

Hamilton County LAW LIBRARY NEWS

Professional legal information, resources, and services

A Monthly Newsletter from the Hamilton County Law Library

January 2014

Amendment to the Sunshine Law Permits Economic Development

Executive Sessions by Katie E. Johnson of Bricker & Eckler LLP. Reprinted with permission.

The recent Ohio state budget included an amendment to the Sunshine Law under Section 121.22 of the Ohio Revised Code that creates a new exception to the general rule that public bodies hold open meetings. The new exception allows a public body to enter into an executive session to consider certain confidential information related to economic development initiatives administered by a local government.

Types of economic development initiatives covered by the exception include information and applications in connection with incentives such as tax increment financing (TIF), enterprise zones, community reinvestment areas and joint economic development districts. For the new economic development exception to apply, the public body must meet certain subject matter and procedural requirements as outlined below.

Subject Matter

The statute defines the type of information a public body may consider in an economic development executive session. Information must meet three requirements:

1. The public body must hold the executive session to consider either: (A) an application for economic development assistance and information related to the applicant's marketing plans, specific business strategy, production techniques, trade secrets or personal financial statements; or (B) confidential information related to negotiations with other political subdivisions regarding requests for economic development.¹

2. In addition to satisfying either alternative above, the confidential information must be

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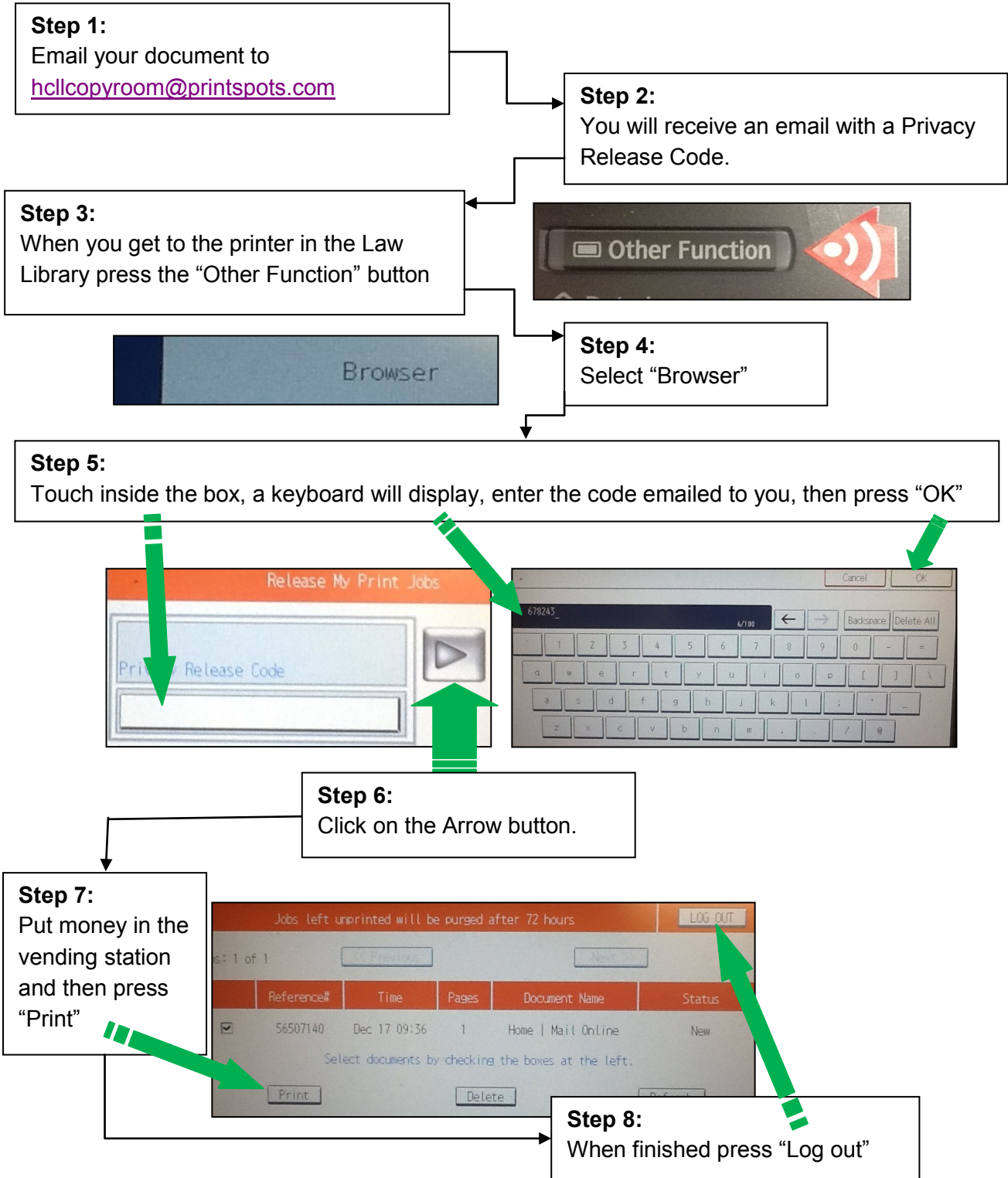
[www.http://www.hamilton-co.org/cinlawlib/](http://www.hamilton-co.org/cinlawlib/)

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Tech Tip: Mobile Printing

By: Julie Koehne, Systems Librarian

**Need to print from your mobile device while in the Law Library?
On your way to the courthouse and need to print something quickly?
Send your print job to the Law Library! Here's How!**



CLE Offerings in 2014

The Law Library has plans to offer a number of CLEs throughout 2014 on such topics as Westlaw, Appellate process, Ohio Legislative History and more. We are always looking for volunteers to teach CLEs. If anyone is willing to please contact Laura Dixon-Caldwell at 513.946.5300 or

ldixoncaldwell@cms.hamilton-co.org

Ohio CLE Changes

In January 2014, changes to the Ohio CLE rules take effect. Highlights of the changes include:

- Self study credit limit increases from six to 12 hours per reporting period.
- CLE credit available for pro bono work.
- Unbundling” attorney “professional conduct” instruction (i.e. instruction on ethics, professionalism, and substance abuse) to allow attorneys more flexibility in choosing courses that most closely meet their professional and practice needs. Courses on mental health issues and access to justice and fairness in the courts also would qualify for “professional conduct” credit.
- Allowing food during CLEs.

You can find more information, including a summary, FAQs and a chart comparing the current rules and the changes on the Ohio Supreme Court’s website.

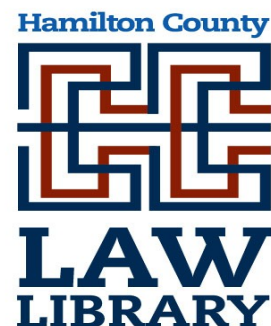
<http://www.supremecourt.ohio.gov/AttySvcs/CLE/ruleChanges2014/default.asp>

Subscriber Renewals

2014 is upon us which means subscriber renewals for the new year are due now. Thanks to our many subscribers who have paid the annual fee already. We will mail statements in early January. A timely payment ensures your continued access to legal information resources and services including research guidance, newsletters and news updates, borrowing privileges, CLEs, document delivery, and more. Privileges are revoked if payment is not received by late February. If you have any questions about our invoicing or services, please speak with [Mary](#) or [Vanessa](#) at 513.946.5300.

Library Logo

Library personnel worked with a graphic designer in the fall on a new logo and branding. When the library experienced changes to its name and governance model in early 2010, we chose to retain the same colors and branding to convey stability and a smooth transition. After nearly ten years of the same look, though, we were due for a change. You will see the logo’s introduction over the coming months on the Law Library’s print materials, and, by spring, on the website. Readers of the digital newsletter will see the logo in its vertical form here in full color and in the newsletter’s header on page one in its horizontal orientation.



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either: (A) related directly to a request for economic development assistance under specified statutory schemes; or (B) related directly to public infrastructure improvements or the extension of utility services directly related to an economic development project.

3. The executive session must be necessary to protect the applicant's interests, the potential investment or the expenditure of public funds to be made in connection with the economic development project. The public body's present members must unanimously agree to the executive session's necessity.

Procedure

As with all executive session exceptions, the public body must move to enter the executive session and state specifically which of the statutory exceptions for holding an executive session justifies the motion. However, unlike the other exceptions that require a majority vote to enter into an executive session, the economic development exception requires a unanimous vote before entering into the executive session.

The public body's board and any other person invited by the board may attend the executive session. The board may not make decisions or take votes in the executive session. The board may not discuss information outside of the subject matter requirements even if the non-permitted information intertwines with permitted information. The board need not take minutes of the executive session, but the minutes of the meeting at which the executive session occurs must reflect the general subject matter discussed in the closed session. **Any material circu-**

lated during the executive session is not confidential.

In summary, for a public body to hold an executive session under the economic development exception to the Sunshine Law, the public body must complete the following checklist:

Move to enter an executive session.

Specifically state that the executive session will be to consider matters within the economic development exception. Use the statutory language describing the type of information to be considered in the executive session.

Take a **roll call vote**:

The present members must **unanimously** agree to the executive session because they consider it **necessary** to protect the applicant's interest, the possible investment or the expenditure of public funds.

If the board desires other individuals' attendance at the executive session, invite those individuals.

Enter the executive session. Consider only: **Confidential information related to either:** An application for economic development assistance and information related to the applicant's marketing plans, specific business strategy, production techniques, trade secrets or personal financial statements; or

Negotiations with other political subdivisions regarding requests for economic development.

That is further related directly to either:

A request for economic development assistance under specified statutory schemes; or

Public infrastructure improvements or the extension of utility services directly related to an economic development project.

Be sure not to consider information that does not satisfy the above criteria, even if it intertwines with information that satisfies the above criteria.

Do not make any decisions or conduct any votes.

Be aware that any materials circulated are not confidential.

Upon conclusion of the executive session, be sure **the minutes state the general subject matter** discussed in the executive session. The minutes should use the statutory language to describe the subject matter discussed in the executive session along with any other general description.

Footnotes

1. For example, this may include negotiations between a municipality and a township in forming a joint economic development district pursuant to Ohio Revised Code Sections 715.72 through 715.81.

If you have any questions, please contact Katie Johnson at 614.227.2349 or kejoh-son@bricker.com, or law clerk Colin Kalvas at 614.227.4998 or ckalvas@bricker.com.

Website Redesign

Law Librarian Mary Jenkins is pleased to announce that we are undertaking a complete redesign of the Law Library's website in early 2014 with the help of an IT and design firm. The library staff is eager to provide you with a user-centered, responsive design that is device-agnostic, featuring a crisp, clear layout and navigation, integrated social media, e-forms, more functionality, and an updated look. And the staff requires improved ease of updating content. If you have concerns or suggestions, please speak with the law librarian, Mary Jenkins. We anticipate completion and roll out by late April. When the site is ready to launch, we'll provide introductory sessions. More about the project as it nears completion.

Digital Display

You may have noticed that we have replaced the wobbly old bulletin board with a digital display. This new device provides announcements about library services and resources and upcoming programs. We have disappointed some library users because we are not broadcasting sporting events and news. Sorry! If you have other suggestions about the new display, [contact the director](#).



Subscriber Benefits

All subscribers have access to the following valuable resources and services:

Circulation privileges to borrow from over 40,000 print volumes for up to 6 weeks at a time

Access to extensive electronic databases from the Law Library, including LexisNexis, Shepards', CCH Omnitax, CCH Human Resources Group, and CCH Business Group resources, Hein Online Law Journals and Federal Register, and over 70 Aspen / LOISLaw treatises in 16 substantive areas

Wireless network throughout the Law Library

Polycom videoconferencing

5 meeting rooms with speaker phones

Professional reference service by our law librarians, available via e-mail, telephone, and in person

Free document delivery by fax or e-mail of print and electronic materials

Inexpensive CLE seminars throughout the year, on legal research and substantive topics

In addition, solos and attorneys whose firm has a subscription have 24 hour remote access to Fastcase.com case law, Aspen/ LOISLaw treatises and CCH Newsletters

You and the Legal System: 2014 Schedule

The *You and the Legal System* series will continue in 2014. Below are the upcoming topics:

February 21: Bankruptcy

March 21: Domestic Relations

April 25: Social Security Disability/SSI

May 16: Landlord Tenant

June 20: Elder Law

We will have more detailed descriptions of the programs as we get closer to the dates.

All programs start at noon and last until 1pm. Please note that these are not CLE events; they are intended for the general public.

You and the Legal System is brought to you as a public service by the Hamilton County Law Library, in conjunction with the Cincinnati Bar Association's Lawyer Referral Service. For more information, contact Laura Dixon-Caldwell at 513.946.5300.

January Meeting of the Law Library's Board

The Hamilton County Law Library Resources Board is scheduled to meet at Noon on Thursday, January 9th in the Robert S. Kraft Board Room in the Law Library. Meetings of the board are open to the public. Minutes of previous meetings are online at

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

Criminal Law Resources

The Law Library offers a variety of print and electronic resources on Criminal Law. If you have questions about access to any of these resources, just call us at 513.946.5300.

Books

Arrest Law Guidebook
KF9625 .A55 2010

Anderson's Ohio Criminal Practice and Procedure
KFO561 .A951 2013

Criminal Advocacy
KFO575 .A75 C73 2013

Criminal Law Handbook: know your rights, survive the system
KF9619.6 B47 2011

Criminal Practice and Procedure (Kentucky)
KFK1280 .K4 vol. 8, 9 2013

Defending Federal Criminal Cases: attacking the government's proof
KF9660 .D44 2013

Do No Wrong: Ethics for Prosecutors and Defenders
KF9619 .J69 2009

False Justice: Eight myths that convict the innocent
KF9756 .P47 2010

Federal Rules of Criminal Procedure
KF9607 .U55 2013

Federal Trial Handbook: Criminal
KF8915 .H35 2013

Firearms Law Deskbook
KF3941.A15 F568 2013

Katz & Giannelli Criminal Law (Ohio)
KFO561 .K37 2013

Katz & Giannelli Ohio Criminal Laws & Rules
KFO561 .K3 2013

Relentless Criminal Cross Examination/
KF9658 .M14 2012

Sixth Circuit Criminal Handbook
KF9619 .S59 2013

Understanding Criminal Law
KF9219 .D74 2009

Online Resources/Remote Access**

EBSCO

Criminal Law Handbook
Criminal Law Desk Reference

Aspen/Loislaw

Drunk Driving Defense Library:

Drunk Driving Defense Forms and Checklists

Drunk Driving Defense

Evidence Library

Forms & Checklists

Wigmore on Evidence

Scientific Evidence and Experts Handbook

Destruction of Evidence

Evidence: Practice Under the Rules

**-Remote access is available to subscribers who are solos or firm attorneys whose entire firm has a subscription to the Law Library.

Upcoming Events:

January 9-Law Library Board Meeting

Law Library Holidays

The Law Library will closed on the following days:

Wednesday, January 1 in observance of New Year's Day.

Monday, January 20 in observance of Martin Luther King Jr. Day.



January 2014 Law Library Newsletter

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ADDRESS CORRECTION REQUESTED

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