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COUNTY OF SUMMIT

09 OCT -6 AM 7:20

ADMINISTRATION

September 28, 2009

Prosecutor Opinion Number 09-072

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Richard E. Dobbins, Director

Department of Law

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**Re: Duties and responsibilities imposed upon the newly created Summit County Law Library Resource Board ("LLRB") in regards to R.C. 307.51(G).**

**Syllabus: Effective January 1, 2010, the County Law Library Resources Board (LLRB) will assume the responsibility to manage the legal resource needs of the county law library and of the county offices.**

**Pursuant to R.C. 307.51(G), all county offices must request approval from the LLRB prior to obtaining any legal or reference materials as set forth within R.C. 307.51(G).**

**The LLRB has the responsibility to determine whether legal and resource materials requested by county offices will be paid for out of the LLRF. Should the request be granted, the LLRB should direct that the materials be purchased from the LLRF pursuant to any applicable procedure the Board has established. Should the request be denied, the LLRB's rights and responsibilities regarding said request will be at an end. The county office may then seek to obtain said legal materials with funds from their own budget**

Dear Mr. Dobbins:

We are in receipt of your letter requesting a legal opinion regarding the duties and responsibilities imposed upon the newly created Summit County Law Library Resource Board ("LLRB") in regards to R.C. 307.51(G). A short review of the overall scheme of the legislation creating the LLRB will provide a background upon which to answer this inquiry.



As you know, H.B 420 of the 127<sup>th</sup> General Assembly created a plan to phase out County Law Library Associations and required the creation of a Law Library Resource Board in each County. Unlike the non-profit Associations, the LLRB is an appointed public board. Effective January 1, 2010, the funds from the Association will be transferred to the LLRB and the LLRB will begin receiving all fine monies as set forth in the revised code. These funds will be maintained in the Law Library Resource Fund (“LLRF”) which will be a special revenue fund within the county treasury. On that same date, the LLRB will assume management of the legal resource needs of the County and the county law library. The LLRB is then charged with the responsibility (1) to provide “legal research, reference, and library services to the county and to the municipal corporations, townships, and courts within the county” and (2) to manage the “coordination, acquisition, and utilization of legal resources” for such entities. R.C. § 307.51(B).

As you have suggested in your opinion request, the method of serving the legal resource needs of the county offices is partially defined as set forth in R.C. 307.51(G) as follows:

(G) After January 1, 2010, no county office shall purchase, lease, rent, operate, or contract for the use of any legal research or reference materials available in print, audio, visual, or other medium or, notwithstanding section 307.842 of the Revised Code, any equipment necessary to support the utilization of that medium without prior approval of the board. If such approval is denied, the county office, notwithstanding section 307.842 of the Revised Code, may purchase, lease, rent, operate, or contract for the use of any legal research or reference materials available in print, audio, visual, or other medium at its own expense.

Pursuant to the clear terms of this statute, it is our opinion that as of January 1, 2010, all county offices must request approval from the LLRB prior to obtaining any legal or reference materials as set forth within R.C. 307.51(G). Upon receipt of a request by a county office for said materials, the LLRB has the responsibility to first determine whether the requested materials will be paid for out of the LLRF. In this regard, the LLRB has the right to either accept or decline the proposal for payment for said materials out of the LLRF. Should the request be granted, the LLRB should direct that the materials be purchased from the LLRF pursuant to any applicable procedure the Board has established. Should the request be denied, the LLRB’s rights and responsibilities regarding said request will be at an end. The county office may then seek to obtain said legal materials with funds from their own budget. This interpretation is derived from the plain language of the statute.

Although not required by the statute, we would encourage the LLRB to respond to requests submitted by county offices in a timely manner and in instances where requests are denied to provide an explanation of the reasons for said denial. Furthermore, we would suggest that nothing precludes county offices from resubmitting their request if they find additional information in support of the request for materials.

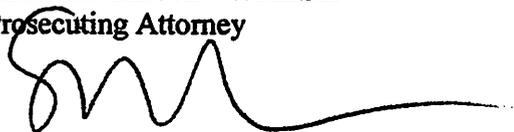
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We trust that this answers your inquiry and should you have any additional questions or concerns, please do not hesitate to contact me.

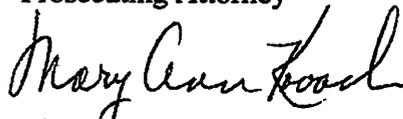
Very truly yours,

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