

# ORALL NEWSLETTER

OHIO REGIONAL ASSOCIATION OF LAW LIBRARIES

WINTER 2007

VOLUME 2007, NUMBER 4

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## *President's Column – Michael Whiteman*

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### **SPEAK UP**

Welcome to another “new” President’s column. Yes with that crazy thing we call democracy, each year ORALL must put up with yet another newbie at the helm of the organization. Speaking of democracy, that is exactly what I would like to urge all our members to practice in the upcoming year.

No I am not going to advocate one particular presidential candidate over another, as a Canadian citizen I don’t get a vote on that particular issue, and really I am under no illusions that anyone really cares about my opinion to begin with!

What I am more concerned with is that ORALL members, especially those in Ohio, practice their democratic right to be heard. I am sure it is no secret to any of our members that the County Law Library system in Ohio is under siege. Legislation is being bandied about in an effort to do something to the system, and depending on who you speak to the legislation runs anywhere from bad to disastrous for the viability of the Count

Law Library system in the Buckeye state.

For those of us who know attorneys in Ohio, be they alumni of our educational institutions, members of our law firms, or someone you know in some other capacity I would urge you to have them contact their local legislator and let that person know how valuable the County Law Libraries are to the legal community in Ohio.

Most of the Ohio legislatures will be voting on a piece of legislation that they probably have no clear idea as to how

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# ORALL

## Ohio Regional Association of Law Libraries

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### Membership

Members: 311

Dues: \$15 per year

Non-member subscriptions: \$10 per year

Contact: Laurie Miller, Capital University  
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### Newsletter

The ORALL Newsletter is the official publication of the Ohio Regional Association of Law Libraries. Published quarterly in March, June, September, and December.

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Unsolicited contributions are encouraged;  
contributions submitted for publication are subject to  
editorial review. For extra copies, contact the editor.

Deadlines for submissions: Feb. 15, May 15, Aug. 15,  
and Nov. 15

Advertising (per issue) : \$150 for full page, \$90 for  
half page, \$55 for quarter page, and \$35 for eighth  
page.

### *Profile*

ORALL is a 4-state chapter of the American Association of Law Libraries [Ohio, Indiana, Kentucky, Michigan]. It was formed in 1949 "to further the development and usefulness of law libraries and to stimulate a spirit of mutual helpfulness among law libraries of this region." An annual conference is held each fall. ORALL publishes or sponsors the following publications: *Core Legal Collection* [bibliographies for Ohio, Indiana, Kentucky, Michigan], ORALL Membership Directory, ORALL Newsletter, Ohio Legal Resources Annotated Bibliography & Guide 3rd.

*President's Column continued from front page*

it will affect access to legal information, especially in the more rural areas of the state.

So as my first order of business from the bully pulpit I would like to urge those who are in a position to do so to get their attorney friends to contact their legislators and see about influencing the decision making process on this important piece of business for our ORALL members.

“If there is one conclusion to which human experience unmistakably points it is that democratic ends demand democratic methods for their realization.” John Dewey, Freedom and Culture, 1939.

Happy New Year to you all!

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**HELP WANTED**

ORALL seeks nominations for:

**Vice-President/President Elect**

**Secretary**

**At-large Executive Board Member**

to lead exciting professional organization beginning October 2008

Interested parties should contact  
Kyle Passmore, Chair of Nominations Committee  
[pkyle@uakron.edu](mailto:pkyle@uakron.edu) / 330-972-6352

## ***Hot Legal Topics***

### **OHIO DOG FIGHTING LAW**

**By Amy Burchfield**

**Access & Faculty Services Librarian**

**Cleveland Marshall College of Law**

### **Same Fight, Different Century**

Not much has changed in the practice of dog fighting in Ohio over the past 125 years or so. In November 1883, the New York Times ran this brief description of an Ohio dog fight:

A dog-fight for \$200 a side between Paddy and Jack, two Cincinnati dogs, took place seven miles back of Covington at midnight last night before a rough assemblage in an ice-house. Jack was new to the pit – while Paddy was a veteran. After a brutal contest of nearly an hour Paddy won. Jack is expected to die.<sup>1</sup>

Compared with a March 2007 dog fighting bust in Cincinnati, the details are shockingly similar:

The makeshift pen was about 16 feet by 16 feet, surrounded by boxes and tables to prevent escape. Three times on a night last May, two pit bulls were let loose, charging at each other for about an hour as more than 100 people watched the blood fly. The spectators paid \$100 each. As the dogs tore at each other, the gawkers wagered, drank beer and snacked on food sold by vendors inside the Over-the-Rhine warehouse.<sup>2</sup>

So a dog fight in the 1880s looked pretty much the same as one staged on an urban street corner or backstreet warehouse today. In fact, we could be reading about the latest dog fighting scandal involving Atlanta Falcons' quarterback Michael Vick.

### **The Development of a Law**

For much of the nineteenth century, Ohio law only prohibited cockfighting or bull and bear baiting, with no provision specifically addressing dog fighting.<sup>3</sup> By 1884—one year after the incident reported by the New York Times—dog fighting came on the books in Ohio. The statute prohibited engaging in dog fighting, being employed at a dog fight, receiving money for the admission of any person to a dog fight, and using, training or possessing a dog for the purpose of dog fighting. The statute further prohibited being a spectator at a dog fight. The penalty ranged from a fine between \$5 and \$150 or imprisonment between ten and thirty days.<sup>4</sup>

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<sup>1</sup> *A Brutal Dog-Fight*, New York Times (1857-Current file); Nov. 7, 1883; ProQuest Historical Newspapers The New York Times (1851-2004) pg. 2

<sup>2</sup> Sharon Coolidge, *Dogfighting Ring Covered Region*, The Cincinnati Enquirer (March 28, 2007) pg. 1B

<sup>3</sup> 3 Statutes of Ohio and the Northwestern Territory 1741 (Salmon P. Chase ed., 1835)

<sup>4</sup> 2 Revised Statues of the State of Ohio 1464 (James M. Williams ed., 1884)

Until June 1980, dog fighting was consolidated into one comprehensive animal fighting provision that also covered cockfighting, bearbaiting and other offenses. On June 10, 1980, Ohio Revised Code section 959.16 was created to specifically address dog fighting.<sup>5</sup> The necessity for a tailored response to dog fighting was highlighted by the court in the 1981 case, *State v. Smith*: “[I]t is clear that by extracting dog fighting from the general sections dealing with animals fighting, the legislature intended to give differential and separate treatment to what it perceived to be an activity of grave criminal import.”<sup>6</sup>

In addition to delimiting dog fighting as a separate offense, the 1980 statute also introduced tougher criminal penalties. A person guilty of violating the new dog fighting statute could face fourth degree felony charges. Subsequent revisions to the 1980 statute have added more nuanced penalties. Today’s dog fighting statute features a two-tiered penalty system. A first-time offender who violates the provisions of ORC §959.16 faces a fourth degree felony. Subsequent offenders face third degree felony charges.<sup>7</sup>

It is interesting to note that while the penalties for dog fighting are much tougher today than they were in the late 19<sup>th</sup> century, the basic dog fighting prohibitions have remained nearly identical. Like the 1884 statute, today’s law prohibits engaging or being employed at dog fighting, receiving money for dog fighting, using, training or possessing dogs for fighting and being a spectator at a dog fight. Like the actual practice of dog fighting, the legal reality of the activity has changed remarkably little over the years.

### **Challenges and Opportunities**

Ohio’s current dog fighting law has not gone without challenge in the court system. In *State v. Gaines*, 64 Ohio App. 3d 230, 580 N.E.2d 1158 (1990), the appellant brought a twofold argument challenging the constitutionality of the statute. On the one hand, the appellant asserted that the dog fighting statute was void for vagueness because it inadequately defined the term “dogfighting.” On the other, the appellant argued that the statute was overbroad because it could potentially hinder such legal activities as training dogs to herd sheep. The court in *Gaines* was unresponsive to both arguments and applied the law as written.

The current Ohio dog fighting law authorizes the Ohio Department of Agriculture to investigate dog fighting. In August 2001 an Ohio Dog Fighting Task Force was formed to study the problem. The Task Force issued its Final Recommendations<sup>8</sup> in December 2002 and was subsequently disbanded.

The Task Force’s recommendations were far-reaching and included suggestions for funding initiatives, legislative changes, public awareness campaigns, and resource development and education.

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<sup>5</sup> 1980 Ohio Legis. Serv. 5-39 (Banks-Baldwin)

<sup>6</sup> *State v. Smith*, 1981 WL 6315 (Ohio Ct. App. 1981)

<sup>7</sup> Ohio Rev. Code Ann. §959.99(H) (Anderson 2004)

<sup>8</sup> *Ohio Dog Fighting Task Force Final Recommendations* (December 2002) (on file with author)

Legislatively, the Task Force suggested redefining the term “dog fighting,” and creating a provision outlining who has the responsibility to house dogs seized during investigations. The Task Force further suggested adding statutory language clarifying when a dog used in dog fighting might be euthanized and imposing sentencing guidelines that would allow judges to impose limitations on the ability of a person to own certain dog breeds once convicted of dog fighting.

Based on current Ohio law, the legislative suggestions of the Task Force have yet to be implemented. As such, the Ohio General Assembly is missing an opportunity to craft a dog fighting statute that would more fully address the reality of dog fighting and clarify the fate of the animals used in the activity.

The publicity surrounding the Vick case has raised public awareness of the crime of dog fighting throughout the country. Although Ohio has adequate laws addressing dog fighting, there’s plenty of room for improvement.

### **Online Resources**

[ORC Chapter 959: Offenses Relating to Domestic Animals](#)

LAWriter

[FactSheet Dogfighting: State Laws](#)

The Human Society of the United States

50 state overview of dog fighting laws

[Dog Fighting Detailed Discussion](#)

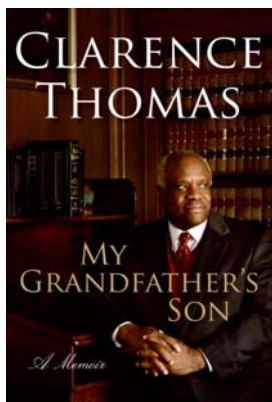
Animal Legal & Historical Center – Michigan State University

\* \* \*

The Michael Vick case has been so successful in raising the issue in the public consciousness, that, after a century of neglect, it now spurs commercial and fund-raising efforts. Headline Toys, for example, offers a stuffed Michael Vick for your dog’s entertainment and enjoyment:

<http://headlinepettoys.com/>





**Book Review**

**MY GRANDFATHER'S SON, A MEMOIR BY CLARENCE THOMAS (HarperCollins Publishers, 2007)**

Reviewed by Al Podboy

Director of Library Services, Baker Hostetler, Cleveland

No matter where you find yourself on the political spectrum, Clarence Thomas is an interesting, complex and sometimes angry man. He is a man shaped by his own experience. Although molded in the Jim Crow rural South, he was also shaped by his Roman Catholic upbringing, Holy Cross College, Yale Law School and, ultimately, by his grandparents. This book is a tribute to his grandfather.

We learn that Justice Thomas was born in 1948 and that his parents divorced while he was still an infant. His early memories occur in both rural Georgia and Savannah. He remembers the struggles of his single-parent mother and their poverty. His memoir is written through a lens viewed by race.

Although the book covers his life from childhood through his joining the United States Supreme Court, I especially liked the portion about his youth and young adulthood. I enjoyed the commonality of experience that he and my generation of first-time family college attendees shared. I found that many of his observations translated to experiences based on class as well as race.

Justice Thomas's grandfather was a black man, but he was also working class or lower middle class. He was a man working hard to survive in the '50s and early '60s. When Justice Thomas joined his grandparents' home, he joined a typical working class family. Their home was a modest two-bedroom, one-bath house. It had a separate living room, dining room, den and kitchen. As Thomas recollects, it was a palace compared to his previous existence. Justice Thomas's grandfather owned his own "fuel oil" business. He also believed in the American dream of hard work and education. For his grandfather ". . . all honest work was good work, . . . but he expected us (Justice Thomas and his brother) to do better."

Justice Thomas's grandfather was a dual Southern minority. He was a black Roman Catholic living in a Baptist region. His grandfather loved the discipline and ritual of the Catholic church. They attended church every Sunday. He sent Justice Thomas to Catholic school and the discipline and expectations of the nuns. He was, as a young man, shaped by hard work, discipline, education, a belief in self and in God.

Justice Thomas's life was roughly parallel to the lives of many of my first generation college friends and classmates. We shared similar experiences and homes. However, our experience was class-based rather than race-based. We also lived with our parents rather than our grandparents, but they laid down the same family law and expectations. I enjoyed his similar shared experience and his snapshot of a time in American history and the development of the mindset of a generation.

Justice Thomas's story is proof that America really is a society of possibilities. It is a good read and well-written. I encourage you to take a look at this man from his own perspective.



## **NE2007: Libraries Without Borders II**

### ***IMPRESSIONS OF A FIRST-TIMER***

**By Paul Venard**

**Reference Librarian, University of Dayton School of Law**

As NE2007 was my first experience in attending any type of conference, library or otherwise, I was unsure of what to expect. However, as hoped for, NE2007 in Toronto provided me with a much appreciated opportunity to attend many informative sessions and to meet many new colleagues in the library sciences and information services profession.

From the opening reception at the Ontario Legislative Building to the close of the conference Saturday, I was able to meet with a large number of people from various locations across the globe as well as with some old friends. During the run of the conference, whether it was at the opening reception, in the sessions, or in the session breaks, there was much to observe and to learn at all times.

The reception and tours provided at the Ontario Legislative Building provided an excellent opportunity to learn more about Ontario's Parliament and to view a number of exhibits in the lobbies. Having gained interest in the field of Election Law, concentrating on the U.S. election process, through previous library experiences, I found it particularly interesting to view the Parliamentary chamber and the display on Ontario's election procedures and process. The tour of the library was also very interesting and informative, as were the demonstrations of some of the projects by the library's staff members. Of particular interest were the database tracking Ontario's political races and the campaign literature associated with the same. The library was monitoring election-related Web sites and converting the relevant pages and news items to PDF, with library staff members planning to archive and catalog the sites for future reference.

The sessions at the conference also provided me with a great deal of information on subjects that I hope to apply to my daily work. Having the opportunity to attend a number of sessions on International Law research provided great insight into the quantity and quality of available resources, both in electronic and print format. A number of sessions also provided a look at the changing future of the law library and the role of the law librarian, demonstrating the need to adapt to the change – while balancing the continuing importance of traditional sources and services.

Throughout the conference, I was able to meet and speak with a number of other librarians, including a number of ORALL members. Having the opportunity to meet with others, both informally and at the business luncheon, put a face to some of the names I often see in e-mail messages and provided a chance to learn more about them, their libraries, and their work.

Overall, NE2007 was a very good experience, both for the professional education and insight it provided and for the opportunities to make new professional contacts. I thank ORALL for their assistance in providing this opportunity to attend, and look forward to the opportunity to attend next year's conference.

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**NE2007: Libraries Without Borders II**  
***D'OH! CANADA! – RESEARCHING CANADIAN LAW***  
By Sue Altmeyer  
Electronic Services Librarian  
Cleveland Marshall College of Law

One of my favorite presentations at the 4<sup>th</sup> Northeast Regional Law Libraries Meeting was “Researching Canadian Law, Part I: The Judicial Process, Courts and Case Law” by Beatrice Tice. Ms Tice is the Chief Law Librarian at the Bora Laskin Law Library, University of Toronto. Ms. Tice said that assumptions you make while doing U.S. legal research sometimes do not apply when you are doing Canadian legal research. So, imagine famous American Homer Simpson performing legal research in Canada .....

1. Homer is working on an assault case, where the assault occurred in Toronto. He wants to find the applicable statute. He figures he will look in Ontario Statutes. D’oh! Canada! Canadian criminal law is almost entirely federal, so Homer will have to look at federal statutes.
2. Homer wants to find premises liability decisions for the highest court in Ontario. He tries to look for cases decided by the Supreme Court of Ontario. D’oh! Canada! The highest level court for Canada provinces is the appellate level. There is no third level provincial court. Cases from provincial appellate courts can be appealed to the Supreme Court of Canada. The Supreme Court of Canada plays a non-federal role. However, like the U.S. Supreme Court, the Supreme Court of Canada is selective in which cases it hears. So, there may not be a huge number of Supreme Court of Canada decisions applicable to Homer’s research.
3. Homer is working on an automobile accident case where one driver was from Ontario and one was from Quebec. He believes the case can be filed in a Canadian federal court on the basis of diversity jurisdiction. D’oh! Canada! There is no diversity jurisdiction in Canadian federal court. In fact, the trial and appellate level Canadian federal courts have very limited jurisdiction, restricted to only certain areas of federal law. Additionally, note that cases filed in provincial courts can not be removed to federal court.

Other D’ohs:

- The Supreme Court of Canada can make advisory opinions if requested by the federal or a provincial government. One example is [Reference re Same-Sex Marriage](#), [2004] 3 S.C.R. 698, 2004 SCC 79, which considered the constitutionality of proposed federal legislation allowing two people of the same sex to marry. United States courts require an actual controversy, and can not issue advisory opinions.
- Canadian courts frequently use precedent from outside of Canada. For common law issues, U.K. cases are cited, while for more cutting edge issues, such as securities law, U.S. cases are cited.

- The proper way to pronounce a Canadian case is “Smith and Jones” not “Smith versus Jones.”
- Canadian cases tend to use the word “lawyer” rather than “attorney”. So, try a search for “lawyer misconduct”, not “attorney misconduct”.
- Lawyers in Canada usually wear a gown to court, but not a wig as they do in the U.K.
- The Canadian government has a copyright interest in the text of legal decisions.
- Canadian statutes are not arranged topically, like the U.S. Code. Canadian Revised Statutes are arranged alphabetically by Act title.

Ms. Tice had a lot more to say on how to research Canadian case law. An MP3 file of her presentation is available at <http://www.librarieswithoutborders.net/Proceedings.html>

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## **NE2007: Libraries Without Borders II**

### ***LUBUTO LIBRARY PROJECT***

**By Maureen H. Anderson**

**Public Access Services Librarian**

**University of Dayton School of Law**

Jane Kinney Meyers, a librarian from Washington D.C., believes that in addition to food and shelter, every child deserves a chance to learn and to hope for a better future. On Thursday at the NE2007: Libraries Without Borders II Conference, she spoke at a well attended session about her organization and its on-going work with street children orphaned by AIDS.

From humble beginnings in a converted metal shipping container in 2001, with books donated from the United States and the United Kingdom, The Lubuto Library Project grew out of a volunteer reading program that was run by 25 young Zambians. The Fountain of Hope’s Lubuto Library in Lusaka is the first of at least 100 libraries that are planned for Zambia and regionally. *Lubuto* is a word from the Bemba language of Central Africa that means “enlightenment, knowledge, and light.”

Jane spoke passionately about her work with the orphaned and vulnerable children that she encounters in sub-Saharan Africa. She stated that the goal of the Lubuto project is to make a real and tangible difference in the lives of the most marginalized children on earth. She is quick to point out that Lubuto is not a book donation program; book donation programs usually send books to schools, but most African children affect by AIDS are unable to attend school. The library is a place for the children to come and be with others without any questions. They can

just come and listen. “Reading provides a way for these children to connect with society,” said Meyers.

The Lubuto Library Project has not taught these children how to read through literacy or reading programs. These children learned to read because the books were made available to them.

In planning for the future, Jane explained that in order for a location to qualify as a Lubuto Library site, it must be accessible to at least 500 children and there must be a commitment to maintain the collection and supply staffing. After that, if a site is approved, construction begins. Each library is built in traditional Zambian architectural style. Jane reveals that the beauty of the buildings tells the children that somebody cares about them. The next two libraries are scheduled to be built in the rural communities of Nabukuyu and Itimpi.

The libraries that the Lubuto Project builds provide safe places to read and learn to read. Complete library collections of 5,000 sturdy, primarily non-fiction books that adhere to careful guidelines established by expert children’s librarians serve as the foundation of each library.

There are many ways to get involved with the Lubuto Library Project. Interested persons can help with fundraising, communications, volunteering and research. For more on the Lubuto Library Project, visit [www.lubuto.org](http://www.lubuto.org)

Thank you to ORALL for sponsoring my attendance at the conference. As usual, it was a rich and rewarding experience. Toronto is a wonderful place!



\* \* \*



**It's GREAT in Dayton!**

**The 2008 ORALL Annual Meeting  
October 15-17**



ORALL 2007-08 MEMBERSHIP DIRECTORY  
CORRECTIONS AND CHANGES

- p. 6 Remove entire listing for Office of Attorney General
- p. 6 After listing for Locke Reynolds LLP, add the following listing:  
Thomson West  
2356 N. Park Ave.  
Indianapolis, IN 46205  
**Lisa Barberio, Librarian Relations Manager**  
317-459-9367  
FAX 317-245-2117  
lisa.barberio@thomson.com
- p. 6 Remove listing for Maribel Nash under Valparaiso University
- p. 8 Change the email address for Karen Nuckolls under Listing for University of Kentucky from kanuck2@.uky.edu to [Kanuck2@uky.edu](mailto:Kanuck2@uky.edu) (As published there was a period between the @ and uky)
- p. 8 Change the job title for David Ensign under listing for University of Louisville from Acting Dean/Permanent Director to Director
- p. 11 Change the email address for Richard A. Baker under listing for Guernsey County Law Library from [guelawlibassn@jadeinc.com](mailto:guelawlibassn@jadeinc.com) to [guelawlibassn@verizon.net](mailto:guelawlibassn@verizon.net)
- p. 12 Remove listings for Heather Irene Churchman and Bobbie Kyle under Keating Muething & Klekamp PLL
- p. 14 Under listing for Cleveland State University, add:  
Amy Burchfield, Access & Faculty Services Librarian  
(216) 687-6885  
Fax: (216) 687-5098  
amy.burchfield@law.csuohio.edu
- p. 16 add under listing for Jones Day after Nancy S. Clark:  
Morris Jackson, Research Services Librarian  
(614) 281-3916  
mmjackson@jonesday.com
- p. 17 Change the phone number for Ellen Seibert under Supreme Court of Ohio Law Library from (614) 387-9673 to (614) 387-9682
- p. 18 Substitute Judith R. Maxwell, J.D., esq. for Katherine E. (Kathy) Beeghley under listing for Delaware County Law Library Association
- p. 20 Change the email address for Melissa Barr under listing for Cuyahoga County Public Library from mbarr@cuyahoga.library.org to mbarr@cuyahogalibrary.org (with cuyahogalibrary being one word)
- .
- p. 20 Change the email address for Juanita Henniger under Washington County Law Library from washcolaw@sbcgolbal.net to [LawLibrary@washingtongov.org](mailto:LawLibrary@washingtongov.org)
- p. 21 Change the email address for Kathy L. Moreland under Tuscarawas County Law Library from [TuscLawL@adelphia.net](mailto:TuscLawL@adelphia.net) to [tusclawl@neohio.twcbc.com](mailto:tusclawl@neohio.twcbc.com)
- p. 21 Change the email address for Jon N. Diller under Putnam Law Library from [jdiller@ql.net](mailto:jdiller@ql.net) to [jdiller@q1.net](mailto:jdiller@q1.net) (the character following the q should be the number one)

p. 23 Substitute Sandy Wilson for Kim Hoppes under listing for Fayette County Law Library Association. Also change the email address from [fayettelawlibrary@adelphia.net](mailto:fayettelawlibrary@adelphia.net) to [fayettelawlib@midohio.twcbc.com](mailto:fayettelawlib@midohio.twcbc.com)

p.36 Between Baldree, Angela T. and Barksdale, Iain W, add:  
Barberio, Lisa  
Thomson West Indianapolis, IN 6

p. 37 Remove listing for Beeghley, Katherine E. (Kathy)

p. 38 Between Burch, Sue and Busch, Betty, add:  
Burchfield, Amy  
Cleveland State University Cleveland, OH 14

p. 38 Remove listing for Churchman Heather Irene

p. 43 Remove listing for Hoppes, Kim

p. 43 Between Humphrey, E. and Jackson, Sherry, add:  
Jackson, Morris

Jones Day Columbus, OH p. 16

p. 45 Remove listing for Kyle, Bobbie

p. 45 Remove listing for McClain, Kay

p. 45 Between Matts, Constance and McFarland, Anne, add:  
Maxwell, Judith R.

Delaware County Law Library Association Delaware, OH 18

p. 47 Remove listing for Nash, Maribel

p. 53 Between Wilson, Lara C. and Wood, Dee, add  
Wilson, Sandy

Fayette County Law Library Association Washington Court House, OH 23

p. 56 Remove listing for Office of Attorney

\* \* \*