

February 2006
A Monthly Publication

Tom Enneking, Editor

Inside This Issue

1 Manage Your Knowledge

1 Promulgation and Revision: Researching the Ohio Administrative Code

3 Two CLE Opportunities

3 New Titles at the Law Library

6 Tech Tip: Prevent Data Theft from Hackers

Manage Your Knowledge

David Whelan, Law Librarian

Legal research often focuses on the front end of preparing legal documents. At some point, though, the document is prepared and the research knowledge is embedded in it. You can often save time on future client issues by using these documents as starting points. But how do you keep track of all of the files and folders?

Management Software

The high end of this range of software includes document management systems like Worldox (www.worldox.com) or Hummingbird's DOCS OPEN (www.hummingbird.com). It can also be done using case management software, like Amicus Attorney (www.amicusattorney.com) or LexisNexis' Time

Cont'd on page 7

Promulgation and Revision: Researching the Ohio Administrative Code

Thomas Enneking
Assistant Law Librarian

Section Three of Ohio House Bill 317 (eff. 9-30-76) states, "The first edition of the *Ohio Administrative Code* shall be published not later than July 1, 1977." By contrast, the first edition of the *Kentucky Administrative Code* was published in 1946, besting its northern neighbor by nearly thirty years. Why the Ohio General Assembly did not enact such a bill prior to 1976 is unknown, but the effect of House Bill 317 was far-reaching in that it completely revised all aspects of rulemaking for Ohio's agencies. It also

Cont'd on page 4

The Cincinnati Law Library Association

Hamilton County Courthouse
1000 Main Street, Room 601
Cincinnati, OH 45202

General: (513) 946-5300
Fax: (513) 946-5252
Reference: (513) 946-5303
reference@cms.hamilton-co.org

Hours: Monday-Friday 7:30-4:30

<http://www.hamilton-co.org/cinlawlib/>



The right connections make all the difference.

West's Ohio Integrated Practice System connects relevant law for you.

Connections in West's® Ohio Integrated Practice System make it easy for you to track relevant law across a broad Ohio library – from *Baldwin's™ Ohio Revised Code Annotated*, *Ohio Cases 2d*, and *West's Ohio Digest* to *Ohio Jurisprudence 3d*, *Baldwin's Ohio Practice Library™*, and more.

The result? Maximum information in minimum time.

For details about West's powerful Ohio system, call 1-800-762-5272.



The right environment for your practice.

west.thomson.com

Two CLE Opportunities!

1. High Octane Internet Legal Research

Location: Cincinnati Law Library Association, 1000 Main Street, Room 601
Date: Friday, March 10
Time: 8:00 - noon (registration begins at 7:45)
Speaker: David Whelan, Law Librarian

The proliferation of information resources available on the Internet makes research for lawyers both more challenging and, potentially, more fruitful. This seminar is geared to lawyers who know how to get around the Web but may not be sure how to optimize and speed up their research.

Find out about cost-effective legal research with freely available cases, statutes, and regulations. Learn how to do better business research, to identify potential new clients, stay up to date on current clients, or get details on your opposition. This 3.5 hour seminar will help you hone your searching skills, introduce you to a wealth of useful Internet research tools, and give you tips on making your research as efficient as possible.

The seminar is \$35 for members, and \$90 for non-members. It is approved by the Ohio Supreme Court Commission on CLE for 3.5 general credit hours. We are currently seeking approval from the the Kentucky Bar Association for 3.5 general credit hours

To reserve your spot, call Madonna @ 946-5301 or register online at:
<http://www.hamilton-co.org/cinlawlib/cle/signup.html>

2. Traffic Law Update

Location: Cincinnati Law Library Association, 1000 Main Street, Room 601
Date: Tuesday, April 18
Time: 1pm - 2pm
Speaker: David Diroll, Executive Director, Ohio Criminal Sentencing Commission

Mr. Diroll will provide an update on legislative developments relating to traffic law in Ohio. The class is approved by the Ohio Supreme Court Commission on CLE for 1 credit hour.

To reserve your spot, call Madonna @ 946-5301 or register online at:
<http://www.hamilton-co.org/cinlawlib/cle/signup.html>

New Titles at the Law Library

- *Ohio Business Entities.* Zolman and Matthew Cavitch. Matthew Bender, 2005
- *Ohio Business Entities Handbook.* Anderson Pub. Co., 2005.
- *US Federal Tax Research.* Peter A. Lowy. Tax Management Inc., 2005.
- *Ohio Estate Planning, Wills and Trust Library.* Edward Segelken and Lori-Lou Kimm. Data Trace Pub. Co., 2004.
- *Kentucky Labor and Employment Law: Forms and Practice Manual.* David Leightty. Data Trace Pub. Co, 1998-.
- *Domestic Relations Practice in Ohio.* Barbara J. Howard and Ruby Grad. LexisNexis, 2005.
- *The 2006 Pension Answer Book.* Stephen J. Krass. Aspen, 2005.
- *Repossessions.* Caroly L. Carter. National Consumer Law Center, 2005.

OAC, cont'd from page 1

forced users to relearn how to research Ohio administrative regulations.

Background

Much like Ohio laws printed in the *Ohio Revised Code*, the Ohio Legislative Service Commission codifies the rules of agencies. As noted, the first compilation of agencies was published in 1977 and currently, more than 25,000 are codified in the set. *Ohio Revised Code* §103.05 requires that the OAC be updated monthly and compiled into the code annually. However, not all administrative references are printed in full text. These materials, known as Rules and Documents Incorporated by Reference, are listed in the General Index volume. The list is in rule number order and provides contact information of the agencies holding this information. Fortunately, many of these documents are easy to locate, as they come from the *Ohio Revised Code*, the *United States Code*, or the *Code of Federal Regulations*.

The Rule Making Process

The Joint Committee on Agency Rule Review (JCARR) is the primary reviewing body and examines more than 4,000 proposed regulations each year. Most submitting agencies fall into two categories: Chapter 119 agencies and Chapter 111.15 agencies. The major difference between the two is that Chapter 119 agencies are statutorily required to hold public hearings, whereas Chapter 111.15 agencies are not. Rules should be drafted according to the LSC Rule Drafting Manual (<http://www.lsc.state.oh.us/rules/manual1.pdf>).

Chapter 119 agencies follow *ORC* § 119.03 in announcing proposed rules. Notices appear in several publications, including the

Hannah Report and Ohio newspapers. On JCARR's website (<http://www.jcarr.state.oh.us>), you can find meeting agendas and lists of proposed rules. The *Ohio Monthly Record* provides filing dates and summaries of proposed rules, and the dates and locations of public hearings.

The public must be given thirty days notice prior to the hearing. Notices must include the following:

- why the agency's wants to adopt, amend, or rescind the rule;
- a synopsis of the proposed rule, amendment, or rescinded rule;
- an explanation of the purpose for adopting, amending or rescinding the rule; and
- the date, time, and place of the hearing on the proposed action.

Once the 90 day legislative review period passes, the agency issues an order adopting the amendment or rescision. The agency then makes a reasonable effort to inform affected parties of the change and to provide copies for those requesting the new text of the rule.

Emergency rules under Chapter 119, however, may be enacted without notice and without public hearing if the governor determines the presence of an emergency. Section 115.15 emergency rules may be adopted immediately and take effect as soon as they are filed. Both types of emergency rules expire after 90 days and may be adopted according to the usual process during that 90 day period. You may obtain copies of these rules from the Secretary of State, the Legislative Service Commission, JCARR, or the issuing agency. Emergency rules are eventually printed in the *OMR*.

Cont'd on page 5

OAC, cont'd from page 4

The Ohio Administrative Code

The current edition of the *OAC* consists of seventeen volumes and encompasses the regulations of 168 agencies. *ORC* § 103.05 details the arrangement and contents of the *OAC*. Its organization mirrors that of the *ORC* in that it follows an odd-number title scheme and contains the following elements: *OAC* 5101:1-32-04

- 5101 – Agency;
- 1 – Division of Agency;
- -32 – Chapter designation;
- -04 – Rule number.

You may find *OAC* sections referenced in numerous areas, including the annotations sections in both *Page's* and *Baldwin's Ohio Revised Code*. Annotations in *Ohio Jurisprudence 3d* provide references, as do most Ohio specific law books.

Updating

Before new or amended regulations are codified in the *OAC*, they are first printed in the *Ohio Monthly Record*. To locate the new rules that modify existing ones, consult the Rule Number Table. New regulations are compiled into binders covering a one year period from July 1 of one year through July 1 to the next. Each set contains the text of new rules and the second binder of each set contains table and lists, including the Rule Number Table. The *OMR* also contains a subject index at the end of each issue.

History and the *OAC*

How did a section 5101:1-30-63 of the *OAC* read in 1995? This may be difficult to discover because even the largest law libraries usually do not retain superseded copies of the *OAC*. The solution is quite

simple – you need look no further than the *OMR*.

To navigate the *OMR*, you should consult the “Rule Number Table.” New rules and regulations are compiled in two binder sets spanning July of one year to June of the next. The first binder contains the text of the rules, whereas the second contains the Rule Number Table. Reference is made from the table to the month in which the new rule was printed. Both Lexis and WestLaw provide information regarding new regulations, but only as a summary.

Not only do you need familiarity with the *OMR*, but you also need to know how to read the “History” section attached to an *OAC* regulation. For example, a regulation that was amended in January 1992 will have the following three-part citation: 1991-92 *OMR* 1397. The 1991-92 is the year of amendment and the *OMR* volume to consult; 1397 refers to the page number. A researcher combines these elements together to discover how an *OAC* regulation read in the past.

It is more difficult to locate regulations that predate the codification of the *OAC*. Pre-1977 references will refer directly to the issuing agency. For example, Prior HE-25-02 refers to Ohio Department of Health regulation 25-02. Such rules may be available from the issuing agency or at the State Library of Ohio (<http://slonet.state.oh.us/>) but no single location houses a complete collection of superseded regulations.

Electronic Access

If you would like to access the *OAC* online, you can do so from a number of websites. Lexis and Westlaw both offer the *OAC* and a regulation tracking service which performs a function similar to the *OMR*. Anderson

Cont'd on page 8

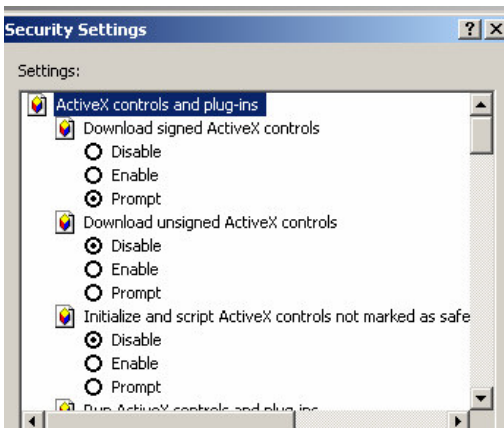
Tech Tip: Prevent Data Theft from Hackers

Julie Koehne
Assistant Law Librarian

Some websites contain dangerous scripts and ActiveX controls embedded within them. When you visit such a website, scripts are automatically downloaded and executed in your web browser, and can cause damage to your computer. An ActiveX control is a set of rules for how applications should share information.

One way to protect your PC from harm is to configure your Internet Explorer's security settings. Open IE and then choose Tools | Internet Options. Select the Security tab, and then click the Custom Level button. Scroll to the ActiveX Controls and Plug-ins section; select the Prompt option button for the Download Signed ActiveX Controls setting. Select the Disable option button for the following three settings.

- Download Unsigned ActiveX Controls
- Initialize and Script ActiveX Controls not marked as safe
- Access Data Sources across Domains in the Miscellaneous section



Finally, scroll down to the Scripting section and select the Prompt option button for the Allow Paste Operations via Script setting to prevent hacker exposure to content on your Clipboard.

Did You Know Our Members Receive:

- ❖ Free Westlaw Access in the Library
- ❖ Free Internet Access in the Library
- ❖ Free Access to CD-ROM law libraries and forms
- ❖ Free Reference Assistance, in person, by phone, or via e-mail
- ❖ Extensive Ohio and Federal primary law collection in print and electronic formats
- ❖ Practice materials, including:
 - handbooks
 - rules
 - treatises
 - jury verdicts
- ❖ Borrowing privileges to nearly all materials in the Library's collection, including CLE materials.



Knowledge, cont'd from page 1

Matters (www.timematters.com). These systems provide additional indexing or tie your documents to your cases for easier retrieval.

These software applications name the files for you and control their location. They often will add information, called *metadata*, to help to describe the document: who the author was, when it was revised, when it was created, how many words are in it. This can be a great help in retrieving the document later.

Document, Find Thyself

You can insert this metadata yourself each time you work on a document. Both Microsoft Word and Corel WordPerfect can be configured to prompt you, when you save a document, to fill in the document's "properties". This is the information you can find out about the document when you click on the FILE menu and select PROPERTIES. You can turn on prompting by going into your word processor's options/preferences for saving.

The name of the document can be just as helpful. Since Windows 95, all Windows – and all Macintosh – computers support "long file names". Instead of cryptic DOS file names – *cltupltr.doc* – which supported only 8 letters followed by a 3 letter extension, you can name a file with up to 254 characters. You can include client name, matter number or identifier, and other specifics: *Smith James – Employment Contract – EEOC Letter – 20060104.doc*. This information can then be searched later, and it is also easier to read when you are browsing through folders to see what its contents are.

Search Utilities

In some cases, though, you can do as much in a small office with some of the search tools now available. These include three free utilities: Google's Desktop

(www.google.com/desktop), Apple's Mac OS X Tiger Spotlight (www.apple.com/macosx), or Microsoft's Desktop Search (desktop.msn.com). (Warning: Microsoft wants you to download the MSN Search toolbar as well; scroll down the page and look for Windows Desktop Search without the toolbar). These tools all operate in a similar manner. Both Google and Microsoft have versions for individuals or for offices ("enterprise").

For users of operating search tools of bygone days – Mac OS Sherlock, Windows Search and Indexing Server – times have changed significantly. These tools all will index the contents of your computer – e-mails, PDFs, word processing documents – for you to search later. Each search does not look at the hard drive as if it had never seen it before. Instead, you search the index, for much faster results. The search index points to where your files are located. As you add, move, or delete files, the search index is updated.

This search index is not available to others on the Internet, even though both Google and Microsoft show your results in your Web browser. You access the index by using the search utility. Typing in a search will retrieve matching documents, e-mails, and other file types in the index. Both the Google and Microsoft products support numerous "plug-ins" to index additional documents. Only Google has a plug-in to support WordPerfect; both applications support Word, Star Office, and Open Office documents.

Use document properties, better document naming, and search tools to manage your research knowledge better. You can save time and get a better return on your initial legal research investment.

OAC, cont'd from page 4

Publishing, a subsidiary of Lexis, offers an online version for free at <http://onlinedocs.andersonpublishing.com/oac>. To search, you can either enter a keyword or code section at the search bar or you can jump to a specific section via the table of contents at the left side of screen. Recently, Anderson's began offering annotations to the *OAC* and the *ORC*, allowing you to begin your research at home or the office. It should be noted that the Anderson versions are not updated as frequently as Lexis, Westlaw, or the paper

version, but it is an excellent starting point for your research.

Conclusion

Researching the *Ohio Administrative Code* is a bit daunting, especially to the inexperienced researcher. Before 1977, conducting administrative research was difficult in that Ohio lacked a centralized collection of regulations. The publication of the *OAC* changed that, but it forced practitioners to adjust how they research the code. Although select difficulties remain in researching, it is considerably easier than in the past.

**Cincinnati Law Library Association
Hamilton County Courthouse
1000 Main Street, Room 601
Cincinnati, OH 45202**

ADDRESS CORRECTION REQUESTED

INSIDE THIS MONTH

- Manage Your Knowledge
- Researching the Ohio Administrative Code
- Prevent Data Theft from Hackers
- Two CLE Opportunities

FEBRUARY 2006 LIBRARY NEWSLETTER
