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A Monthly Publication

Tom Enneking, Editor

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## The Cincinnati Law Library Association

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Hours: Monday-Friday 7:30-4:30  
<http://www.hamilton-co.org/cinlawlib/>

## Black Codes and the National Underground Railroad Freedom Center

Tom Enneking

Early in its history, Ohio had few African-Americans living within its borders. As Ohio's cities began to grow, so did its black communities. Many African-Americans residing in Ohio were free and Ohio's constitution forbade slavery. However, some whites resented living within close proximity to blacks. As a result, the Ohio legislature enacted Black Laws of Ohio 1804.

These laws (effective 1-5-1804) inhibited the freedom of blacks. They required any "black or mulatto person entering and residing in [Ohio], on or before the first day of June 1804" to: 1) register with the county clerk's office; and 2) carry certified proof of freedom. It was illegal to hire or employ uncertified blacks; those who did faced severe fines. The laws also assured that Ohio would enforce the Fugitive Slave Law of 1793 by making illegal to assist fugitive slaves.

Ohio's Legislature toughened the Black Codes in 1807, by requiring black families to post a bond of \$500 within twenty days of their arrival in Ohio. Blacks could not provide evidence in courts of law when either party involved was white. The Civil Rights Act of 1866 abolished Ohio's Black Laws

*Cont'd. on Page 2*

## Your Law Library Account Online

Julie Koehne

You may already use the Law Library's online catalog to find out what materials the Library holds in your practice area. Members can use the catalog for far more than keyword searching and browsing the many print and electronic titles in our collection. One of the most useful functions is to manage your library account online, enabling you to see what you have checked out and renew books online, 24 hours a day.

To start, go to the online catalog and click on the My Account tab.  
<http://lawlib.hamilton-co.org/ipac20/ipac.jsp?profile=clla#focus>

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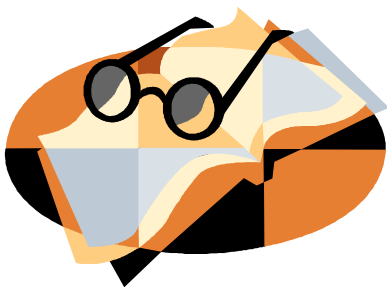
Black Codes, Cont'd from Page 1

The National Underground Railroad Freedom Center (NURFC), which opened in August 2004, details Cincinnati's role in the Underground Railroad. Numerous slaves passed through Cincinnati on their way to freedom; some slaves ventured as far as Canada in their quest.

The Cincinnati Law Library Association loaned the NURFC several books for an exhibit on the history of slavery. The exhibit consists of timelines concerning the world's, nation's, and Ohio's role in the history of slavery.

Further reading:

- Black Laws of Ohio, 1804: [http://afroamhistory.about.com/library/bloho\\_blacklaws.htm](http://afroamhistory.about.com/library/bloho_blacklaws.htm)
- Fugitive Slave Law of 1793: <http://www.law.ou.edu/hist/fugslave.html>
- Civil Rights Act, 1866: <http://www.africanamericans.com/CivilRightsActof1866.htm>
- National Underground Railroad Freedom Center: <http://www.freedomcenter.org>



Online Account, Cont'd from Page 1

The Account Login screen will appear. Type in your name, last name before first, and borrower number in the spaces provided.

**Note:** your *newsletter label* shows your name as it appears in our system, as well as your borrower number. Be sure to include your middle initial after your first name (e.g., Holmes Oliver W.) if that is what appears on your newsletter label.

Review Your Account

Once you have successfully logged in you may observe an overview of you account, the items you have checked out, fines, and other account information.

Renew Books

You can renew books from the **Checked Out** tab, which shows the list of items you have out of the library and the dates they are due. The left column of this screen allows you to designate which titles to *renew*. Click the box next to the title (or select the box at the top of the column to renew ALL titles) and then click the **RENEW** button. Each title selected will reflect the new due date.

	Title	Out	Due Date
<input type="checkbox"/>	Holmes' Appleman on insurance, 2d / Eric Mills Holmes. by Holmes, Eric M. KF1164 .A921 c1996-c2002 >	08/05/2004	08/25/2004
<input type="checkbox"/>	Insurance coverage law in Ohio / by Brett K. Bacon ... [et al]. by National Business Institute. KF082.N38 I58 April 2002 2002	08/05/2004	08/12/2004

## Electronic Resources Added to Library Collection

The Library will be activating online subscriptions to the electronic versions of many of its Commerce Clearing House (CCH) and Research Institute of America (RIA) resources in September. The electronic subscriptions contain significantly more content, including Warren Gorham Lamont (WGL) tax treatises and journals, and the CCH Omnitax library. Also included in the CCH subscription will be access to human resources and business materials that the Library has previously had to cancel in print.

This issue of the Cincinnati Law Library Association newsletter describes the RIA Checkpoint and CCH Tax subscriptions. Look for the October Newsletter for additional information about the CCH Business and HR databases.

### CCH Tax Research Network

Tom Enneking

The law library entered in to a subscription with CCH for its *Tax Research Network*, which provides access to numerous federal and state tax publications. Included in this package are several CCH reporters covering such topics as income tax, estate and gift tax, excise tax, and tax treaties; individual and multistate resources; and many IRS publications, including the IRS Code, Manual, Letter Rulings, as well as tax regulations and cases. Federal materials date to 1978, whereas state materials date to 1994. Researchers may customize search options by choosing categories, select

from Boolean or citation format searching, and explore CCH's vast network of topical indices and hypertext links.

### Accessing The Electronic Databases

The Library's subscriptions to Westlaw, CCH, and RIA require law firm members to be physically inside the Library to access the se databases. The Library has computers available for your use, with Internet access, database access, and CD-ROM drives for our many forms books.

### RIA Checkpoint

Chuck Kallendorf

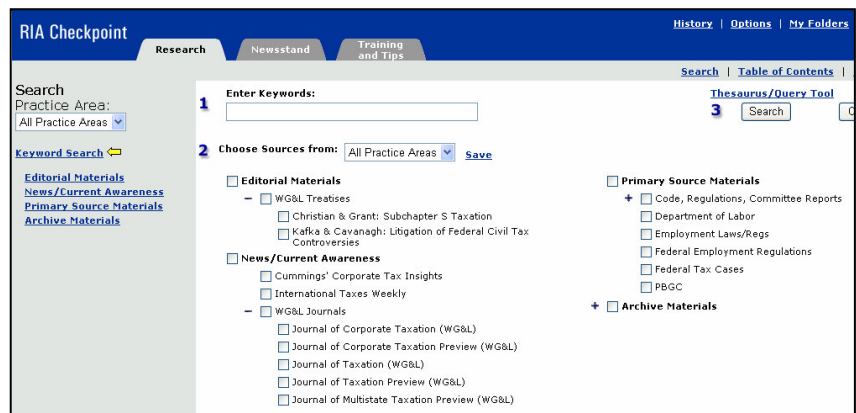
The Cincinnati Law Library is pleased to announce the acquisition of the Research Institution of America's *Checkpoint* tax management and estate preparation suite.

*Checkpoint* is a "centralized, integrated and customizable online service providing access to information, insights, and a variety of user tools on tax law, estate planning, pensions and benefits, and corporate finance, including up-to-date federal, state, local, and international tax law databases, expert analysis and practitioner insights, cases, rulings; and tax-related news and information, including journals,

newsletters and treatises provided by publishers Warren, Gorham and Lamont."

There are links between *Checkpoint* and a growing number of electronic tax return preparation tools, such as *GoSystem Tax RS*

from RIA Compliance and *Ultra Tax* from Creative Solutions. Also available are trusted names in the international tax arena as IBFD, GEE, and Comtax, as well as BNA's *Daily Tax Report*, West, FASB, and PPC.



## Free Westlaw Training Sessions for CLE Credit

As the end of September approaches, and with it the lapse of the Library's current Lexisnexis online subscription, the Library has begun preparing for the transition. You may continue to use your personal Lexisnexis account from the Library's computers in addition to the free Westlaw Pro database service and other electronic collections.

If you are not familiar with Westlaw, have no fear. Ann Hopkins, an experienced Westlaw trainer, will provide free instruction on Westlaw.com and KeyCite (Westlaw's equivalent to Shepard's) throughout September and October. Please choose from the following sessions:

- Friday, September 10 – Session 1 – 12:00 PM-1:00 PM – Beginning Westlaw
- Friday, September 10 – Session 2 – 1:30PM-2:30 PM – Advanced Westlaw
- Friday, September 10 – Session 3 – 3:00 PM-4:00 PM – KeyCite
  
- Friday, September 17 – Session 1 – 12:00 PM-1:00 PM – Beginning Westlaw
- Friday, September 17 – Session 2 – 1:30PM-2:30 PM – Advanced Westlaw
- Friday, September 17 – Session 3 – 3:00 PM-4:00 PM – KeyCite
  
- Friday, September 24 – Session 1 – 12:00 PM-1:00 PM – Beginning Westlaw
- Friday, September 24 – Session 2 – 1:30PM-2:30 PM – Advanced Westlaw
- Friday, September 24 – Session 3 – 3:00 PM-4:00 PM – KeyCite
  
- Friday, October 8 – Session 1 – 12:00 PM-1:00 PM – Beginning Westlaw
- Friday, October 8 – Session 2 – 1:30PM-2:30 PM – Advanced Westlaw
- Friday, October 8 – Session 3 – 3:00 PM-4:00 PM – KeyCite
  
- Friday, October 15 – Session 1 – 12:00 PM-1:00 PM – Beginning Westlaw
- Friday, October 15 – Session 2 – 1:30PM-2:30 PM – Advanced Westlaw
- Friday, October 15 – Session 3 – 3:00 PM-4:00 PM – KeyCite
  
- Friday, October 22 – Session 1 – 12:00 PM-1:00 PM – Beginning Westlaw
- Friday, October 22 – Session 2 – 1:30PM-2:30 PM – Advanced Westlaw
- Friday, October 22 – Session 3 – 3:00 PM-4:00 PM – KeyCite

To register please **call Madonna at 513-946-5300**. Call soon, as seating is limited and is on a first come, first served basis

## New Print Titles at the Library

While many of the Library's titles are regularly supplemented looseleafs and multi-volume sets, we are always adding new titles to the collection. Here is a selection of recent additions.

9/11 Commission Report (print and electronic)

Scientific Evidence Review: Admissibility and Use of  
Expert Evidence in the Courtroom  
Cynthia H. Cwik, ABA 2003

An Ohio Sunshine Laws Update: The Public  
Records Act, The Open Meeting Act  
Ohio Attorney General, 2004

United States Attorneys Manual  
Department of Justice, 2004

A Manual of Style for Contract Drafting  
Kenneth Adams, ABA 2004

The Commercial lease Handbook  
Dennis Horn, ABA, 2004

Fair Debt Collection (with CD)  
Robert Hobbs, Nat'l Consumer Law Center, 2004

*See also page 3 for information about new  
electronic subscriptions from CCH and RIA.*

## *Blakely* and the Federal Sentencing Guidelines

Chuck Kallendorf

Few cases since *Apprendi v. Washington* in June 2000 have caused as much furor and confusion as *Blakely v. Washington* now is.

*Blakely* was a kidnapping/assault conviction appealed in the State of Washington, in which the constitutionality of the sentence and sentencing hearing was challenged. On appeal, *Blakely* contended that *Apprendi v. New Jersey* (503 U.S. 466) provided that "the factual basis for an exceptional sentence upward had to be submitted to a jury and proved beyond a reasonable doubt." A 2001 decision by Washington's Supreme Court, however, held that *Apprendi* did not apply to factual determinations that support reasoning for exceptional sentences upward, and Washington's statutory sentencing scheme permitted judges to impose an exceptional sentence within the maximum range determined by the Legislature. (*State V. Gore*, 143 Wash.2d. 288). On appeal to the United States Supreme Court it was reversed and remanded.

Statutory sentencing guidelines exist and have existed in many states for some time. Ohio's encompasses provisions under ORC §181.21 et seq. They may not be absolutely binding on the trial court, but in some cases may

require that they be considered at sentencing, and a statement of the court's reasoning for not following the guidelines made for the public record.

Am. Jur 2d., in its discussion of a defendant's right to confront witnesses, initially relates that "differing results had been being reached as to whether the constitutional right of confrontation applies to the imposition of sentences..." (*Williams v. State of Oklahoma*, 358 U.S. 576 (1959), *Specht v. Patterson*, 386 U.S. 605 (1967)).

The Sentencing Reform Act of 1984 provides that a federal court must impose sentences of the kind and within the range established for applicable category of offense, unless that court finds there are "aggravating or mitigating" circumstances which aren't taken into consideration by the Guidelines.

The opinion in *Apprendi* in June 2000 outlines the Supreme Court's standard that "the Constitution requires any fact that increases the penalty for a crime beyond the prescribed statutory maximum, other than the fact of a prior conviction, must be submitted to a jury and proven beyond a reasonable doubt." A case in February 2001, *U.S. v. Jackson*, 240 F.3d 1245 (10<sup>th</sup> Cir. 2001), may have foreshadowed *Blakely*, when, based on Justice Sandra Day

O'Connor's dissenting opinion in *Apprendi*, it was argued that *Apprendi* overruled the Federal Sentencing Guidelines.

A majority of the federal courts that have considered the issue thus far, have interpreted *Blakely's* language to mean that the federal guidelines are unconstitutional to the extent that they allow facts found by a sentencing judge to increase sentence above presumptive guideline ranges.

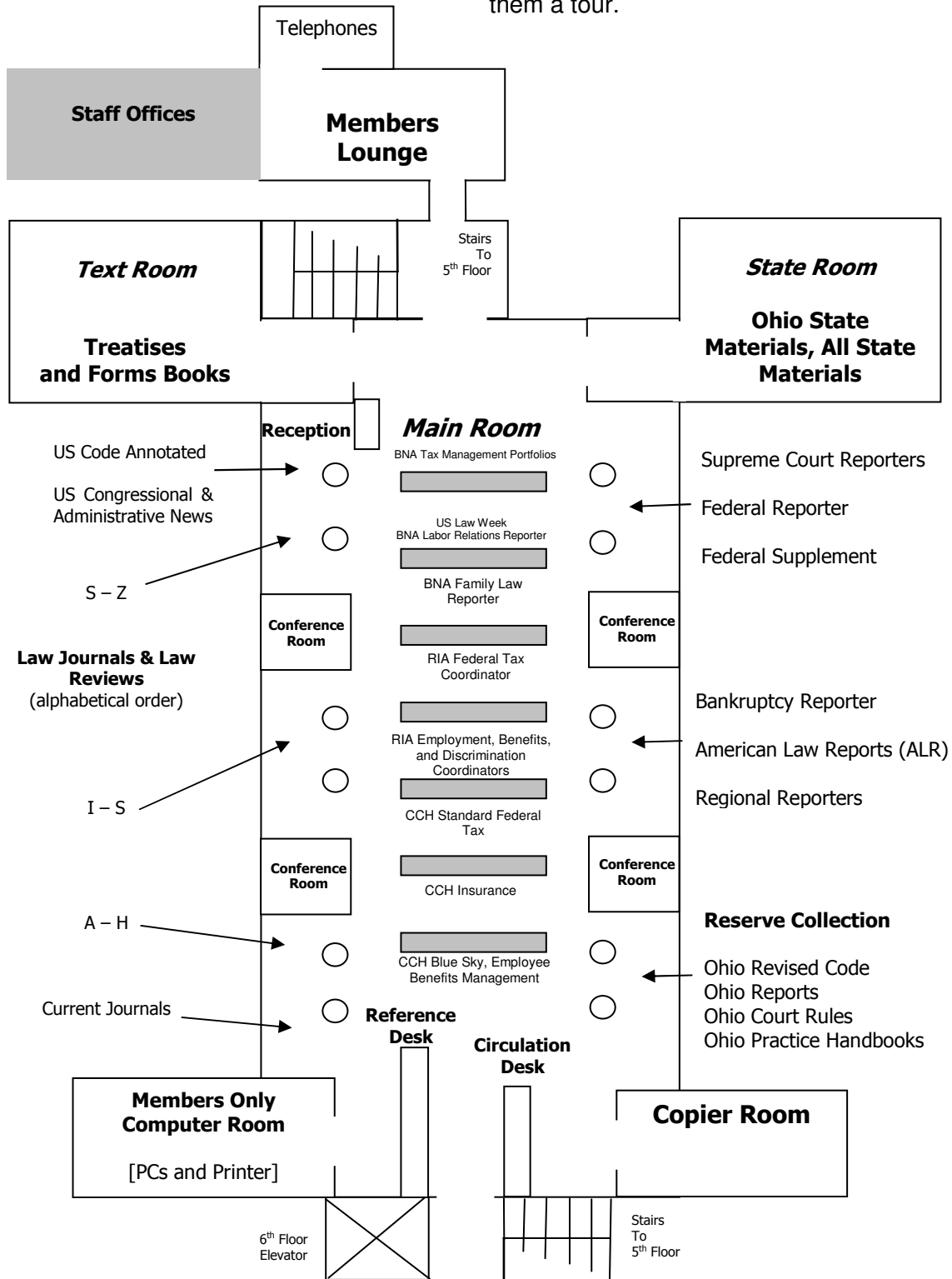
The outcome may not be limited to federal courts. While Ohio, Indiana, and Kentucky do not, other states including Michigan, Pennsylvania, and Tennessee have sentencing parameters similar to the ones questioned in *Blakely*. Several states have already undertaken studies to attempt to predict the impact of the Supreme Court's decision on their own jurisdictions, and the National Center for State Courts published an online white paper on possible state implications.

[http://www.ncsconline.org/WC/Publications/KIS\\_SentenBlakely.pdf](http://www.ncsconline.org/WC/Publications/KIS_SentenBlakely.pdf)

# Getting Around the Library

Have you visited the library recently? We have added a Members Lounge – with coffee, phones, and a relaxing place to sit – in the back and moved the reference desk to a more visible location. CCH, BNA, and RIA looseleaf treatises

run down the middle and are flanked on the side by an extensive collection of law reviews and federal and state case law. Have a new lawyer or staff person join your firm? Send them over and we will be happy to answer questions and give them a tour.



E-mail Research, cont'd from page 8

and set a regular e-mail alert on that search. Google requires 3 pieces of information for an alert:

1. Your search terms (e.g., Ohio and non-compete);
2. The frequency you wish to receive e-mails;
3. Your e-mail address.

Once created, you will receive an e-mail with relevant news articles available through Google. The e-mail will have a short sentence or two on the subject, and a link to click on to go and look at the full text. You can create additional alerts or delete current ones. The best use for Internet-based news alerts is for business and practice information, unless the alert service specifically targets a legal research site.

**Westclips and Eclipse**

For legal research, you can use the alert services available from the largest legal research databases, including Lexisnexis' Eclipse and Aspen's Loislaw LawWatch. For example, you can use Westlaw's Westclips to get updates on a search you might run regularly. After logging onto Westlaw, run the search against the appropriate database; I chose 'dog and discrimination' in the Ohio state cases database. At the top of the search results, there is a small Results Options menu. I can select

**Add Search to Westclip** from this menu to save my search. Each day there are new citations matching my search, they will be sent to me as an e-mail or fax.

Clipping services do not eliminate the need to do legal research, but you can set up a few alerts, like tripwires, to let you know when something is going on in an area that interests you. E-mail allows you to have it waiting in your inbox for when you are ready to read it. Free e-mail alerts and clipping services you probably already pay for can help make your legal research more efficient.

**Alert & Update Sites**

*Bizjournals Legal Industry News:*  
<http://www.bizjournals.com/> \*\*

*Google News Alerts:*  
<http://www.google.com/newsalerts/>

*Law.com's Newswire:*  
<http://www.law.com/newswire/>

*Lexisnexis Eclipse:*  
<http://www.lexis.com/research> \*

*Loislaw's LawWatch:*  
<http://www.loislaw.com> \*

*Mondaq:*  
<http://www.mondaq.com> \*\*

*NY Times News:*  
<http://www.nytimes.com> \*\*

*Ohio Lawyers Weekly:*  
<http://www.ohiolawyersweekly.com> \*

*Westlaw Westclip:*  
<http://www.westlaw.com> \*

\* Requires paid subscription  
 \*\* Requires free subscription

**Collection and Service Changes**

**New Circulation Policy**

The Library's Board of Trustees adopted a revised circulation policy, with changes in how long materials may be checked out (perpetually, subject to renewal and recall) and fines. To view the new policy, visit <http://www.hamilton-co.org/cinlawlib/resources/policies/circulation.html>

**Members Lounge Free Coffee & Water**

The Library staff has been hard at work and created a Members lounge where you can take a break while at the court house. Relax in a comfy chair or sofa and enjoy our free members only coffee service and filtered water. The members lounge is well-stocked with newspapers and magazines, as well as telephones. The lounge is located at the back of the library, beyond the Main Room.



Database: OH-CS  [Locate in Result](#)

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**Results:** 56 Documents [Result Options](#)▼

<input type="checkbox"/>	<a href="#">1. Kirkhart v. Keiper,</a> 101 Ohio St.3d 377, 805 N.E.2d 1089, 93 Fair Empl.Prac.Cas. (BNA)	<input type="button" value="Add Search to WestClip"/>	b-1496, Ohio, Apr 14, 2004
	...KEIPER et al., Appellants. No. 2003-0046. Submitted	<input type="button" value="View Search Summary"/>	April 14, 2004. Background: Court
	brought employment <b>discrimination</b> action under st	<input type="button" value="Hide Terms in List"/>	missioners in their individual ca
	Court of Common Pleas, Portage County, granted summary ...	<input type="button" value="Go To Specific List Item"/>	

**Westclip Example**



## The Pull of Email Research

David Whelan

A common complaint in research is how to keep up on the latest developments in your area of expertise. Technology has in some ways made it harder because there are so many sources of information available. Now you can fight back with your e-mail, using update services in your favorite legal research database and Internet sites to keep you on top of changes. You can use e-mail to focus in, and filter out, the information that is most valuable to you using alerts and clipping services.

E-mail is so prevalent – the 2002 ABA Technology Survey indicates 97% of attorneys have e-mail – and so simple, that it is an ideal tool for research. You can use any e-mail program, whether it is Microsoft's Outlook or Web-based Yahoo! Mail. You don't even have to know how to send an e-mail!

### Google Alerts

Alerts are useful because you

can customize them as your research needs change. A simple example is a search using the Google News site.

Go to <http://news.google.com> and type in a search on *Ohio "non-compete"*. Click **Search News** to see the results.

You could return each day to run this search, and see if there was something new. Or, you can go to <http://www.google.com/newsalerts/>

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ADDRESS CORRECTION REQUESTED

### INSIDE THIS MONTH

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- E-mail Research
- Free CLE Credit! Look Inside!

# SEPTEMBER 2004 LIBRARY NEWSLETTER