Legal Research in ORALL States Compared and Contrasted

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Question 1

• What are the most unique things that are in your state’s constitution?
Indiana’s Constitution

- Indiana has had two constitutions: 1816 and 1851
- Amending the Indiana Constitution: Article 16 – legislatively referred constitutional amendment
- Ex: lawyers’ amendment
- Recommended sources:
Kentucky Constitution

- Incorporates the laws of Virginia in Ky. Const. § 233:

  “All laws which, on the first day of June, one thousand seven hundred and ninety-two, were in force in the State of Virginia, and which are of a general nature and not local to that State, and not repugnant to this Constitution, nor to the laws which have been enacted by the General Assembly of this Commonwealth, shall be in force within this State until they shall be altered or repealed by the General Assembly.”
Ohio Constitution

- Two constitutions: 1802 & 1851
- Ohio’s constitution:
  - Single subject rule
  - Regulates gaming
  - Provides a greater guarantee of religious expression than federal constitution
Question 2

• What is your state’s court structure? Are appellate decisions binding over the whole state or just within a particular appellate division?
Indiana Court Structure

Indiana Supreme Court
5 JUSTICES
Court of Last Resort

Court of Appeals
15 JUDGES IN 5 DISTRICTS
Intermediate Appellate Court

Indiana Tax Court
1 JUDGE
Intermediate Appellate Court with Original Jurisdiction

Trial Courts
317 JUDGES
General Jurisdiction
Circuit and Superior

Small Claims Courts
Marion County
9 JUDGES
Limited Jurisdiction

Town Courts
22 JUDGES
Limited Jurisdiction

City Courts
43 JUDGES
Limited Jurisdiction

https://www.in.gov/judiciary/2681.htm
Kentucky Court Structure

- Kentucky Supreme Court
- Kentucky Court of Appeals
  - Circuit Court
  - Family Court
- District Court
Question 3

• What’s the best way to track legislation in your state?
Bills and resolutions for current legislative session, as well as archives back to 1997
Session laws, 2000 to present
Seriously lacking in legislative history documentation!
Committee reports back to 1997 (recommendations only)
Indiana House/Senate Journals (activity tracking, but not record of floor debates)
Recommendation: Audio/Video records of floor sessions
You might also look for legislators’ and committees’ blogs, social media, etc.

Brevier Legislative Reports (1858-1887), digitized
House and Senate Journals back to 1858
Indiana Acts (session laws) in print, 1858 to current

Legiscan, https://legiscan.com/IN
Openstates.org, https://openstates.org/in/
Bill Tracking on Westlaw and Lexis
Kentucky Legislation

- Older Legislation: track through the tables in the House and Senate Journals
- Newer Legislation: audio tapes maintained by the LRC and newspaper articles, in addition to the House and Senate Journals
- Pending Legislation: track through the LRC’s Bill Tracking
  http://kentucky.gov/Services/Pages/billwatch.aspx
- KET has videos of the Kentucky General Assembly
Tracking Legislation In Ohio

- Free tracking of pending legislation from Ohio Legislature’s website:
  - Track by bill number, subject, committee
  - Real-time tracking via Gongwer or Hannah
    - www.gongwer-oh.com & www.hannah.com
  - Sophisticated alert emails (committee schedules, resignations, by subject)
Question 4

• What is the organization of the state code, and are there quirks to the organization?
Arrangement of Indiana Code

IC
Title 4: State Offices & Administration
Article 23: Boards & Commissions
Chapter 7.1: State Library
Section 2: Duties & Functions
Organization of the Kentucky Revised Statutes

• Topical Organization
  – Title > Chapter > Section
• Straightforward Organization (for the most part)
• The Legacies of Changes:
  – Title 40 Crimes and Punishments
  – Title 50 Kentucky Penal Code
Ohio Revised Code

- Title > Chapter > Section
- 2909.01 is from Title 29, Chapter 2909, and section 2909.01
- Chapters generally are organized as
  - Definitions
  - Rule
  - Exceptions
Question 5

• What is the publication history of the state code?
Publication History of the Indiana Code

Earliest Acts of Indiana (and the Northwest Territory)

- Session laws
- Revisions in 1807, 1824, 1831, 1838, 1843, 1852, and 1881

Indiana Code

- Indiana Code of 1971 – created the original 35 titles of the Indiana Code
- **Note:** Detailed history of Indiana statutes in first volume of the Indiana Code
Publication History of the Kentucky Revised Statutes

• Bradford’s *Laws* first published in 1799
• 1942 *Kentucky Revised Statutes*
• After 1963, the Kentucky Revised Statutes were printed as Looseleaf sets
• In 1971 Michie’s Kentucky Revised Statutes began its publication.
• Today, there are two official copies of the Kentucky Revised Statutes, both of which are annotated:
  – Baldwin’s Kentucky Revised Statutes
  – and Michie’s Kentucky Revised Statutes
### Publication History of the Ohio Code

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<thead>
<tr>
<th><strong>Earliest Acts of Ohio (and the Northwest Territory)</strong></th>
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<tbody>
<tr>
<td>• Session laws</td>
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<tr>
<td>• Revisions in 1805, 1810, 1816, 1824, 1831, and 138 (in the <em>Laws of Ohio</em>)</td>
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<td>• Various private compilations up to 1875</td>
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<tr>
<th><strong>Revised Statutes (R.S.)</strong></th>
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<tr>
<td>• First complete codification of Ohio laws, work began in 1875</td>
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<tr>
<th><strong>General Code (G.C.)</strong></th>
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<tr>
<td>• Published in 1910, second full codification, more than one version – both Anderson and Baldwin</td>
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<tr>
<th><strong>Revised Code (R.C.) 1953</strong></th>
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<tr>
<td>• Currently published by Lexis (Anderson) and West (Baldwin)</td>
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<td>• Occasionally titles are completely rewritten and title 58 was created in 2007.</td>
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Question 6

• Are there particular resources which are available through particular databases?
Where to find Indiana resources on Lexis and Westlaw

Westlaw
- Indiana Law Encyclopedia
- Indiana Practice Series

Lexis Advance
- Indiana Pleading & Practice
- Henry’s Indiana Probate Law & Practice
- Appellate Handbook for Indiana Lawyers
- Midwest Transaction Guide
Where to find Kentucky resources on Lexis and Westlaw

Westlaw
- Kentucky Practice Series
  - E.g., Criminal, Domestic Relations, Elements of Practice
  - Appellate, Torts, and Trial Practice
- Kentucky Forms & Transactions

Lexis Advance
- UK CLE Materials
- Caldwell's Kentucky Form Book
- Kentucky Evidence Law Handbook
- Kentucky Jury Instructions
Where to find Ohio resources on Lexis and Westlaw

Westlaw
- Baldwin’s practice materials
- Baldwin’s handbooks
- Ohio Jury Instructions
- Ohio Jurisprudence

Lexis Advance
- Anderson’s practice materials
- Ohio Jury Instructions
- Ohio Jurisprudence
Question 7

• Does your state have initiative and referendum processes? If so, what are the rules?
No initiative and referendum process; Constitution amended by legislative referral
Initiative and Referendum Processes

- Limited Referendum Processes are allowed only for specific topics, i.e. taxation, City Public Questions.
- Constitutional Amendments are more common, especially given the wide-ranging topics of the Kentucky Constitution.
“the powers of initiative and referendum are reserved for the people of Ohio” – Article 2, Section 1 Ohio Constitution

Process

1. Appoint a committee
2. Draft language & summary, approval by AG, gather 1000 signatures
3. Circulate petitions to gather signatures
   A. Constitutional Amendment: 10% overall, 5% in at least 44 counties
   B. Statutory I&R – 3% to introduce to GA (1.5% at least 44 counties), 6% to pass (3% in at least 44 counties)
4. Vote
Question 8

• Has your state adopted UELMA? If not, are any of the online resources authenticated or official?
• No. 😞

• But the versions of the Indiana Code, the Indiana Administrative Code, and the Indiana Register on the Indiana General Assembly website are authenticated.
UELMA

• Unfortunately, Kentucky has not adopted UELMA.
• Though the Kentucky Revised Statutes are online, they are not authenticated or official. “The files making up this Internet version of the Kentucky Revised Statutes do not constitute official text of the statutes and are intended for informational purposes only. No representation is made as to the accuracy or completeness of these sections.”
UELMA in Ohio

• Not passed, but introduced and referred to committee in the Senate (SB 139)
• Session laws, ORC, OAC, and caselaw don’t appear to be authenticated, even though some are official.
Question 9

• What are the most respected secondary sources?
“Go-to” Indiana Secondary Sources

Indiana Practice – expert analysis, forms, checklists, and practice tips on Indiana law

Honorable mention: Indiana Law Encyclopedia
Respected Kentucky Secondary Sources

• Kentucky Practice Series
• University of Kentucky CLE Publications
• Kentucky Forms & Transactions
• Caldwell’s Kentucky Form Book
• Evidence Law Handbook
Ohio’s best secondary sources

• Baldwin’s Practice Sets
• Baldwin’s handbook series
• Ohio Jurisprudence
• Anderson Practice Series
If I have a question about legal research in your state, where should I turn for help?
# Questions About Indiana Legal Research?

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<th>Library Name</th>
<th>Contact</th>
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| Indiana Supreme Court Law Library                                | • (317) 232-2557  
  • Website: [http://www.in.gov/judiciary/supreme/2329.htm](http://www.in.gov/judiciary/supreme/2329.htm) |
| Vanderburgh County William H. Miller Law Library                  | • (812) 435-5175  
  • Email: evvlaw@evansville.net |
| Jerome Hall Law Library (Ind. Univ. Bloomington)                  | • (812) 855-2938  
  • Ask-a-Librarian: [http://law.indiana.edu/lawlibrary/services/ask-librarian.shtml](http://law.indiana.edu/lawlibrary/services/ask-librarian.shtml)  
  • Chat: [http://law.indiana.libanswers.com/ask](http://law.indiana.libanswers.com/ask) |
| Ruth Lilly Law Library (Ind. Univ. Indianapolis)                  | • (317) 274-4026  
  • Email: lawlref@iupui.edu |
| Kresge Law Library (Univ. of Notre Dame)                         | • (574) 631-5993  
  • Email: lawlib@nd.edu |
| Valparaiso Law Library                                            | • (219) 465-7981 |
Who can you ask about Kentucky Legal Research?

UK Law Library Reference:
(859) 257-8131
rs_lawref@uky.edu
Ohio Legal Research Resources

• Excellent Research Guides
  – Cleveland-Marshall
  – Franklin County Law Library
  – University of Cincinnati
  – And more!

• Books
  – Ohio Legal Research Guide
  – Ohio Legal Research

• Call your Ohio ORALLians
Exercise

• Come up with 2-3 questions that you would like answered about all three states.
• Talk among your neighbors to find out the answers for at least one state.
• If we do this program again, please suggest topics, speakers or themes.