

# Ohio Legal Research

CAROLINA ACADEMIC PRESS  
LEGAL RESEARCH SERIES

Suzanne E. Rowe, Series Editor



- Arizona, Second Edition—Tamara S. Herrera  
Arkansas—Coleen M. Barger  
California, Second Edition—Hether C. Macfarlane, Aimee Dudovitz  
& Suzanne E. Rowe  
Colorado—Robert Michael Linz  
Connecticut—Jessica G. Hynes  
Federal, Second Edition—Mary Garvey Algero, Spencer L. Simons,  
Suzanne E. Rowe, Scott Childs & Sarah E. Ricks  
Florida, Fourth Edition—Barbara J. Busharis, Jennifer LaVia  
& Suzanne E. Rowe  
Georgia—Nancy P. Johnson, Elizabeth G. Adelman & Nancy J. Adams  
Idaho, Second Edition—Tenielle Fordyce-Ruff & Kristina J. Running  
Illinois, Second Edition—Mark E. Wojcik  
Iowa—John D. Edwards, M. Sara Lowe, Karen L. Wallace  
& Melissa H. Weresh  
Kansas—Joseph A. Custer & Christopher L. Steadham  
Kentucky—William A. Hilyerd, Kurt X. Metzmeier & David J. Ensign  
Louisiana, Second Edition—Mary Garvey Algero  
Massachusetts—E. Joan Blum  
Michigan, Second Edition—Pamela Lysaght & Cristina D. Lockwood  
Minnesota—Suzanne Thorpe  
Mississippi—Kristy L. Gilliland  
Missouri, Third Edition—Wanda M. Temm & Julie M. Cheslik  
New York, Third Edition—Elizabeth G. Adelman, Theodora Belniak,  
Courtney L. Selby & Brian T. Detweiler  
North Carolina, Second Edition—Scott Childs & Sara Sampson  
Ohio, Second Edition—Sara Sampson, Katherine L. Hall  
& Carolyn Broering-Jacobs  
Oklahoma—Darin K. Fox, Darla W. Jackson & Courtney L. Selby  
Oregon, Third Edition—Suzanne E. Rowe  
Pennsylvania—Barbara J. Busharis & Bonny L. Tavares  
Tennessee—Sibyl Marshall & Carol McCrehan Parker  
Texas, Revised Printing—Spencer L. Simons  
Washington, Second Edition—Julie Heintz-Cho, Tom Cobb  
& Mary A. Hotchkiss  
West Virginia—Hollie Schwartz Temple  
Wisconsin—Patricia Cervenka & Leslie Behroozi  
Wyoming—Debora A. Person & Tawnya K. Plumb



# Ohio Legal Research

Second Edition

Sara Sampson  
Katherine L. Hall  
Carolyn Broering-Jacobs

Suzanne E. Rowe, Series Editor



CAROLINA ACADEMIC PRESS

---

Durham, North Carolina

Copyright © 2015  
Carolina Academic Press  
All Rights Reserved.

Library of Congress Cataloging-in-Publication Data

Sampson, Sara, author.

Ohio legal research / Sara Sampson, Katherine L. Hall, and Carolyn Broering-Jacobs. -- Second edition.

pages cm -- (Carolina Academic Press legal research series)

Includes bibliographical references and index.

ISBN 978-1-61163-749-6 (alk. paper)

1. Legal research--Ohio. I. Hall, Katherine L., author. II. Broering-Jacobs, Carolyn, author. III. Title.

KFO75.S26 2015

340.072'0771--dc23

2015028501

CAROLINA ACADEMIC PRESS  
700 Kent Street  
Durham, North Carolina 27701  
Telephone (919) 489-7486  
Fax (919) 493-5668  
[www.cap-press.com](http://www.cap-press.com)

Printed in the United States of America.

# Summary of Contents

List of Tables and Figures	xv
Series Note	xix
Preface and Acknowledgments	xxi
Chapter 1 · The Research Process and Legal Analysis	3
Chapter 2 · Researching Constitutions	15
Chapter 3 · Researching Statutes	23
Chapter 4 · Understanding Cases	35
Chapter 5 · Finding and Updating Cases	49
Chapter 6 · Researching Court Rules and Documents	69
Chapter 7 · Researching Administrative Law	77
Chapter 8 · Researching Local Law	89
Chapter 9 · Researching Secondary Sources	93
Chapter 10 · Researching Legislative History	107
Chapter 11 · Research Strategies	125
Chapter 12 · Legal Citation	133

Appendix A · Ohio Research Guides	161
Appendix B · Important Legal Research Terminology and Abbreviations	165
Appendix C · County and Law School Libraries in Ohio	171
Appendix D · Selected Legal Writing and Research Texts	177
About the Authors	179
Index	181

# Contents

List of Tables and Figures	xv
Series Note	xix
Preface and Acknowledgments	xxi
<b>Chapter 1 · The Research Process and Legal Analysis</b>	<b>3</b>
I. Legal Research Generally	3
II. The Intersection of Legal Research and Legal Analysis	3
III. Types of Legal Authority	4
IV. Court Systems	5
A. Ohio Courts	5
B. Federal Courts	7
C. Courts of Other States	8
V. Overview of the Research Process	9
A. Generating Research Terms	10
B. Researching the Law—Organization of This Text	11
VI. Selecting Online Sources for Legal Research	12
<b>Chapter 2 · Researching Constitutions</b>	<b>15</b>
I. Constitutions Generally	15
II. The Ohio and U.S. Constitutions	15
A. Constitutional Rights	15
B. Unconstitutional Legislation	16
C. Other Constitutional Provisions	16

III. Constitutional Amendments	17
IV. Researching the Ohio and U.S. Constitutions	17
A. Find a Secondary Source for an Overview	18
B. Find the Relevant Text of the Ohio or U.S. Constitution	18
C. Find Cases That Construe or Apply the Constitution	19
D. Update the Constitutional Provision	20
E. Research the History of a Constitutional Provision or Constitutional Amendment	21
V. Citing Constitutions	21
VI. Additional Resources	22
<b>Chapter 3 · Researching Statutes</b>	<b>23</b>
I. Statutes Generally	23
II. Ohio Statutes	23
A. Session Laws	24
B. Statutory Codes	24
C. Annotated Statutory Codes	25
III. Federal Statutes	25
A. Session Laws	27
B. Statutory Codes	27
C. Annotated Statutory Codes	28
IV. Statutory Research Process	28
A. Develop a List of Research Terms	28
B. Consult Secondary Sources for an Overview and Citations to Primary Authority	29
C. Find and Read the Statutory Language	29
D. Find Cases that Interpret or Apply the Statute	30
E. Updating Statutes	30
V. Other Research Tools	31
A. Uniform Laws and Model Acts	31
B. Statutory Surveys	32
C. Archived Codes	32
VI. Citing Statutes	33



<b>Chapter 4 · Understanding Cases</b>	<b>35</b>
I. Cases and Court Reporters Generally	35
II. Publication of Ohio Cases	36
A. Official Publication	36
B. Print Published and Non-Print Published Distinction	37
C. Unofficial Print Publication	38
III. Reporters for Federal Cases	38
IV. Topical Reporters	40
V. Online Commercial Sources for Cases	40
VI. Features of a Case	41
VII. Reading and Analyzing Cases	44
A. Brief Overview of Civil Procedure	44
B. Analyzing the Substance of the Case	45
C. Strategies for Reading Cases	47
<b>Chapter 5 · Finding and Updating Cases</b>	<b>49</b>
I. Researching Cases Generally	49
II. Full-Text Searching	50
A. Types of Searches	50
B. Narrowing Results with Limits or Filters	52
C. Choosing What to Read	52
III. Online Subject Searching	53
A. Topical Searching on WestlawNext	53
1. West's Key Number Digest	53
2. Practice Areas	54
B. Topical Searching on Lexis Advance	54
IV. Starting with a Relevant Case	55
V. Using Words and Phrases	55
VI. Updating Cases with Citators	56
VII. Citing Cases	60
Appendix: West Print Digests	60
1. Searching for a Legal Issue with the Descriptive-Word Index	63

2. Starting with a Relevant Case	66
3. Words & Phrases	66
4. Table of Cases	67
<b>Chapter 6 · Researching Court Rules and Documents</b>	<b>69</b>
I. Court Rules and Court Documents Generally	69
II. Ohio and Federal Court Rules	69
III. Researching Court Rules	70
A. Develop a List of Research Terms	71
B. Find and Read the Rule	71
C. Find Cases that Interpret or Apply the Rule	72
D. Update the Rule	73
IV. Citing Court Rules	73
V. Rules of Professional Conduct	74
VI. Finding Court Documents	74
<b>Chapter 7 · Researching Administrative Law</b>	<b>77</b>
I. Administrative Law Generally	77
II. Researching Administrative Rules and Regulations	78
A. General Approaches to Researching Administrative Rules	79
B. Researching Ohio Rules	80
1. Ohio Administrative Code	80
2. <i>Ohio Monthly Record</i> and the <i>Register of Ohio</i>	82
3. Updating Ohio Rules	82
C. Researching Federal Regulations	83
1. <i>Code of Federal Regulations</i>	83
2. <i>Federal Register</i>	84
3. Updating Federal Regulations	86
III. Researching Administrative Decisions	86
A. Accessing Agency Decisions	86
B. Updating Agency Decisions	87
IV. Citing Administrative Rules and Decisions	87
A. Rules and Regulations	87
B. Agency Decisions	88

<b>Chapter 8 · Researching Local Law</b>	89
I. Local Law Generally	89
II. Finding Municipal Codes	90
III. Updating Municipal Codes	91
IV. Citing Municipal Codes	91
<b>Chapter 9 · Researching Secondary Sources</b>	93
I. Secondary Sources Generally	93
II. Legal Encyclopedias	93
III. Practice Treatises	95
IV. Forms	96
A. Ohio Forms	97
B. Federal Forms	97
C. General Forms	98
V. Law Journals, Legal Newsletters, and Blogs	98
A. Law Journals	98
B. Legal Newsletters	99
C. Legal Blogs	100
VI. Jury Instructions	101
VII. General Secondary Sources	102
A. <i>American Law Reports</i>	102
B. Restatements and Principles—American Law Institute	103
C. Uniform Laws and Model Acts	105
VIII. Citing Secondary Sources	106
<b>Chapter 10 · Researching Legislative History</b>	107
I. Legislative History Generally	107
II. Overview of the Legislative Process	108
A. Bill Introduced	108
B. Committee Activity	109
C. Floor Activity	109
D. Executive Activity	109

III. Federal Legislative History	110
A. Types of Federal Legislative History Documents	110
B. Sources for Federal Legislative History Documents	111
1. Fee-Based Sources Online	111
2. Free Sources Online	112
3. Print Sources	112
C. Finding Federal Legislative History Documents	114
D. Tracking Current Federal Legislation	116
1. Using Congress.gov to Track Federal Legislation	116
2. Other Online Sources for Tracking Federal Legislation	116
a. Govtrack.us	116
b. WestlawNext	116
c. Lexis Advance	117
d. Bloomberg Law	117
IV. Ohio Legislative History	117
A. Types of Ohio Legislative History Documents	117
B. Sources of Ohio Legislative History Documents	118
1. Fee-Based and Free Sources Online	119
2. Print Sources	119
C. Finding Ohio Legislative History Documents	119
D. Tracking Ohio Legislation	120
1. Govtrack.us	121
2. WestlawNext	121
3. Lexis Advance	121
4. Hannah Capitol Connection	122
5. Gongwer	122
V. Citing Legislative History Documents	122
<b>Chapter 11 · Research Strategies</b>	125
I. Legal Research Process	125
II. Research Example	126
A. Generating Research Terms	126
B. Consulting Secondary Sources	127
C. Finding Statutes and Regulations	129
D. Finding Cases	129
E. Updating Authorities	130
F. Concluding Your Research	131

<b>Chapter 12 · Legal Citation</b>	<b>133</b>
I. Introduction to Legal Citation	133
A. The Purpose of Legal Citation	133
B. Sources of Citation Rules	134
C. Incorporating Citations into a Document	135
D. Citations to Print and Online Versions	136
II. <i>Ohio Manual of Citations</i>	137
A. General Instructions for Citing Cases Under the <i>Ohio Manual of Citations</i>	137
1. Party Names	138
2. Reporters	138
3. Parentheticals	138
4. Pinpoint Citations	139
5. Introductory Signals	139
6. Prior and Subsequent History	140
B. Special Rules for Citing Particular Types of Ohio Cases	141
1. Citing Ohio Cases Decided Before May 1, 2002	141
a. Print Published (Reported) Cases	141
b. Cases Not Appearing in a Print Reporter	142
2. Citing Ohio Cases Decided After May 1, 2002	142
a. Print Published Cases	143
b. Non-Print Published Cases	144
C. Citing Cases from Other State Jurisdictions	145
D. Citing Cases from Federal Courts	146
E. Citing Statutes and Regulations	146
F. Secondary Sources	147
G. Short-Form Citations	147
III. The <i>Bluebook</i> and <i>ALWD Guide</i>	147
A. Citations for Practice Documents	149
1. <i>Bluebook</i> Quick Reference Guides	149
2. Index	149
B. Cases	150
1. Essential Components of Case Citations	150
2. Full and Short Citations to Cases	151
3. Prior and Subsequent History	153
C. Codes	153
D. Constitutions	155
E. Secondary Sources	155

F. Signals	155
G. Quotations	156
H. Citation Details	157
I. Citations for Law Review Articles	158
IV. Editing Citations	159
V. Deciphering Legal Abbreviations	159
<b>Appendix A · Ohio Research Guides</b>	<b>161</b>
I. Online Ohio Research Guides	161
II. Print Research Guides	163
<b>Appendix B · Important Legal Research Terminology and Abbreviations</b>	<b>165</b>
<b>Appendix C · County and Law School Libraries in Ohio</b>	<b>171</b>
<b>Appendix D · Selected Legal Writing and Research Texts</b>	<b>177</b>
<b>About the Authors</b>	<b>179</b>
<b>Index</b>	<b>181</b>

# List of Tables and Figures

## Tables

Table 1-1. Examples of Authority in Ohio Research	5
Table 1-2. Overview of the Research Process	9
Table 1-3. Generating Research Terms	11
Table 2-1. Outline of Constitutional Law Research	18
Table 2-2. Ohio Constitution Citation Example	21
Table 3-1. Chapters in Title 43, Liquors	24
Table 3-2. Overview of the Ohio Statutory Research Process	28
Table 3-3. Sections of Chapter 1101, Banks — Offenses	30
Table 3-4. Ohio Statute Citation Example	33
Table 3-5. Federal Statute Citation Example	33
Table 4-1. State Cases Included in Regional Reporters	38
Table 4-2. Reporters for Federal Court Cases	39
Table 5-1. Connectors and Commands for Online Searching	51
Table 5-2. Outline for Updating Cases	56
Table 5-3. Selected Signals of Online Citators	58
Table 5-4. Selected Types of Treatment in Online Citators	59
Table 5-5. Ohio Case Citation Examples	60
Table 5-A. Selected Digests	63

Table 6-1. Selected Court Rules Applicable to Ohio Courts	70
Table 6-2. Overview of Court Rules Research Process	71
Table 6-3. Examples of Court Rule Citation	74
Table 7-1. Example of the Relationship Between a Statute and Rules	79
Table 7-2. Regulation Citation Example	88
Table 8-1. Commercial Publishers of Municipal Codes	90
Table 8-2. Municipal Code Citation	91
Table 9-1. List of <i>Baldwin's Ohio Practice</i> Treatises	95
Table 9-2. List of LexisNexis's Ohio Practice Treatises	96
Table 9-3. Examples of <i>American Law Reports</i> Annotations	103
Table 9-4. Restatement Topics	104
Table 9-5. Principles Subjects	104
Table 9-6. Citation Examples for Secondary Sources	106
Table 10-1. Sources for Online Legislative History	113
Table 10-2. Online Sources for Ohio Legislative History	120
Table 10-3. Ohio Bill Citation Example	122
Table 10-4. Federal House Report Citation Example	123
Table 11-1. Overview of the Research Process	125
Table 11-2. Generating Research Terms	126
Table 12-1. Citation Example	134
Table 12-2. Citation Information Important to Legal Researchers	135
Table 12-3. Examples of Citation Sentences and Citation Clauses	136
Table 12-4. Structure of the <i>Ohio Manual of Citations</i>	137
Table 12-5. Signals in the <i>Ohio Manual</i>	140
Table 12-6. Example Ohio Reported Cases Decided Before May 1, 2002	141
Table 12-7. Example Ohio Unreported Cases Decided Before May 1, 2002	142
Table 12-8. Excerpt from an Ohio Supreme Court Opinion	143



Table 12-9. Example Ohio Print Published Cases Decided After May 1, 2002	144
Table 12-10. Example Ohio Non-print Published Cases Decided On or After May 1, 2002	145
Table 12-11. Example Federal Case Citations	146
Table 12-12. Example Code Citations	146
Table 12-13. Citations to Secondary Sources	147
Table 12-14. Structure of the <i>Bluebook</i> and the <i>ALWD Guide</i>	148
Table 12-15. Examples of Reported Cases in <i>Bluebook</i> / <i>ALWD</i> Citation	151
Table 12-16. Examples of Full Citations	152
Table 12-17. Examples of Statutory and Regulatory Code Citations	154
Table 12-18. Examples of Constitutional Citations	155
Table 12-19. Secondary Source Citations in <i>Bluebook</i> / <i>ALWD</i> Form	155
Table 12-20. Common <i>Bluebook</i> / <i>ALWD</i> Signals	156
Table 12-21. <i>Bluebook</i> / <i>ALWD</i> Typeface for Law Review Footnotes	158

## Figures

Figure 1-1. Ohio Court Structure	7
Figure 2-1. Excerpt from the Constitution of the State of Ohio from WestlawNext	20
Figure 3-1. Excerpt from <i>Baldwin's Ohio Revised Code Annotated</i>	26
Figure 4-1. Excerpt of Ohio Case from <i>Ohio State Reports</i>	42
Figure 5-A. Excerpt from a Case in West's <i>North Eastern Reporter</i>	61
Figure 5-B. Excerpts from <i>West's Ohio Digest</i> "Adoption"	62
Figure 5-C. Excerpts from the Descriptive-Word Index in <i>West's Ohio Digest</i>	64
Figure 5-D. Excerpts from <i>West's Ohio Digest</i> Analysis for Adoption	65
Figure 5-E. Excerpt from Words & Phrases in <i>West's Ohio Digest</i>	66

Figure 6-1. Sample Court Docket	75
Figure 7-1. Branches of Government	78
Figure 7-2. Example of an Ohio Rule in the Ohio Administrative Code	81
Figure 7-3. Sample Federal Regulation in the CFR	83
Figure 7-4. Excerpt from the <i>Federal Register</i> Table of Contents	85
Figure 8-1. Sample Municipal Ordinance	90
Figure 9-1. Excerpt from <i>Ohio Jurisprudence 3d</i>	94
Figure 10-1. Legislative Process	107
Figure 10-2. History Note in <i>United States Code</i>	114
Figure 10-3. Bill Summary on Congress.gov	115
Figure 10-4. History Note for Ohio Statute	121
Figure 11-1. <i>Ohio Jurisprudence 3d</i> , Family Law	127

## Series Note

The Legal Research Series published by Carolina Academic Press includes titles from states around the country as well as a separate text on federal legal research. The goal of each book is to provide law students, practitioners, paralegals, college students, laypeople, and librarians with the essential elements of legal research in each jurisdiction. Unlike more bibliographic texts, the Legal Research Series books seek to explain concisely both the sources of legal research and the process for conducting legal research effectively.



## Preface and Acknowledgments

*Ohio Legal Research* provides a concise introduction to Ohio-specific primary authorities and research tools for readers new to legal research or new to researching Ohio law. *Ohio Legal Research* introduces federal resources alongside their Ohio counterparts, which makes the text useful for an introductory research course that covers both state and federal research. Written with the understanding that research is best learned by practice, *Ohio Legal Research* offers succinct explanation to guide the novice without including so much as to overwhelm.

*Ohio Legal Research* follows a pragmatic process-based approach by introducing the sources of law and a process for researching those sources in Chapter 1. Subsequent chapters then employ that research process to explain how to research constitutions, statutes, cases, court rules, administrative law, and legislative history (Chapters 2 through 8, and 10). Chapter 9 covers secondary sources. Chapter 11 pulls process and substance together by walking the reader through researching a legal issue following the research process used throughout the text.

This updated second edition incorporates recent changes to the major electronic research platforms, while maintaining a process focus that will help the reader no matter which platform is available. Updated web addresses also point the researcher to many materials available for free online, including the recently adopted, official electronic reporting system for Ohio case law. Finally, *Ohio Legal Research* includes a fully revised chapter on citation that teaches basic citation form using the major citation manuals and, perhaps most significant to the Ohio practitioner, the recently overhauled *Ohio Manual of Citations* (Chapter 12).

We are indebted to Suzanne Rowe for her editorial guidance in writing this book. Her editorial assistance was as valuable in the second edition as it was in the first. Chapters 1, 4, 12, and the appendix to Chapter 5 are based in part upon her book *Oregon Legal Research*. Many thanks to her team for its help in editing the book, especially Sarah Garrott, Ariana Denley, and Corina Ubario.

In this second edition, we welcome a new co-author, Carolyn Broering-Jacobs, who has added her expertise in Ohio legal research and writing to this edition.

We remain grateful to those who helped with the first edition of the book, authored by Katherine Hall and Sara Sampson. The staffs of the Moritz Law Library at The Ohio State University and of the Georgetown University Law Library provided invaluable assistance. Special thanks to Matt Steinke, now at University of Texas, for his expert advice and to Intaba Shauri, former Georgetown Law research assistant, for his exceptional help on this project.

We also wish to thank our families and friends for their support.