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Researching ORALL States: Building on the Basics

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Sara Sampson

Assistant Dean for Information Services, Moritz Law Library



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Kentucky Legal Research

- Courts
- Legislature
- Administrative Law
- Secondary Sources





Court Structure



From KY court brochure <http://courts.ky.gov/resources/publicationsresources/Publications/P2KCOJBrochure.pdf>



Kentucky Cases

- Are *published* in South Western Reporter
- Are available online
(http://apps.courts.ky.gov/supreme/sc_opinions.shtm)
- Court of Appeals 1996+
- Supreme Court 1999+



Kentucky Constitution

Current version adopted in 1891

Is wide-ranging and contains subjects covered by statutes in the federal and other states.



Kentucky Legislation

- *Kentucky Revised Statutes* is published as Baldwin's Kentucky Revised Statutes Annotated (West) and Michie's Kentucky Revised Statutes Annotated (Lexis).
- Available online at <http://lrc.ky.gov/statutes/>



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Kentucky Legislature

Since 2000, meets every year. In odd-numbered years, the session has a time limit and special rules for appropriation and revenue legislation.

Before 2000, the General Assembly met in regular session only in even numbered years.



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Kentucky Legislative History

Like most states, there are fewer types of documents than the federal version:

Legislative records (published by Legislative Research Commission)

Bills, amendments, votes

Journals (no transcripts, only procedural activities)

Audio Recordings of Committee Minutes (LRC library)

Research reports, memos, and other publications

Videotapes by Kentucky Educational Television



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Kentucky Secondary Sources

UK/CLE (some titles available on LexisAdvance)

<http://ukcle.com/>

Baldwin Handbooks (available on Westlaw)

Kentucky Practice series (available on Westlaw)

Kentucky Legal Research Manual (Metzmeier et al.

UK/CLE)

Law School Research Guides



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Kentucky Administrative Law

Kentucky Administrative Regulations Service – published each August by LRC.

Updated with the Administrative Register of Kentucky, which is published once a month.

Review Agency Webpages for decisions and other material.



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Ohio: So Much to Discover

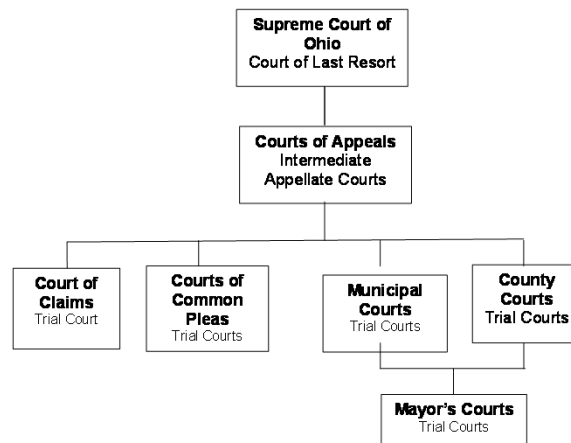
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Ohio Courts





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Ohio Cases Online

Print Published vs. Non-Print Published Cases

-Court disposed of difference between print published and non-print published distinction effective May 1, 2002.

-On July 1, 2012, Ohio's official publication is online.

Cases freely available from [Supreme Court](#).



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Ohio Reporters

Reporter	Abbreviation	Contents	Notes
<i>Ohio State Reports</i>	Ohio St.	Ohio Supreme Court materials	Until 1991, appeared in <i>Ohio Official Reports</i>
<i>Ohio Appellate Reports</i>	Ohio App.	Selected Ohio Court of Appeals opinions	Until 1991, appeared in <i>Ohio Official Reports</i>
<i>Ohio Miscellaneous Reports</i>	Ohio Misc.	Selected Ohio trial court opinions	Until 1991, appeared in <i>Ohio Official Reports</i>
<i>North Eastern Reporter</i>	N.E.	Selected cases from Ohio, Illinois, Indiana, Massachusetts & New York*	



Ohio Case Law Quirks

- Syllabus Rule
- Reported trial court cases
- WebCite
- This vendor neutral citation format was introduced in 2002.
 - It looks like this: *Welling v. Weinfeld*, 113 Ohio St. 3d 464, 2007-Ohio-2451, 866 N.E.2d 1051.
- It uses paragraph numbers instead of pages, so for pinpoint citations, you'll see *Welling*, at ¶.



Ohio Constitution

Ohio has had two constitutions – original in 1803 and current one, from 1851.

Similar in structure to US Constitution, but

- (1) For some rights, it provides greater protection than federal (e.g., religious freedom)
- (2) contains provisions similar to state and federal statutes (e.g., elections, corporations, gaming)

Great research guide at

<http://guides.law.csuohio.edu/ohioconstitution>



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Ohio Legislature

Bicameral legislature – similar process to federal

Legislative Service Commission writes bills and produces reports that are helpful to track pending legislation or for legislative history purposes

Initiative & Referendum Process

<https://www.sos.state.oh.us/sos/LegnAndBallIssues/issues/InitiatedStatute.aspx>



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Ohio Legislature

Code

Ohio Revised Code (revised in 1953); published as Baldwin's Ohio Revised Code (West) and Page's Ohio Revised Code (Lexis); available online at <http://codes.ohio.gov/>.



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Ohio Legislative History I

- No equivalent to federal committee reports or hearing documents, no published transcripts of hearings or debates.
- Documents that are available are
 - Session laws; bill amendments and substitute bills, LSC bill analysis, Fiscal notes & Local Impact Statements; Senate and House Journals; Bulletin of General Assembly and LSC Legislative Status Sheet, Digest of Enactments; Bill Synopsis
 - Fee-based services provide summaries of activity at hearings, etc.



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Ohio Legislative History II

Sources of these documents

- Gongwer
- Hannah Capitol Connection
- Ohio General Assembly Website & LSC
- Ohio libraries; Ohio History Connection (Bill File)

- 1989+ Hannah is best; 2001+ GA website has a lot



Ohio Legislative History III

Tracking Ohio Legislation

legiscan.com/ - free tracking of bills

Gongwer, Lexis & Westlaw – subscription tracking of bills or subjects

Hannah – subscription tracking of bills, bills affecting a particular code section, or bills introduced by a particular legislator



Ohio Executive and Agencies

Similar to federal structure and process except:

Ohio agency rules are subject to legislative oversight. The Joint Committee on Agency Rule Review (JCARR) reviews proposed rules for various issues.

There is an annotated code of regulations in print and online (Baldwin's Ohio Administrative Code Annotated).



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Ohio Secondary Sources

Ohio Jurisprudence

Baldwin's Ohio Practice Treatises

LexisNexis Ohio Practice Treatises (e.g., Anderson's)

Several Form Books and sets in print and online

Ohio State Bar Association Report

Ohio Jury Instructions; OSBA Jury Instructions

Research Guides @ Ohio Law Schools

Sampson, Hall & Broering-Jacob's *Ohio Legal Research*

Steinglass & Scarselli's *The Ohio State Constitution*

Putnam & Schaeffgen's *Ohio Legal Research Guide*



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Questions?

