I hope this message finds you happy, healthy and enjoying a great summer. I am happy to report to you that my health is steadily improving. Thanks to those of you that sent messages and signed cards, your thoughtfulness meant a great deal to me.

I am sure that all of you who have been reading the AALL and ORALL newsletters have noticed that a great deal has been written lately concerning the future direction of AALL in terms of its financial situation and the impact of finances upon future services. The decisions that will be reached will have an effect on all law librarians, both individually and at the chapter level. Law Librarianship, while growing, is nevertheless a relatively small profession and one that almost necessarily requires a great deal of support from one's colleagues. I have always found that this much needed support is available through both ORALL and AALL. Stop and think for a moment how services such as the AALL Newsletter, Law Library Journal, workshops and annual meetings have been useful to you during your career.

Similarly, how many times have you gained a contact or developed a friendship with a colleague through the common ground you share through your membership in ORALL and AALL. My point is, I believe we need a strong ORALL and a strong AALL to grow as professionals and as a profession. It is quite likely that we will need to pay increased dues to AALL in the near future. Price increases seem to be an unavoidable part of life these days, however, I

(continued on page 2)
President's Message

I believe the real issue is if we are receiving value for our dollars. In the case of AALL, I believe the answer is yes. I feel confident that AALL is now doing its part to keep a careful tab on where and how our money is being spent. To maximize efficiency, undoubtedly, some reorganization will be required and under Margaret Leary, Dick Danner and Judy Gensen's leadership this is being done. I hope you feel proud as I do, of our profession and its professional associations and will support their continued growth.

Best wishes to all of you. I look forward to being with you in Chicago, when we participate in the regional meeting.

Michael Sliger
ORALL President

FROM THE EDITORS

Contributions submitted for publication in the Newsletter can be sent to us through the mail, or, to save time, they can be faxed! Our fax number at Cleveland State is (216) 687-6881.

Another time saver is to send your submissions on either 5½" or 3½" computer disk, alleviating the need for rekeying. We can accept computer disks with ASCII, XyWrite, or Wordstar files. Please send a printed copy along with any computer disk submissions.

Elise H. Quinn, Co-Editor
Deborah L. Bobinet, Co-Editor

ADDING THE HUMAN DIMENSION TO LAW LIBRARY TECHNOLOGY

If you have read Megatrends by John Naisbitt, you've heard the phrase "high tech, high touch." It refers to the importance of balancing the human side of the workplace with technology. The concept of teleconferencing has generally been thought to be unfavorable because there is not high touch - no opportunity for informal contact exists. Michael Whipple, Marianne Maher, and Taylor Fitchett gave us advice to make sure we keep the proper balance.

Michael Whipple reminded us that technology can broaden the view of a employee by enabling them to do more than one part of a task and thus see more of the whole picture. Workers can also add their own human touches to some extent, hence, personalizing the work environment. Technology can also break down barriers between Technical and Public Services as they see its impact on each other's department.

Marianne Maher spoke about helping patrons deal with technology. It is important to know your audience (remember this from library school?). Don't gloss over this point. You should find out how familiar are they with computers and other high-tech equipment. The librarian has to play matchmaker between the user and technology.

There is a great deal we can do to help this matchmaking process. First, make the users comfortable with the hardware, then work on content. Repeat everything you say in training. Long manuals don't get read; try short help sheets. Schedule refresher sessions or demonstrations. Demonstrate equipment when you know it is working. If your library is part of a larger organization, work library applications into available technology (e.g., electronic mail). Solicit comments and input; if you receive

(Continued on page 3)
a complaint, ask the user about positive aspects of using a particular technology.

Taylor Fitchett then addressed the staff aspects of technology and offered ten thoughts on controlling its growth:

1. JUST SAY NO. Don’t buy equipment just because you have money.

2. INVOLVE THE STAFF EARLY. This allows for controlling the direction of the project and everyone is more knowledgeable when it comes into use.

3. CHOOSE THE RIGHT PEOPLE WITH THE RIGHT KIND OF SKILLS AND TRAINING. People who cannot overcome mental blocks should be shifted to areas where technology isn’t as necessary.

4. COMMUNICATE THE PLAN. Share information and provide direction. Let the staff know how a new technology will affect them; be up-front about impending changes.

5. PROVIDE TRAINING. Train as many people as possible, even those who won’t use the technology all the time. Good trainers and manuals are necessary. Confidence by employees provides control.

6. GIVE THEM A BREAK. The staff will need time to “play” with the system; reassign workloads if necessary.

7. PROVIDE RESOURCES. Staff costs are rarely evident. Provide proper furniture.

8. NETWORK. Allow all staff to participate in networking activities.

9. BE SENSITIVE TO FRUSTRATIONS. “The computer is down.” Are there alternatives when malfunctions occur?

10. MAKE IT FUN. “It’s Up – We Did It.” Relieve drudgery by encouraging creativity.

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LAW LIBRARY SERVICES FOR PRISON INMATES

At the meeting in Toledo the County Law Libraries SIG was privileged to have as speakers, Tom Schweyer, Corrections Librarian/Special Services Department with the Toledo-Lucas County Public Library and Jack Shuba, Director of Special Projects for the Lucas County Sheriff. They addressed law library related issues they have encountered with the Lucas County/Toledo Jail inmates.

The Lucas County/Toledo Jail library houses a legal collection of 12,000 volumes with access to all volumes by all of its inmates. This collection is considered to be the best law library in an Ohio correctional facility.

Due to overcrowding and other adverse conditions, the jail was placed under Federal mandate in 1971. As part of that mandate, a special Master was appointed and a full service library was ordered. The mandate did not specifically state what materials should be in the collection. However, since the jail handles county, city and federal inmates, it must have access to Federal and Ohio statutes. The jail library was aided in its materials selection process by the staff of the University of Toledo Law Library.

Some of the most common questions asked by inmates include, "How much time will I get?", "What about plea bargaining?", "What procedure will I be going through?", and "What about due process.” They also often have concerns unrelated to their cases: divorce, child custody, property, etc.

Schweyer and Shuba concluded with a question and answer session and spent additional time with librarians who were facing problems in this area.

(Continued on page 4)
Confidentiality in Records

Although thirty-eight states and the District of Columbia have passed confidentiality laws, the State of Ohio has yet to enact legislation that would protect libraries when individuals, or local, state, and federal government agencies make inquiries about a library’s patron and circulation records or user’s specific borrowing habits. While librarians recognize that these sorts of records are confidential in nature, not everyone, including the FBI, would agree.

The confidentiality issue was the topic which Lynn Jacobs, Assistant Prosecutor for the Lucas County Prosecutor’s Office in Toledo, addressed at the ORALL Spring Meeting. Jacobs described some of the history surrounding the confidentiality issue and brought ORALL members up-to-date on the issue’s current status.

Jacobs said that in 1960, the Ohio Supreme Court ruled that public records are the people’s records. In 1978, the court ruled that “records” should be defined as retained information in all formats, not just in paper. Until 1985, when section 149.43 O.R.C. was finally enacted, all public bodies were required to keep all public records open to the public. Jacobs said that prior to 1985, the Ohio Supreme Court held that the term “public body” should be defined as any institution which is publicly funded.

Jacobs said that section 149.43 O.R.C., enacted in 1985, was helpful in defining another of the vague concepts surrounding the confidentiality issue. "Public record" quoted Jacobs, "means any record that is kept by any public office, including, but not limited to, state, county, city, village, township, and school district units... "Available to the public?” That, Jacobs said, means that public records need be available to any person, (even to an alien) at a reasonable time and at cost. The rule of reason is prevalent.

Jacobs noted that in addition to the definitions that section 149.43 O.R.C. provided, it also enumerated exceptions to the definition of a public record. These exceptions include medical records, adoption records, juvenile records, probation and parole records, trial preparation records and any record precluded by any other Federal or State laws, i.e., expunged records.

Jacobs noted that most of the confidentiality litigation has been in the areas of personnel records and confidential law enforcement investigations. Thus far, the courts have taken the position that we are keepers and holders of privileged information.

Last Session, Ohio Senator Paul Pfeifer introduced a bill that would have prohibited libraries from releasing records without a court order, however the bill (Ohio S.B. 133) died in committee at the end of the Session. New legislation will have to be introduced this Session. Jacobs suggests that we all write to our legislators lobbying in support of confidentiality legislation. Until legislation is passed that specifically includes libraries’ records among those excluded from public access, Jacobs suggested that "if you don’t need a record, don’t keep it" for today, library records are not safe from public scrutiny in Ohio.
GET THE WORD OUT

Ninety-five percent of the public know that they can check a book out of a library which is why libraries measure productivity using circulation statistics. However, circulation statistics are not a good measurement for justifying the resources needed to provide quality Reference service. Using the library as a source for answering questions was the theme of a presentation given by Nancy Foth, Manager of the Main branch of the Toledo-Lucas County Public Library, at the ORALL Spring meeting.

Foth explained how her library system has developed more meaningful methods for measuring effectiveness than the circulation record, the standard measurement of success in this type of organization. Their goal was to establish a qualitative and quantitative connection between complex, difficult to explain and hard to document information and the effectiveness of their reference service. This information would then form a report to their library management.

The Toledo library system began their survey-taking in March, traditionally the library’s busiest month. It encompassed reference and directional questions, attendance, and meeting room use. They also recorded the patron’s affiliation and how long the librarian took to find the answer.

To quantify levels of complexity they used the Public Library Association’s formula for standardization of reference questions. Accordingly, the definition of a reference question would be a question whose answer would include the finding of an information contact that involved the use of a print or non-print knowledge source.

A question that is directional could be answered by pointing whereas, a reference question would entail taking the person to show them the answer.

Occasionally the staff missed the timely recording of some questions. Overall, collection development, work procedures, staff development and communication skills were greatly improved by the use of the reference questionnaire.

Foth stressed that the accuracy of the Reference librarian’s answer may not be the most important factor to measure. The objective is and continues to be, increasing the willingness of a person to return to the library. The information learned from the reference questionnaire must be integrated into all of the library’s functions such as book selection, weeding, improved signage, more effective reference interviews and better identification of librarians.

Carol Suehre

POINT/COUNTERPOINT:
TWO ORALL MEETINGS
VS.
ONE ORALL MEETING

Anita Shew and Al Podboy represented two extreme points of view in an open forum discussing the merits and drawbacks of having two ORALL meetings each year.

Anita summarized the arguments made for two meetings per year put forth by Paul Richert in the April ORALL Newsletter. Al advocated one meeting a year. Their arguments were persuasive (see the April issue for details).

The major part of the session consisted of a discussion among those present of the one vs. two meeting proposition.

(Continued on page 6)
Point/Counterpoint
(CONTINUED FROM PAGE 5)

Additional ideas included having a workshop meeting rather than a full 2½ day business/program meeting; county librarians could have their own meeting in the Spring along with the Ohio State Bar Association; audio-video taping the Fall meeting program for use by members and one annual meeting with several smaller, specialized meetings or teleconferences.

It was clear from this discussion that professional interaction with other law librarians is very important to our members. Whatever the outcome of these discussions it is incumbent upon ORALL members and especially the Executive Board to see that continued and possibly even increased professional contact is encouraged within our organization.

Ellen M. Quinn

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DRUG TESTING--
BUSINESS/SOCIAL PROBLEM

Orwell's 1984 is closer than you think. We all breathed a sigh of relief when the year 1984 came and went and most of us did not personally feel the threat of governmental intervention in our lives. But, according to Attorney Ted Iorio, of Gallion, Kalniz & Iorio of Toledo, Ohio, government interference is increasing. Issues such as AIDS, abortion, intellectual freedom, confidentiality in records, off-duty conduct, information law, handwriting analysis, and drug testing are a few that face citizens in the workplace. At the Spring ORALL Conference he concentrated his remarks on the drug testing issue which he feels is a societal issue that the government expects business to solve.

Quoting shocking statistics of the high rate of substance abuse, Mr. Iorio said that it is a problem to create a drug-free workplace in a drug-filled society. In the unorganized sector, employers previously dealt with workplace problems as they related to work performance. In the organized labor arena, drug testing must be negotiated. Testing cannot be arbitrary or done for the "public good." The public sector attempts to solve a societal/political problem by making blanket regulations not based on individual behavior. Mr. Iorio maintains that unless this trend is reversed it will have a ripple effect for the private sector and none of our individual rights will have any meaning.

Although he agreed with the idea of creating a drug-free workplace, he disagreed with the decisions in the recent Supreme Court cases, Skinner and Von Raab [Skinner v. Railway Labor Executive's Association - 57 LW 4324 and Treasury Employees v. Von Raab - 57 LW 4338]. These decisions held that mandatory testing for certain employees was allowable and did not violate provisions of the Fourth Amendment because of the "special need" for public safety.

Mr. Iorio predicted that in the near future Law Librarians would see many more articles, books, and cases dealing with privacy issues in Labor Law.

Abbe E. Sheve
THE ROLE OF LAW IN LABOR NEGOTIATIONS

Historically, spurred by Adam Smith capitalism, American employers ran to the courts if there was an employee uprising. Employees essentially had no rights. The judiciary used the common law to stop unionizing. Practices borrowed from the British such as 'Yellow Dog Contracts,' 'Blacklisting,' and ex parte injunctions also kept employees from unionizing.

Frederick Post, attorney and Assistant Professor of Business Law & Management at the University of Toledo gave his view of labor negotiation at the Spring ORALL meeting. He said that a series of laws including the 'Erdman Act,' 'Sherman Antitrust Act,' 'Clayton Act' and finally the important 'Wagner Act of 1935' sought to equalize the spoils of the private enterprise system between labor and management. These acts shifted the focus from court-ordered sanctions on employees to collective bargaining arrangements. The labor movement then was based on certain types of economic, educational and support props. Mass production, a stable economy, and authoritarian management characterized the economic environment. An unskilled work force and government sponsorship were two other props that supported the unions.

The adversarial collective bargaining process prescribed in the 'National Labor Relation Act' (Wagner) was a way to achieve labor peace (not especially justice) without government intervention. Post outlined the conflicting goals of employers and unions in the collective bargaining process and presented the view that this process is no longer effective. Employers now are more interested in intrinsic job conditions and not so much in workplace conditions and hours. Many of these are governmentally-guaranteed civil rights and not covered by collective bargaining agreements.

Post thinks that organized labor is entering a new stage since the economy is not dominated by mass production, the educational level of workers is higher and the legalization of social issues in the workplace diminishes union effectiveness. He prefers a "collaborative" collective bargaining model where cooperation, not hostility is the basis of negotiation. His presentation has been submitted for publication.

THE FBI AND INTELLECTUAL FREEDOM

Wallace White, director of the Flesh Public Library in Piqua, Ohio, told ORALL attendees in Toledo about the FBI's Library Awareness Program. White recently finished a term on the American Library Association's Intellectual Freedom Committee.

The Library Awareness Program began in the 1970s as the FBI tried to find out how the Soviets recruited students at American universities into espionage operations. The first inquiries came from the FBI's New York office. They later ignored advice from Washington to discontinue the program.

(Continued on page 8)
Since the program began, contacts were made at several major university libraries, including requests about Interlibrary Loan transactions and database searches. The FBI, unaware of confidentiality laws (38 states now have them) and library policies, seemed amazed at the lack of cooperation by libraries. They have since learned the depth of commitment by librarians to maintaining the confidentiality of patron records.

As word of the FBI inquiries spread to the media, the ALA Office of Intellectual Freedom (OIF) saw an increase in requests for information and Congressional investigations arose. A July 1988 Nightline broadcast featured James Geer of the FBI Intelligence Division and Judith Krug of the ALA-OIF. As a follow-up to that program, a meeting took place on September 9, 1988 at the District of Columbia Public Library. The ALA Intellectual Freedom Committee met with Mr. Geer, James Fox of the FBI New York office, the Director of Foreign Intelligence, and three attorneys. The Library Awareness Program has not been curtailed, but no additional contacts have been made. Librarians will continue to resist questions which violate confidentiality laws and policies. The FBI was offered journal space to tell their side of the story, but declined to use it.

Carol Bredemeyer

Diane Lahm, Secretary for Ohio Legal Education for the Ohio Supreme Court addressed the importance of Continuing Legal Education for attorneys practicing in Ohio in a spirited and enthusiastic presentation at ORALL's Annual Spring Meeting.

Lahm outlined the CLE Management Plan that meets the new requirement that all attorneys admitted to practice by the Ohio Supreme Court must receive 24 hours of CLE every two years in order to remain licensed.

There are two types of requirements covered under the new rules. The educational requirement includes attending at least two seminars dealing with professional responsibility. The other requirement is to report the number of hours earned at an approved CLE program in a timely manner. Failure to comply with either requirement could involve sanctions ranging from a public reprimand to suspension of the professional license.

All attorneys with a last name beginning with the letters A through L must report in even-numbered years and those with a last name beginning with the letters M through Z must report in odd-numbered years. Lahm noted that during the phase-in period, the first reporting group must report by January 31, 1990 and need only obtain 12 hours of CLE activity with just one course on professional responsibility.

(Continued on page 9)
CLE

(Continued from page 8)

She stressed that not all educational activities designed for attorneys are necessarily approved CLE programs. The criteria for approval were developed by a Commission appointed by the Supreme Court. Potentially relevant CLE activities which would necessitate requesting credit from the Commission office include: attendance at seminars, teaching a course, or publication of a book or article.

An organized program of learning should include classroom style seating and some sort of writing surface. An in-house video presentation for the benefit of a firm must have a knowledgeable commentator or speaker present, preferably someone from outside the organization.

Some established sponsors, who have provided appropriate, consistent CLE to attorneys in at least ten other states may automatically receive approval. Others must meet the accreditation standards on an individual program by program basis. Post program approval is available once content and attendance are substantiated. The first list of approved CLE programs was recently mailed to law school libraries, bar associations and county law libraries.

Lahm's job is to match the 37,000 registered attorneys in Ohio with the more than 1600 approved programs and hundreds of CLE providers. It is also her responsibility to build a complete record for each attorney based upon documentation such as computerized attendance cards provided by the CLE sponsor upon completion of an activity and to provide transcripts of an individual's CLE activities on a regular basis. The attorney's final report must be verified by him or her, signed in compliance and turned in with a filing fee.

She reminded Ohio J.D. /Law Librarians that the sponsors of programs such as the ORALL Annual meeting, must apply for credit in advance. She also cautioned that the subject matter may not be approved if it is not deemed to be pertinent to the practice of law.

In conclusion, Lahm addressed questions and comments voiced by the audience.

Carol Subre

THE OHIO LIBRARY INFORMATION SYSTEM

The Ohio Library Information System (OLIS) is a concept developed from a study initiated in 1986 by the Ohio Board of Regents' Library Study Committee whose membership included university Presidents, Provosts and Librarians. The committee published a report in 1987 that recommended that, among other things, the State of Ohio investigate the possibility of a statewide online catalog system.

Carol Blum of the Ohio Board of Regents in Columbus spoke to ORALL members at the Spring meeting about this idea and answered many questions about OLIS. Carol Blum is Administrator of Graduate and Special Programs at the Ohio Board of Regents and is member of the steering committee for the Ohio Library Information System.

(Continued on page 10)
OLIS

(Continued from page 9)

Blum told ORALL members that OLIS is going to include the libraries of Ohio's thirteen State Universities, two Ohio medical schools, Case Western Reserve University, and the University of Dayton. OLIS is envisioned not only as an online public access catalog, but is also to include acquisitions and serials control, cataloging, circulation, and interlibrary loan systems. It is hoped that OLIS will be a tool that will help increase research effectiveness, enhance collection development efforts, facilitate timely document delivery (electronic or by truck), and be a gateway into the plenteous databases and information sources in use in its participating libraries.

Blum said that in April 1989 the OLIS committee sent requests for information to database vendors and designers and that requests for proposals were targeted for mid-June. As the concept of OLIS develops, Blum said that she will relate the law library community's concerns and special needs to the OLIS steering committee. In the meantime, we can all look forward to hearing more news of this ambitious plan for the future.

Deborah L. Robinson

IN MEMORIAM

Arthur W. Fiske, Director of the Cleveland Law Library Association from 1941 until his retirement in 1984, died last November.

ORALL honored Art in 1984 with the Outstanding Service Award for his efforts, along with those of Gertrude Johnson, in expediting the enactment of legislation establishing the Ohio Administrative Code. He was an ORALL Executive Board Member, Chairman Emeritus of the Legislative Committee and Chairman of the Microform Feasibility Committee, whose work culminated in the first microfiche edition of the Ohio State Records and Briefs.

Art’s many contributions to ORALL were but a part of his professional activities. He served in the Ohio House of Representatives in 1947-1948, and was a long-time member and trustee of the Legal Aid Society, the Cleveland City Club, Cleveland Council on World Affairs and the Citizens League. He also served as foreman of the Cuyahoga County Grand Jury and President of the Board of Trustees of the Cuyahoga County Public Library. Art was a member of the American, Cleveland, Cuyahoga and Ohio State Bar associations, as well as the American Association of Law Libraries.

In 1979, Art was inducted into the Society of Benchers of Case Western Reserve Law School, an award accorded to those who have distinguished themselves in the legal profession, dedicated themselves to the community welfare and brought honor to the law school.

Private services were held in Coldwater, Michigan. Art is survived by his daughter, two grandchildren and sister.

Jan Ryan Novak
Jeann Allen  
State of Michigan  
Third Judicial Circuit  
Court Law Library  
Detroit, MI

Laura Bartolo  
Kent State University  
Libraries and Learning Resources  
Reference Department  
Kent, OH

Alice Bell  
Mead Data Central  
Library Services  
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Maryann Cama  
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Sallie Howard  
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Frankfort, KY

Darakun Hu  
Indiana University  
School of Law  
Indianapolis, IN

Judy Kaul  
Case Western Reserve University  
Law Library  
Cleveland, OH

Nancy Kucharski  
Barnes & Thornburg  
South Bend, IN

(Continued on page 12)
New Members
(Continued from page 11)

Licking County Law Library
Newark, OH

Evelyn Lockwood
State Law Library
Frankfort, KY

Jolan Mikulas
Roetzel & Andress
Akron, OH

Robert Murphy
Smith & Schnacke
Dayton, OH

Ann Peterson
Squire, Sanders & Dempsey
Cleveland, OH

Larry Porter
Ohio Northern University
Law Library
Ada, OH

Judge Harry Sargeant, Jr.
Sandusky County Law Library
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Sylvia Selmer
University of Louisville
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Sonja Solomonoff
Case Western Reserve
University
Law Library
Cleveland, OH

Randall Thompson
Indiana Supreme Court
Law Library
Indianapolis, IN

Kathryn Vance
Miller, Johnson, Snell & Cummiskey
Grand Rapids, MI

Nona Watt
Indiana University
Law Library
Bloomington, IN

Bridget Weller
Auglaize County Law Library
Wapakoneta, OH

Merlin Whiteman
Indiana University
School of Law
Indianapolis, IN

Randy Wilcox
Case Western Reserve
University
Law Library
Cleveland, OH
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