Librarian Viola Allen, an attorney who also served as secretary to the Dayton Bar Association, to serve as a supervisor to a stenographer for this project paid for by the City of Dayton, provided that the County Commissioners would cut a doorway into the Librarian’s office from the hallway so as not to disrupt library activities.

The Library was 75-years old at the end of 1943. The volume count of the collection was 30,507. Membership totaled 176. Total Liquid Assets of the private reserve fund was $6,611.66. The Board determined that an amount not to exceed $5,000.00 would be invested in War Savings Bonds.

In 1944 the Board agreed to permit Librarian Viola Allen to prepare powers of attorney and simple wills as a free service to inductees under the War Activities Committee of the Dayton Bar Association. Mr. Fitzgerald reported that a check for $2.50 had been received covering the dues to April 1 for Robert B. Crew, a Library member who had entered the Navy. The Board unanimously voted to return his check and all dues be remitted so long as he remained in the service.

By 1949, the private, reserve monies totaled $16,805.58 and the Board voted to invest the funds in income bearing government bonds. Twenty $1,000.00 bonds were purchased in the name of The Dayton Law Library and a safe deposit box was secured at the Third National Bank and Trust Company for the safe keeping of the bonds and the use of the Library for whatever other valuable papers it might wish to place therein.

In 1953, Board Chairman Roy Fitzgerald appointed a committee to consider the matter of amending the Association’s constitution necessitated by reason of the exhaustion of the stock of the Association. “Under the present Corporation code, the stock of a Corporation ‘not for profit’ cannot be increased. Therefore, it is necessary to issue Membership Certificates.” A new Constitution was approved March 20, 1953.

In March of 1954, attorney James C. Baggott suggested that the Board consider the award of grants, perhaps $100.00 twice a year, “to lawyers who make the best contribution, by way of an essay, to the knowledge of lawyers.” The Board approved such a plan and determined that the grants would be awarded out of the “dues fund” of the Association. In October, a “first prize” of $100.00 was awarded to J. Paul Brenton for his thesis entitled, “Federal Judicial Authority in the Early National Period.” A second prize of $50.00 was awarded to Myton T. Murray for his thesis entitled, “The Right of Membership** Is it Constitutionally Protected?”

At the Board meeting of January 20, 1958, Paul Ziegler, Treasurer, presented his report indicating that the Association held assets in the amount of $31,316.30 in local Building & Savings Associations and $22,740.00 in Government Bonds. President Roy Fitzgerald reported that these funds had been accumulated over the past eighteen years from dues paid in order to have a fund to fall back upon if the funds provided by the Revised Code were not sufficient to maintain the Library. He stated that there were investments available that would bring a greater return than the current 3%. Mr. Baggott expressed his concern that the assets of the Association should not be “gambled with.” A nine-member committee was appointed to review the investment matter.
In April of 1958, Investment Committee Chair Harry P. Jeffrey sent a letter to the Board reporting that the Committee recommended that “35% of the funds be invested in convertible corporate obligations and/or common stock equities with a record of continuous dividend payments for a minimum period of twenty years.” The Board voted to follow the recommendation of the Committee. As advised by the firm of Merrill Lynch, Pierce, Fenner & Smith, the following securities were the first purchased by the Board:

- 50 Standard Oil of New Jersey at $52
- 35 American Telephone and Telegraph at $170
- 100 Dayton Power & Light at $45
- 10 DuPont De Nemours at $175
- $3,000.00 Phillips Petroleum 4 1/4 87 at $107
- 50 National Biscuit Company at $44

In January of 1960 the first report on the value of these investments was positive, with a gain of $2,739.33.

At a meeting on September 20, 1961, the stockholders of The Dayton Law Library Association voted to amend the Articles of Incorporation by striking out the purpose clause and inserting therein:

“This Association is formed for exclusively educational purposes within the meaning of Sec. 501(c)(3) of the Internal Revenue Act of 1954 and dedicates its assets irrevocably to an exempt purpose.” and “All outstanding shares of stock in said The Dayton Law Library Association are voided, canceled, and held for naught and henceforth only memberships will be available to such Association in compliance with the provisions of the Ohio Revised Code relative to non-profit corporations.”

The Board determined that the annual membership dues would remain at $10.00 and that the trustees of the Association would be vested with complete and full power with reference to investments.

As the Association began its 100th year in 1968, the Library had settled into its quarters on the fifth floor of the new Montgomery County Courts Building; the collection totaled over 55,000 volumes and the liquid assets of the private funds amounted to $131,532.83.

In 1970, President Irvin G. Bieser recommended an increase in surety bond coverage due to the change in the Association’s financial circumstances. A Commercial Blanket Bond in the amount of $50,000.00 was obtained covering the President, Vice President, Treasurer, Librarian, Bookkeeper, and Assistant Bookkeeper. By the end of the year, the bond coverage was increased to $100,000.00.

In 1975, it was decided to open a savings account for statutory funds received in order to generate interest and increase public monies available for the operation of the Law Library. Regarding the private funds available for investment, Trustee James Mulligan was authorized to contact Shearson Hayden Stone for recommendations and proceed therewith.

It was reported by Trustees Robert Corwin and Harold LeCrone that, following a study of the state’s “Sunshine Law,” it was determined that The Dayton Law Library Association was not subject to the provisions requiring business meetings in open sessions and President Russell Yeazel so advised a Dayton Daily News reporter who had inquired.

Trustee Robert Corwin was dauntless in his efforts to identify an investment advisor with interest in a small portfolio such as the Association’s. In 1976, the firm of Thomson & McKinnon Auchincloss Kohlmeyer, Inc. was engaged to provide professional management of the Association’s investments. Professional attention would be given to the investments; however, final approval of purchases and sales remained with the Board.
In 1979 a lawsuit was filed in the U.S. District Court, Southern District of Ohio, Western Division against Association President David Greer. The plaintiff, Edward Ray Stacy, alleged that the restrictions against the use of the Law Library by members of the general public were in violation of his First Amendment rights. The Board determined that, although the suit is against David Greer, it is in actuality a suit against the Association. The charges raised were against the policies of the Association and should be handled as such. The District Court ordered that the case be dismissed on the basis that the Court lacked jurisdiction in the matter. On February 4, 1981, the case was heard by the Sixth Circuit Court of Appeals in Cincinnati. On February 27, the Court upheld the Law Library’s position that denying general public access was not an equal protection violation.

At that time, Trustee William H. Seall drafted an amendment to the Association’s Constitution allowing for the indemnification of trustees, officers, employees, and agents. This provision became Article 9 of the Constitution.

The end of 1981 marked the first five years of professional investment counseling and during that time the value of the Association’s portfolio increased dramatically over the 1976 value. The increase in revenue generated by the investments provided a safety net for the Library’s financial condition; always uncertain as to the amount of income provided by statutory provisions.

In April, 1981, the Board contracted for a Lexis subscription, but the Association would have to offer a $10,000.00 cash deposit or a pledge of stock in order for a terminal to be installed. The cash deposit was returned in 1985, with interest.

In 1982, a resolution was adopted by the Board providing for the transfer of all securities to Thomson McKinnon to be converted to “street name,” thus easing considerably the management of the Association’s portfolio. In addition, the Board contracted with the accounting firm of Battelle & Battelle for an annual review of the financial records of the private funds of the Association.

By the early 1980s it became evident that the Library would be experiencing an extended downturn in revenue received pursuant to the Ohio Revised Code provisions. The Board met with local judges in an effort to determine the cause. Numerous subscription cancellations were made and, in 1983, the Board voted to increase membership dues for the first time since 1938. The annual dues were set at $25.00 for attorneys in practice from one to five years and $50.00 a year beginning with the sixth year of practice. A portion of the dues would be set aside in an Automation Fund to support upcoming needs as the Board approved the Librarian’s plans to initiate automated systems at the Law Library in 1984.

By the end of 1985, all financial records of activity in both the statutory fund and private fund of the Association had been converted to an automated system. The maintenance of insurance inventory records had likewise been converted and, by 1988, efforts were underway for an automated book catalog.

In 1985, the wisdom of the Board in maintaining adequate insurance coverage was evident when the roof of the courts building was under construction during a rainy November and saturated ceiling tiles collapsed into the Law Library damaging a portion of the collection valued at 2.7 million dollars. Again, during the summer of 2000, an insurance claim was made when 46,000 of the Library’s microfiche stored at the County’s Records Center were inadvertently shredded by their staff.

In October, 1987, a record drop in the stock market resulted in a 12% decrease in the value of the Association’s portfolio. The wisdom of the Board in maintaining a somewhat conservative investment ratio between debt instruments and equities obviated an extreme loss. Also, the Board agreed with Robert Corwin’s suggestion to administer the portfolio through a custodial account at a local bank.

In 1987, the Speaker of the Ohio House of Representatives named a twelve member Select Committee to Study Court Reorganization and during 1988 the Committee held a number of hearings dealing with
court funding and a restructuring that would affect county law libraries. The Board prepared a financial impact statement outlining the economic ramifications of court reorganization as it applies to county law libraries and mailed it to the Chair of the Ohio State Bar Association Law Libraries Committee. The plans for centralized budgeting and a merging of the state’s trial courts did not result in legislation, but this process was the most concerted effort that could affect funding and organization of law libraries to date.

At the end of 1988, the value of the Association’s portfolio exceeded $1 million. This milestone was reached through the attentiveness of a Board anxious to secure operating funds for the Law Library in the event that statutory provisions were insufficient. A portfolio of this size in value would generate available income, if needed. In April of 1990, and for many years thereafter, private funds were “loaned” to the Library’s statutory fund for operational support.

At the end of 1990, Robert Corwin recommended the replacement of the Association’s current investment advisors with the Cincinnati firm of Bahl & Gaynor. To this day, Bahl & Gaynor remains the Fund’s counselor, having managed an extraordinary growth. The investment philosophy of portfolio manager Vere Gaynor continues to be “to invest in stock for the long term and invest in companies whose dividends grow faster than the rate of inflation.”

In 1991, due to a downturn in statutory funds received, the Board engaged Cincinnati CPA Thomas Gilday to perform an analytic review of the courts in Montgomery County that disburse fines to the Law Library. Each court clerk was contacted regarding the arrival of Mr. Gilday and several employees appreciated his advice and instruction regarding the proper disbursement of fines pursuant to complex statutes. Several courts within the county had improperly disbursed fines and Mr. Gilday prepared letters describing the issues to both the Auditor of State and the Montgomery County Auditor. The state’s system of fine distribution is unusually complicated and, before uniform software and forms were provided to the courts by the county auditor’s office, Mr. Gilday’s services were used again. At the end of 1998, the Library received a check in the amount of $257,374.00 in misdirected fines identified by Mr. Gilday.

In 1994, after a few years of sizeable “loans” of private funds to the Library’s statutory fund, it was recommended by Battelle & Battelle that the Board carry the loans for only two years and then consider them as permanent grants to the Library. The Board agreed as it appeared that the loans could become a regular practice. In 1998, when the Library received the check for misdirected fines identified by Mr. Gilday, loans made in 1997 and 1998 in the amount of $240,000.00 were repaid from the Library’s statutory funds.

From 1991 through 2007, a total of $1,618,000.00 in private funds had been loaned to the Library’s statutory fund. Of that amount, $1,118,000.00 was written off, according to Association policy, and $500,000.00 was repaid from the Library’s statutory funds.

In 2003, the Board filed a lawsuit against the Clerk of Courts for Kettering Municipal Court. An innocent victim of a dispute between Montgomery County and the Kettering Clerk’s Office, the Law Library had not been receiving the full amount of fine monies from Kettering for a period of two years. A petition for a Writ of Mandamus was filed by The Dayton Law Library Association in the Court of Appeals for the Second District of Ohio requesting that the Kettering Municipal Court disburse to the Montgomery County Auditor all fine monies collected that are required to be distributed to the Law Library; and not be held as a partial reimbursement of specific court costs from Montgomery County. Association Treasurer Janet Cooper represented the Board in this action. Cincinnati accountant Tom Gilday was once again engaged to provide a signed affidavit certifying the means by which fine monies should be collected in the courts and then disbursed to the County Auditor for the benefit of county law libraries.

In August, 2005 the Second District Court of Appeals granted the Law Library’s request for a Writ of Mandamus in its case of The Dayton Law Library Association v. Andrea White. It was appealed by the Kettering Municipal Court Clerk to the Ohio Supreme Court and in September, 2006, the Court of Appeals ruling was upheld. The amount of $173,228.07 was received as payment for Kettering fines withheld from January, 2002 through August, 2005, as well as $8,837.00 in post-judgment interest.
In 2004, the Board voted to increase annual membership dues to the rates of $50.00 for attorneys during their first five years of practice and $75.00 beginning with the sixth year. It had been twenty years since the last dues increase and Board President William A. Rogers, Jr. personally prepared letters to the managing partners of larger firms encouraging them to pay dues for all their attorneys, as the Library relies on the support of the local Bar in order to provide a first rate reference facility. His letter echoed the sentiment of Judge John Kreitzer eighty years before.

In 2005, Ohio HB 66 was enacted to require the reimbursement to the County of salaries and rent paid for the Law Library operation and so began the legislative process of transitioning the public/private association into a county agency to be administered by a County Law Library Board beginning January 1, 2010.

Begun with a provision contained in the State’s sizeable Budget Bill in 2005, the transition of the management of county law libraries from private associations to county agencies was concluded at the end of 2009. By January 1, 2010, the Association was required to transfer to a newly-appointed county board all remaining statutory funds and any and all books and property identified as being purchased with public monies. 140 years of the well-balanced public/private partnership came to an end as the business of managing the Law Library was transferred to county hands.
Notable Builders

DANIEL W. IDDINGS
Law Librarian 1899 - 1920

Daniel Iddings was enthusiastic over all things law-related and was poised to become an “organization man” at the age of 19, when he was appointed Secretary of the Board and Law Librarian in January of 1899. By January of 1900, he had improved the Association’s method of collecting annual dues by mailing printed postals requesting payment rather than making annual collection calls at local law offices. In addition, he reduced the number of hours the Library was open on Saturdays to 1:30 to 3:00 P.M. and he hung a picture of his grandfather, Daniel Wilkinson Iddings, Sr. on the wall of the Law Library.

A volume of the decisions of all the local judges was compiled by Daniel Iddings in 1900 and is known as 1 Iddings’ Term Reports Digested.

Ever vigilant over the funding for the Law Library, Daniel reported that 1901 had been the most prosperous in the 32 years of the organization.

“With Edward T. Snediker as Police Judge and Charles H. Ulrich as Clerk our statutory revenue from Police Court has surpassed all previous administrations thereof. Their wise, fair, fearless and business-like methods of dispensing justice and their unremitting policy of collecting fines when imposed have not only gone a long way towards the extermination of crime in the city, thereby meriting the approbation of citizen and taxpayer, but at the same time by such policy they have done much for the law library by the largely increased income we have thus been enabled to enjoy.”

1902 was also a record year for new members; among them, future Board President Roy Fitzgerald. At Mr. Iddings’ request, electric lights were installed in the Law Library as well as awnings on the windows of the “new” courthouse.

In 1905 Mr. Iddings completed the Library’s collection of the statutes of all 45 states and their session laws and the Oklahoma Territory, as well as a complete English reports library. In an effort to please the younger lawyers using the library, he asked that the Board reconsider their “no text book policy” and “from time to time [purchase] a few of the very best and most exhaustive text-books.” On motion by Mr. Gottschall, the trustees authorized the purchase of text-books. So began the Law Library’s treatise collection.

In 1906, Daniel Iddings represented the Dayton Law Library at the first annual meeting of the American Association of Law Libraries that was held at Narragansett, Rhode Island in July. He was impressed with the “card indexes” that so many of the law libraries utilized and spent a portion of his next annual report encouraging the Board to create such a catalog as a new “millennium” project.

In January of 1910, Daniel Iddings presented to the board a “very able and elaborate report” that was distributed among the membership. It contained the first written history of the Dayton Law Library Association and a list of the improvements to the Library during his ten years as Librarian as well as
suggestions for the future. Legislation for the improvement of funding the Law Libraries and efforts to acquire more space for the collection were his primary concerns.

“I am heartily in favor of a fourth story for the present New Court House---‘new’ only as distinguished from the ‘very old.’” A few years later he stated that an annex would be sufficient to provide ample accommodations for the Law Library.

In 1912, Mr. Iddings had the distinguished honor of selecting appropriate titles for the Edmund Stafford Young Library, a collection of books devoted to the ethical, classical, historical, and literary side of the law. A gift of $500.00 had been presented to the Law Library by brothers George R. and William H. Young in memory of their father, one of the Association’s founders and a steadfast supporter of the Library. Such an endowment for a special collection was the first of its kind.

The first examination by the State Auditor’s Office in 1912 reported that Mr. Iddings maintained the records and books of the Law Library in a neat and systematic manner and that all official transactions were easily traced. The tradition of a favorable and “clean” audit was a hallmark of the Law Library Association’s business operations through 2009; the end of the management by a Board of Trustees.

Admitted to the Bar in 1905, it was not until 1915 that Mr. Iddings requested approval from the Board the privilege of practicing law while remaining employed as Law Librarian. Such approval was granted. He stated that “I am loathe to, in fact cannot abruptly, sever my connection with this institution, to which I have already given at least a third of my active life.” He served as Librarian for five more years and remained, in his words, “an attorney in search of a practice.”

When the United States District Court for the Southern District of Ohio opened in the new Post Office and Federal Courthouse in 1915, Mr. Iddings recommended that the Library purchase extra sets of Ohio legal materials and text-books on federal practice for the Federal Library, as the United States government would supply only a meager law library of federal materials. He recommended a system of loaning the books to the Court which began the Library’s practice of providing books to all municipal and county courts in Montgomery County on “continuous loan.”

In 1916, Mr. Iddings was appointed the Ohio member of the Special Committee on Reports and Digests of the American Bar Association, charged with determining requirements for official reports and citations. He reported to the Library Board that “The agitation of this Special Committee of the American Bar Association is also for briefer and fewer published opinions and a uniform index system of all statutes, reports and other law books.”

For Daniel Iddings, his best years as an attorney and “organization man” were ahead of him when, in January of 1920, he refused re-election as Law Librarian and began his term as President of the Ohio State Bar Association. He left the position with a collection of over 17,000 books; having begun in 1899 with only 5,640. The Library had increased in space and membership and the Association enjoyed a warm and respected reputation in the legal community.

“My heart and soul will always be for the continued success of the Dayton Law Library. How could it be otherwise when one-third of my life has been devoted to it?”

The Board unanimously voted Daniel Iddings as Librarian Emeritus to act in an advisory capacity to the librarian and to the Board of Trustees, and sit as a member thereof. Which he did until his passing in 1934.
THE BUILDING

Notable Builders

HON. ROY G. FITZGERALD

On April 4, 1962, “At a very gracious and simple ceremony,” Judge Robert Martin of the Common Pleas Court called attention to the long and valued service of over 60 years given by Mr. Fitzgerald to the Law Library Association. Joseph Colvin presented a bronze plate which he then affixed to the reading room door. It reads:

THE FITZGERALD ROOM
Dedicated to Hon. Roy G. Fitzgerald
1962

His membership in the Law Library Association was transferred to him by his close friend John M. Sprigg on January 6, 1902. On January 12, 1920, he was elected an Association Trustee. He served as president of the Board from January 14, 1944, until his death in November, 1962. Because of his intellectual skills and deep sense of service his every commission or undertaking throughout his life was made better.

During World War I he was a captain of infantry serving in France and commissioned lieutenant colonel of Infantry, United States Army Reserve Corps in 1928. The Hon. Roy G. Fitzgerald served as a member of the U.S. House of Representatives from Ohio’s 3rd district from 1921 – 1931.

In 1921, Roy Fitzgerald’s first service to the Law Library Association was as an appointed advisor to new Librarian John Roehm, along with Trustees Oren B. Brown and Edwin P. Matthews.

On May 22, 1924, a letter from Congressman Fitzgerald was received by Trustee Harry L. Munger. In the text, Congressman Fitzgerald provided to the Dayton Law Library Association the following useful information from the Librarian of Congress as to the preservation of books:

“use a combination of two parts castor oil to one part paraffin wax (by weight) which may be melted in an earthen jar and rubbed into bindings, especially at the hinges.”

In 1925, he was appointed chairman of the House Committee on the Revision of Laws of the United States, authoring a cumulative codification system for statutory laws, easing forever research in the United States Code.

Elected as Treasurer of the Association in February of 1933, during the Great Depression, the Board appointed along with him, Carroll Sprigg, and Daniel Iddings to draft legislation and to use their best efforts to have same passed proposing some means of providing ample revenue for the maintenance of the Library. By May of that year, Fitzgerald recommended that immediate steps be taken to cancel as many contracts, subscriptions and standing orders for publications received by the Library as possible and that a letter be written to all creditors advising them of the financial situation of the Library.

In January of 1934, John Dineen and Roy Fitzgerald were appointed to draft a new constitution for the Association, which was adopted in 1935.
In 1936, Roy Fitzgerald was appointed by the Ohio State Bar Association Executive Committee to Chair a Law Library Committee to advance new legislation to financially benefit law library associations statewide. After addressing concerns voiced from around the state that, under the proposed legislation, law library associations could receive more funds than would be necessary to maintain their operations, the legislation passed in 1939. Roy Fitzgerald’s well-structured, statutory provisions allowing for a portion of fines to be disbursed to law libraries remains in effect today. Throughout his years on the Board he continued to monitor the statewide agitation created by the new code sections providing for law libraries and advised the Association Board to maintain a surplus fund because at any time legislation could be introduced to modify these provisions.

During World War II he voted to suspend membership dues for attorneys serving in the military and open the library for lawyers stationed in the area.

In January of 1944, Roy Fitzgerald was elected President of the Association and it was at that time that legislation had been introduced to reduce funds for law libraries. From his position as President of the Dayton Law Library Association, and Chair of the Ohio State Bar Association Law Libraries Committee, Roy was well suited to communicate with county administrators throughout the state and report that several county law libraries had returned unused funds to the courts, thereby soothing the concerns and pivoting the state legislature away from any amendments.

In June of 1961, Roy Fitzgerald, Hugh Wall, and Walter Reese were “squiring” the Internal Revenue Service Exemption matter, as it was nearing its conclusion in September. Securing non-profit status for the Association was his last accomplishment for the Law Library, though his ideas for the plans for the library facility in the future Courts Building were carried forward by librarian Louise Prinz. He served on the Library Board through the tenure of five law librarians and Louise may have been his favorite.

Roy Fitzgerald served on Dayton’s Law Library Board for 42 years, navigating the local Association through the choppy waters of the Depression and World War II and after. For county law libraries throughout the state, he provided a statutory funding mechanism that has lasted nearly eighty years. No stronger advocate for the value of a county law library, both Roy Fitzgerald’s portrait and plaque are fixtures of the Library’s Trustees’ Room and Judicial Study.
THE BUILDING

Notable Builders

ROBERT K. CORWIN

Robert Corwin, serving as Library Trustee from 1968 to 1995, President from 1973 to 1975, and for most of his 27 years on the Board as an investment committee of one, clearly was the face of the growth and financial stability of the Association.

Mr. Corwin was elected to the Board in January of 1968, replacing Joseph H. Colvin. This one hundredth year of the Association was pivotal in that it was the first full year of the Law Library in the new Courts Building with its attendant adjustments and the retirement and passing of Librarian Emerita Louise Prinz, possibly the most creative Librarian in the history of the Association.

Also in 1968, a not so subtle interpretation by the Ohio Attorney General of a Revised Code section providing funds for county law library associations had a detrimental effect on disbursed funds and prompted a Mandamus action that was favorably decided by the Ninth Circuit Court of Appeals. The Board took note of how quickly statutory funding could be directed away from law libraries and affirmed the need for the growth of a “reserve” fund of private monies.

A descendant of early Board treasurer Quincy Corwin, Bob remained adamant that clear and accurate records of the Association’s finances were maintained by the Librarian and staff and that the Board remain resolute in the growth of investment income as a way to buffer the Library during times of insufficient statutory revenue. For each Board meeting an investment chart was meticulously prepared indicating the present investments of the Association and carefully examined for possible adjustments, with each purchase of securities or stock voted on by the Board.

In 1976, Mr. Corwin took the lead in contacting several companies offering investment advisory services. He had received responses from some that the Law Library’s portfolio was too small to be of any interest to them; however, the firm known at that time as Thomson & McKinnon Auchincloss Kohlmeier, Inc. agreed to provide the professional services. Mr. Corwin raised a concern with the Board that they could be criticized for not having professional management of the portfolio. The members unanimously voted to enter into an agreement with Thomson & McKinnon for the purpose of professional investment counseling and appointed Mr. Corwin as liaison to inform the advisors that the investment objectives of the Board are income and appreciation.

An investment committee of three was formed with Robert Corwin, Robert N. Farquhar and James J. Mulligan. The committee had the authority to adopt or reject whatever recommendations would be forthcoming from Thomson & McKinnon regarding the management of the Association's investments. The committee’s initial suggested change was to rescind the Association’s previously stated investment ratio of 65% in stocks and 35% in debt instruments and cash to a more conservative ratio of 60% and 40%.

In order to evaluate the performance of the investment advisory service, Mr. Corwin requested that Thomson & McKinnon provide the Board with a regular comparison of the Association’s portfolio against an index such as Standard & Poor’s or Dow Jones. By the end of the first year of professional management of the portfolio, the value had increased significantly while Standard & Poor’s reported a 12% loss. Such professional management of the investments was clearly warranted and continues to this day.
In September of 1979, the value of the equities in the Association’s portfolio had increased by 37% over the initial investment cost. No doubt that the excellent investment counseling and management by Thomson & McKinnon had been beneficial. In December of 1980 the Board re-examined the 60:40 authorized ratio for equities and debt instruments and approved a new policy that stated “that in no instance shall equity or debt be less than 25%.” At that time all decisions on specific investments continued to require the approval of the investment committee.

In January of 1982, Mr. Corwin recommended that the Board authorize the investments of the Association to be converted to a “street name” account in order to eliminate the time necessary for transactions. The Thomson McKinnon firm would collect income for the Association and maintain the records in a normal brokerage manner. The Board members agreed unanimously as the firm was bonded and the size of the portfolio and earnings had increased significantly.

In 1983, it was reported that the Association’s portfolio had increased 38% in value from October, 1976, when professional management began. Mr. Corwin attributed the continued favorable performance to the wise choices made on the Association’s behalf by Thomson McKinnon Securities, Inc. and to the fact that the Association reinvests the interest earned. It was the consensus of the Board that the attention and professionalism given to the Association’s account was a direct result of the regular communication between Mr. Corwin and Thomson McKinnon. Mr. Corwin advocated continuing the practice of providing for investment any excess funds in the Association’s checking account and allowing the income to accumulate.

In 1985, Mr. Corwin recommended that the Board consider converting the Association’s non-discretionary account to a discretionary account, authorizing Thompson McKinnon to exercise discretion over the fluctuation of the ratio between debt and equity instruments; following the guideline that neither fall below 25%. Such a step would also realize a substantial saving in the fee charged and transactions would be expedited. The Board wholeheartedly supported Mr. Corwin’s recommendation.

In January of 1987, the intuitive Mr. Corwin met with the investment advisors and requested a return to a more conservative direction and the 60:40 equity/debt ratio. The soundness of his wise decision was evident that October when the stock market experienced a record drop. Extreme loss was avoided and the value of the portfolio remained sound and rebounded quickly.

In 1990, following the retirement of the Association’s portfolio manager, Mr. Corwin was authorized to select a new advisory firm and negotiate a fee structure. Mr. Corwin’s selection was the firm of Bahl & Gaynor of Cincinnati with the portfolio manager being Mr. Vere Gaynor.

By January of 1991, Mr. Gaynor had made a few changes in the Association’s holdings in order to bring the portfolio in line with his philosophy of investing in companies that pay dividends and quality stocks for the long term. Oft repeated throughout the years, this philosophy has served the Association well and has grown assets six times over for the future Foundation to manage.

In 1993, it was Mr. Corwin’s efforts on behalf of the Association that encouraged the widow of a long time board member to remember the Law Library in her will. Hugh H. Altick served as a trustee from 1953 to 1974 and, in his memory, the bequest of Dorothy Altick provided for several improvements to the Law Library and the main reading room was renamed in his honor.

Mr. Corwin retired from the Library Board in 1995. Always deeply concerned over the uncertainty of the Library’s statutorily provided revenue, his decisions in securing a sound financial footing for the private funds of the Association may have been the most consequential. Since 1991, over one million dollars from the private fund has been provided to the Law Library in order to maintain its quality of operation.

Robert K. Corwin will always be remembered for his indefatigable and distinguished service to the Law Library.
Notable Builders

David C. Greer

Already a notable lawyer in Dayton at his young age, David Greer was appointed to the Dayton Law Library Association Board in 1973, as a replacement for his law partner Irvin G. Bieser, Sr.

The most apt description of his service would be as benevolent shepherd and insightful advisor. David Greer’s perfect balance of instinct and intellect guided the Association through many twists and turns during his thirty-five years on the Law Library’s board and eight years providing guidance to its successor organization.

At his first Annual Meeting of the Membership in January of 1974, he served as Chair in the absence of the president and addressed an oft-repeated concern of several vociferous members regarding access to the Law Library by the public. He recounted for the members that the law and all controlling statutes had been examined and researched and that there was no violation of civil liberties in denying access to the public to a law library supported by private funds and a portion of collected traffic fines.

His remarks were a deep foreshadowing of what was ahead. In 1975, the U.S. Supreme Court decided Faretta v. California guaranteeing that a defendant in a state criminal trial has a constitutional right to self-representation. The question of law library service to pro se patrons loomed large.

In 1979, a lawsuit was filed in the Federal District Court against David, as now president of the Association, by Mr. Edward Ray Stacy. Mr. Stacy alleged that the restrictions against the use of the Law Library by the general public were in violation of First Amendment Rights. Ultimately, the case of Stacy v. Greer was heard by the Sixth Circuit Court of Appeals in Cincinnati on February 4, 1981, and shortly thereafter, on February 27, the Court upheld the Law Library’s position.

In 1983, David participated in a television interview with a representative of HALT (Help Abolish Legal Tyranny). HALT was a strong proponent of public access to law libraries and its efforts had been successful in several states and also had a sympathetic ear in the Ohio General Assembly. Dave repeated the contention of the Board that a law library serving the research needs of attorneys is, in turn, serving the representation needs of the citizens. However glamorous self-represented litigants may seem in a post-Faretta world, the procedural requirements of the justice system can be complicated and are best managed by a licensed attorney. The Board remained resolute.

David served as President from 1978 to 1981 and then remained the senior member of the Board after 1995, lending his advice and counsel regarding all financial and library operations of the Association, until the transition of 2010. During the years of declining revenue from traffic fine disbursements it was David’s voice that reminded the other Board members of the Association’s obligation to support the Law Library with the Association’s private funds rather than make draconian cuts to such a quality research collection. His glib remarks diffused many a tense situation and he was a generous leader when it came to library personnel matters.

In preparation for the 2010 statewide transition of the management of law library associations to county agencies, David, Gordon Arnold, and Rick Carlile began to draft the beginnings of a successor organization with the purpose of encouraging and supporting law-related initiatives for the betterment of the profession and the furthering of legal understanding. In 2009, it was suggested by David that the
Dayton Law Library Association be renamed The Dayton Legal Heritage Foundation, reflecting its new purpose and the fact that it no longer managed the Law Library. The Board agreed.

Both the Ohio Attorney General and the Auditor of State ruled that, after the library management transition, the private funds of the law library associations would remain the assets of the association boards. Therefore the new Foundation was in a position to manage its financial assets and provide support to several law-related entities. Operating a public foundation, The Directors of the Dayton Legal Heritage Foundation awarded numerous grants to worthy applicants, but always putting the needs of the Montgomery County Law Library first.

In 2015, it was suggested by David that the Foundation Board consider a merger with the Dayton Bar Foundation, as the two local entities generally supported the same types of organizations. Board president Gordon Arnold appointed a committee of three; David, Director Rick Carlile and himself to pursue the merger option and draft a proposal.

Both David and Gordon Arnold met with members of the Board of the Dayton Bar Foundation and made repeated efforts to negotiate a sound agreement for the benefit of both organizations. As liaison with the Dayton Bar Foundation board, Dave presented a proposal that the two entities merge and form a combined donor-directed fund to be administered by The Dayton Foundation.

Despite Dave's letters and negotiations, agreement on a jointly formed fund could not be reached and he then focused his efforts on structuring an agreement with The Dayton Foundation and the creation of an advisory committee with classified terms of service for the soon to be Dayton Legal Heritage Foundation Fund at The Dayton Foundation.

Negotiations by Gordon Arnold and David Greer and Bylaws drafted by Rick Carlile evolved into a secure home for the funds of the Foundation so painstakingly invested by the Law Library’s trustees since 1907. Like Daniel Iddings before him, David Greer has enthusiastically “supported all things legal” and both the Law Library and its successor continue to benefit greatly.
THE TRANSITION

“The Transition” began with a proposal inserted into the State’s Biennial Budget Bill introduced in 2005. House Bill 66 amended the existing statutory provisions wherein each county provided space for the law libraries and paid for the compensation of the librarian and up to two assistants from the general fund. In exchange for such, free access to the law library and services was provided to all judges, government attorneys and officials throughout the county. House Bill 66 proposed to shift the costs incrementally to the county law library associations. Additional detail for such a shift was provided in follow-up legislation in 2006, as House Bill 363. Further guidelines were provided by OAG Opinion 2007-12 and Auditor of State Bulletin 2007-13.

House Bill 66 created a Task Force on Law Libraries charged with reviewing the structure, governance and operation of the State’s county law libraries. The members of the Task Force were appointed by:

- The Speaker of the House;
- The Minority Leader of the House;
- The President of the Senate;
- The Minority Leader of the Senate;
- 3 appointees by the Ohio Judicial Conference (2 judges and 1 librarian);
- 3 appointees by the County Commissioners’ Assoc. (2 attorneys and 1 librarian);
- 1 appointment by the Ohio State Bar Association.

After 15 months of meetings, the Task Force submitted its Final Report. A dramatic change in the operation of county law libraries was recommended, but no changes were recommended to the statutory funding provisions that were first proposed by Dayton’s Roy Fitzgerald and enacted in 1939.

The Task Force was reconstituted and under the leadership of the Hon. Charles Schneider of the Franklin County Common Pleas Court, along with John Leutz, Senior Policy Analyst of the County Commissioners’ Association of Ohio, William Weissenberg of the Ohio State Bar Association, and lobbyist Victor Hipsley, the ultimate compromise legislation re-forming the private law library associations into county entities was enacted as House Bill 420 and signed by the governor on December 31, 2008.

HB 420 required that, as of January 1, 2010, all statutorily provided funds were to be deposited into the county treasury in a special law library resources fund. Each county would have a county law library resources board to administer the funds to “provide legal research, reference, and library services to the county and to the municipal corporations, townships, and courts within the county and manage the coordination, acquisition, and utilization of legal resources.” In addition the board could adopt rules for mandated public access and hours of operation of the law library.

The existing boards of the law library associations were set aside as managers of the libraries, but were permitted to continue in existence for the purpose of collecting, retaining and distributing private funds to the county law library board for operation of the Law Library.

The Montgomery County Law Library Resources Board

On June 30, 2009, by resolution number 09-1069, the Board of Commissioners of Montgomery County authorized the appointment of the initial members of the Montgomery County Law Library Resources Board effective July 1, 2009. Pursuant to statute, the appointments were made by the presiding judge of the court of common pleas, the administrative or presiding judges of all municipal and county courts within the county, the Montgomery County Prosecutor, and two appointments by the Board of County Commissioners. For a period of eighteen months, until the end of 2010, two members of the former library association were appointed to serve in an advisory capacity to the county library board.

The Board first met on July 13, 2009, with the following members: Michael Brigner, John Cumming, James Drubert, Merle Wilberding, David Williamson, and Gordon Arnold and Janet Cooper as advisors...
from the Dayton Law Library Association Board. Court Administrator James Drubert served as the Board’s first Chair. Uppermost on the Board’s agenda was the process that would take place for the transfer of unspent public funds to the county treasury from the Association’s checking account as well as the property transfer of all books and equipment purchased from public funds. Pursuant to statute, such transfers would have to take place before January 1, 2010.

Because the library staff remained the same, with those on the Association’s payroll transferred to the county payroll, there was no visible change of the management to the library’s patrons. The only operational change was that public access to the library had been mandated by statute as well as the requirement that all county offices would have to request permission from the law librarian before purchasing legal resources. The Auditor of State reported that the onus to comply with such requests to coordinate purchases would be on the county offices and not on the law librarian or board.

Throughout the next several years, the members of the Law Library Resources Board learned to tread the waters of library management and the library staff learned to function as a county entity and accept the mechanics of public administration.

In order to satisfy the requirement that the library board provide legal research services to courts and government offices countywide, a unique LexisNexis for Local Officials account was secured by the board in order to provide remote access to all Ohio laws and resources. The cost of the special account has been borne by the Law Library and replaces the long time practice of providing books on continuous loan to these offices.

Subscriber fees for attorneys were reinstated at an annual rate of $50.00 as an added revenue stream for the Law Library. Subscriber privileges include the circulation of books and journals, the electronic dissemination of materials, use of conference rooms at no charge, and remote access via the Library’s web site to selected online products.

Always a looming issue for the county law library board has been the cost of maintaining the Law Library during an era of declining revenue. There had been only slight changes to the funding statutes providing support for county law libraries when the transition act was passed; therefore, the unpredictable nature of funding remained unchanged. With the private assets remaining with the former law library association board, a new entity to manage those funds was formed. The Dayton Legal Heritage Foundation, a public foundation, to support legal and law-related initiatives throughout the county met regularly and generously provided additional financial support for the Law Library. In Montgomery County the longtime and well-honed public/private arrangement for support of the law library had not been eliminated.

In 2016, the Foundation generously supported a library remodeling project to reduce the number of the 96-inch tall book ranges in place since 1967 and replace a number of them with low, counter-top shelving units and increase the soft seating areas with contemporary furniture. Again, the Law Library reflected the change in the research habits of patrons and visitors with a leaner, trimmer look.

The current members of the Montgomery County Law Library Resources Board; Gary Crim, Timothy Kambitsch, Mary Montgomery, Merle Wilberding, and, as Chair, David Williamson are well poised as
committed and impartial leaders to address the intricacies of managing the service needs of a varied user group as well as the shifting nature of information technology.

The Dayton Legal Heritage Foundation

Unlike most of the state’s law library associations, when the Transition was mandated the board in Dayton had the enviable task of determining the most effective manner of protecting financial assets so long preserved and grown by one hundred forty years of steadfast trustees.

In February of 2008, while the existence of county law library associations was facing stiff criticism in Columbus, the membership voted to amend the Articles of Incorporation related to the distribution of assets on dissolution. Then in June, as recommended by Trustee Richard Carlile, the membership voted to restate the Articles in order to bring them up to date into the current IRS approved format. Mr. Carlile drafted and filed the required documents.

In December of 2009, the Board voted to reduce the annual membership dues to $10.00 as a reflection of the fact that the Association’s mandate to acquire and hold a law library had been eliminated by the transition act. A letter to the membership was then prepared by Board President Gordon Arnold outlining the future mission of the Association.

By January 1, 2010, all public funds remaining in the Association’s account were transferred to the county treasury and all books and equipment that could be identified as purchased with public funds were transferred to county ownership. In April, the Association’s membership voted to amend the Articles of Incorporation to change the name to The Dayton Legal Heritage Foundation.

Since 1984, all costs involved with the automation of various processes throughout the library, as well as the computers available to both staff and patrons, had been paid from the private funds of the Association. The Board voted to donate to the county board all the equipment purchased and materials created that had been purchased and supported by the Association’s funds.

Operating as a public foundation, donations were regularly made to the Montgomery County Law Library Resources Board by the Foundation in appreciation of the efforts made to maintain a law library for the use of the practicing bar. Donations have also been made to the Greater Dayton Volunteer Lawyer Project, The Carl D. Kessler Memorial Scholarship Fund at the University of Dayton School of Law, Legal Aid of Western Ohio, Dayton Area Dialog on Race Relations, and other initiatives.

Through 2014, the Foundation, as the former Dayton Law Library Association, had received public monies through 2009 pursuant to the Ohio Revised Code provisions as its main source of revenue. It easily met the IRS, five-year public support test. However, effective January 1, 2015, the Foundation would be required to file the IRS form 990-PF as a private foundation. As a private foundation, there would be a tax on investment income and an IRS requirement to annually distribute 5% of total assets.

In November of 2014, the Board began consideration of the option of creating a Dayton Legal Heritage Foundation fund within a larger organization such as The Dayton Bar Foundation or The Dayton Foundation. In preparation for such a change, in November of 2015, a special meeting of the membership was called to amend the Foundation’s Code of Regulations to eliminate memberships and to redefine the qualifications for service on the Board of Directors.

In July, 2016, the Directors voted to establish a donor-advised fund of The Dayton Foundation. The Agreement Creating a Committee Advised Fund of The Dayton Foundation was signed by Board President Gordon Arnold and all intangible assets were transferred as of December 1, 2016. Richard Carlile drafted the Plan of Dissolution and Complete Liquidation of The Dayton Legal Heritage Foundation, which was adopted by the Board and effectuated by filing with the Secretary of State. A Deed of Gift, giving all books and physical assets remaining the property of the Foundation and located in the Law Library to the Montgomery County Law Library Resources Board, was approved. These final steps effectively concluded the connection of the Law Library with a succession of managing trustees dating back 150 years.
The advisory committee of The Dayton Legal Heritage Foundation Fund was elected as follows:

- Gordon D. Arnold;
- David C. Greer;
- William A. Rogers, Jr.;
- Richard F. Carlile;
- Janet K. Cooper;
- Michael J. Millonig;
- The Hon. Jeffrey E. Froelich;
- Dianne F. Marx; and
- Walter Reynolds.

This committee continues to serve the purpose of providing financial support for local initiatives for the furtherance of justice and the betterment of the Bar. Grants were generously awarded to the Montgomery County Law Library both in 2017 and 2018 and the committee unanimously voted to sponsor the event commemorating the 150th anniversary of the Law Library.

The Association was indeed established by altruistic professionals; built up through collaboration with the courts; and sustained under the wise leadership of forward-thinking trustees. It is more than portraits hanging on walls or memories of relocating dusty law books. The success of the Association is a sterling example of directors with integrity, a sense of service, and unparalleled business acumen. It became a part of Dayton's history that always should be preserved.
LIST OF TRUSTEES OF THE LAW LIBRARY AND THEIR YEARS OF SERVICE

“Trustees perhaps have more right than librarians do to call it their library, since they stand in place of the library’s owners – the membership or the public.”
– Charles R. Dyer, Librarian (Retired) San Diego County Law Library

Daniel A. Haynes ....................... (1868-1872)
John A. McMahon (1868-1872 & 1882-1923)
C. L. Vallandigham ...................... (1868-1872)
David A. Houk .......................... (1868-1872)
Thomas O. Lowe ......................... (1868-1869)
Edmund S. Young ....................... (1868-1869)
J. A. Jordan ................................ (1868-1872)
Lewis B. Gunckel ......................... (1870-1872)
Warren Munger, Jr. ...................... (1870 & 1873-1894)
G. V. Nauerth ............................ (1870-1872)
Samuel B. Smith ........................ (1873-1877)
Elihu Thompson .......................... (1873-1881)
Quincy Corwin ............................ (1873-1887)
John A. Shauk ............................ (1873-1884)
Sumner T. Smith ........................ (1873-1879)
J. J. Belville .............................. (1873-1877)
Ambrose A. Winters ...................... (1878-1895)
Oscar M. Gottschall ..................... (1878-1916)
C. N. Vallandigham ..................... (1880)
John M. Sprigg ........................... (1881-1907)
George R. Young ......................... (1885-1916)
Edward L. Rowe .......................... (1895-1905)
William Craighead ........................ (1895-1905)
Sylvester H. Carr ........................ (1895-1905)
Thomas B. Herrman ...................... (1905-1925)
John W. Kreitzer ........................ (1906-1919 & 1927-1937)
Edwin P. Matthews ........................ (1908-1943)
Edward T. Snediker ...................... (1912)
Oren Britt Brown ........................ (1913-1932)
Robert R. Nevin ........................ (1916-1932)
Earl H. Turner ........................... (1916-1928)
Roy G. Fitzgerald ....................... (1920-1963)
Harry L. Munger ........................ (1923-1953)
Charles A. Craighead ................... (1925-1926)
John Dineen .............................. (1928-1937)

George R. Murray ........................ (1933-1953)
Carroll Sprigg ........................... (1933-1944)
Rowland H. McKee ....................... (1938-1949)
Byron Murr ............................... (1938-1956)
Wellmore B. Turner ...................... (1944-1950)
Alfred Swift Frank, Sr. .................... (1944-1956)
Francis Dean Schnacke .................. (1949-1954)
William F. Hyers ........................ (1950-1961)
Hugh H. Altick ........................... (1953-1974)
James C. Baggott ........................ (1953-1960)
Paul F. Ziegler ........................... (1954-1969)
James H. Colvin .......................... (1956-1968)
James A. Krehbiel ....................... (1956-1958)
Walter P. Reese ........................... (1958-1968)
Harry P. Jeffrey ........................... (1960-1972)
Hugh E. Wall, Jr. ........................ (1961-1977)
Irvin G. Bieser, Sr. ...................... (1963-1973)
Maurice J. Leen, Jr. ..................... (1968-1974)
Harold B. LeCrone ....................... (1969-1977)
Russell Yeazel ............................ (1972-1977)
David C. Greer ........................... (1973-2009)
Francis S. McDaniel ..................... (1977-1997)
Joseph P. Buchanan ..................... (1977-2009)
William A. Rogers, Jr. ................. (1986-2009)
Richard F. Carlile ........................ (2008-2009)
Dianne F. Marx ........................... (2009)
THE SUCCESSION OF
APPOINTED LAW LIBRARIANS

J.A. McDonald ........................................ (1869)
John Graham ........................................ (1869-1873)
Morrison Parker .............................. (1873-1875)
Joel O. Shoup .................................. (1875-1882)
Louis H. Hoefler ................................. (1882-1888)
R. Otto Baumann .............................. (1888-1893)
Carl W. Lenz ................................... (1893-1899)
Daniel W. Iddings ............................ (1899-1920)
Librarian Emeritus ............................... (1920-1934)
John Roehm ........................................ (1920-1923)
Charlotte L. Zeller ............................ (1923-1924)
Carl Heindl ..................................... (1924-1932)
Viola M. Allen ................................. (1933-1959)
Louise H. Prinz .................................. (1960-1968)
Librarian Emerita ............................... (1968)
Lawrence Anderson .......................... (1968-1971)
Betty Busch ........................................ (1971-1993)
Joanne Beal ....................................... (1993-2018)
Viola M. Allen  
Louise H. Prinz  
Betty Busch  

Joanne Beal