



## Assistance from State Law Libraries

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IN 1956 TONOPAH, NEVADA, HAD TWO ATTORNEYS, one of whom was the Judge of the District Court, and the other the District Attorney. Tonopah is rather isolated, being in the mountains approximately midway between Nevada's two principal cities, Reno and Las Vegas, which are 450 miles apart. Cases heard in the court required someone from outside the town to appear, and the Judge and the District Attorney found themselves competing with the "big city" attorneys.

Their library comprised about 5,000 volumes and included a good representation of current material. Space for the collection had become a problem on many occasions, and as the library grew, the Judge and the District Attorney had expanded the library quarters from the original room into their own offices. Later it extended into two other rooms and, finally, into book cases on the rear wall of the court room itself.

At the point of a new space crisis, the District Attorney sent for the Nevada State Law Librarian for help in weeding their collection and putting it in better order within the quarters available. The Law Librarian spent two days working with the District Attorney and two county workers. Old, worthless books were discarded, and books were shifted to put sets together. The main library reading room became the repository for the current textbooks and other sets which were used most frequently. At the end of the two days the library rooms were rearranged and expansion space had been provided at the end of each of the sets which would continue to grow.

In 1960 the Carbon County Law Library at Jim Thorpe, Pennsylvania, acquired a new law librarian. Because the librarian had no library experience and the space allotted to growing sets had been filled, the Law Library Committee decided it expedient to obtain some professional assistance. Although Carbon County is a coal mining

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area which has been relatively depressed, the lawyers and the Judge of the County Court were determined to keep their library up to date. In answer to the Committee's request, the Law Librarian of the Pennsylvania State Library conferred with members of the Committee, with the Judge, and with the Librarian. A complete listing of the holdings was made, and a training session was held with the Law Librarian. In addition to points to be considered in a review of the library's operation, recommendations were submitted to the Chairman of the Committee advising how a buying program should be developed to fit both the law library's needs and its budget. Lists of books to be discarded were supplied, and a schedule for the rearrangement of the collection was presented. The County Law Librarian was given additional instruction when he visited the State Law Library, and since that time he has been carrying out the recommended changes in the library.

These two instances illustrate the need of many local law libraries for professional guidance. Frequently the law library at the county level operates without a law librarian, or the person doing the work is one of the local attorneys, the clerk of the court, or the judge's secretary. If there is a librarian, the individual filling the position may have no background for the work and may not understand what is needed or what is expected of him.

Few counties are fortunate enough to have available either the resources or the professional service which is offered by the Los Angeles County Law Library or the Association of the Bar of the City of New York. Places such as Tonopah, Nevada, with a population of 2,216 people, or of Jim Thorpe, Pennsylvania, with 5,945 people, cannot be compared with Los Angeles or New York City. Yet attorneys in the smaller communities require law libraries, too, and it is the state law library or the Supreme Court library which must supply assistance to the county law library or the other local library in order that attorneys in smaller communities may have access to an adequate library of legal materials.

The size of the local law library collection is not always the key to the need for assistance, for often a small law library may have a very generous budget. Furthermore, with an interested, intelligent person in charge, the library can occasionally present a comprehensive collection in a usable condition. In some libraries the problem is financial because the fee system which supports the library produces insufficient revenue for this purpose. These libraries can—and do—

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benefit from resources at the state law library, including advice on purchasing a well-rounded collection and suggestions on how to approach the county officials for additional funds. Many law libraries require a guiding hand in more efficiently arranging their collections and their quarters. The attorney in charge of the library may need guidance in discarding superseded material, or the librarian may require help in preparing a catalog.

Whatever the problem, there should be some place from which adequate help may be obtained, and the state law library is the most logical source. In those states which do not have state law libraries, the Supreme Court libraries may assume this responsibility.

Apparently advisory service for other law libraries is not commonly recognized as a function of the state library. Requests for information on their advisory work were sent to the state libraries of all fifty states. Of the 38 which answered only 20 offer such assistance. These are the Alabama Supreme Court Library, Arizona State Library, California State Library, Connecticut State Library, Florida Supreme Court Library, Georgia Supreme Court Library, Maryland State Library, Michigan State Library, Minnesota State Library, Nevada State Library, New Hampshire State Library, New Jersey State Library, New York State Library, North Carolina Supreme Court Library, Oklahoma State Library, Oregon Supreme Court Library, Pennsylvania State Library, Washington Supreme Court Library, Wisconsin State Library, and the Wyoming State Library.<sup>1</sup> Wyoming State Library is prepared to give help although to date no requests for assistance have been received. The Alaska Court System Library and the New Hampshire State Library are the only law libraries in those states. In North Dakota there are only the Supreme Court Law Library and the University of North Dakota School of Law Library.

Correspondence is the principal means by which help is extended in all 20 states and, of these, 14 report that field trips are made to the county or other local law libraries.<sup>2</sup> The ability to permit professional staff members to perform such travel is dependent upon several factors. Funds must be available, and the state library staff must be large enough to accommodate the law librarian's absences. Lack of staff may not always be a deterrent, however. For example, the Nevada State Library sent its Law Librarian all over the state at a time when there was only part-time assistance. A sign was placed in the law library advising patrons that help was available in the general library. Another important factor which must be considered is the volume of

business transacted in the state law library. A very busy library is usually less able to release its law librarian for such extracurricular activities.

Review of the program and the operation of the county or other law library is the second most common form of advice given. Many of the local law libraries obtain a great advantage from this service because they lack the guiding hand of a person with law library training or experience. To these people advice concerning what can be done to improve their collections and to increase the use of their libraries can be most beneficial. The Connecticut State Library evaluates the program of the various county law libraries by reviewing their financial statements, although such a review is not mandatory. Twelve other state law libraries advise on program and the operation of the libraries.<sup>3</sup>

The most frequent form of guidance offered is in answer to questions from the local law libraries as to what should be added to the collections and what should be discarded or removed. In answer to these queries 16 states will recommend specific items which should be added to the collection,<sup>4</sup> but only 13 recommend what should be withdrawn.<sup>5</sup> Either form of recommendation can be made more easily if the local law library has been visited and its collection examined. It is then possible for the state law librarian to specify particular items. If the local library is not visited, advice on purchases and discards can be made on the basis of general principles.

Reference assistance is granted by 14 states, although the size of the staff in many instances limits the amount of help offered. It would appear that reference in this instance would be defined as help in obtaining the proper source of information. In most states answers to questions are not given, but books which contain a discussion of the problem are supplied, although some libraries do supply answers. States which do reference work for the local law libraries are Alabama, Arizona, California, Connecticut, Florida, Maryland, Michigan, Minnesota, Nevada, New Jersey, New York, Pennsylvania, Washington, and Wyoming. Florida and Maryland do a limited amount of reference.

The problem of acquiring a listing of their holdings is experienced by many of the local law libraries. Some county law libraries have no records of their holdings or, at most, may have only what constitutes an acquisitions book. Without some outside help, it is difficult for the library to acquire a listing or a catalog, and the state law library is the logical source for such assistance. Alabama, New Jersey, Pennsylvania,

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and Washington do assist in preparing holdings lists or catalogs. The North Carolina Supreme Court Library offers limited advice on such matters. The Law Division of the Pennsylvania State Library and the Washington Supreme Court Library prepare actual listings for local libraries, and the Law Division of the California State Library is prepared to make either a listing or a catalog although it has not provided any to date.

With inexperienced staff or part-time help the training of personnel becomes important and necessarily falls upon whoever is available. Five states make their staffs available for such work, and each of them approaches the work in a slightly different way. The North Carolina Supreme Court Library gives general suggestions. The Michigan State Law Library offers training through visits to its own library and a thorough discussion of how it operates. The Pennsylvania State Library's Law Division conducts training sessions during visits by its Law Librarian to the local county libraries and through training sessions at the State Law Library. A visit by the local law librarian to the State Law Library, the Justice Library, and the County Law Library in Harrisburg is always suggested whenever recommendations are made to a county law library. The Washington Supreme Court Library gives individual training to local law librarians in its own library, and its staff conducted its first annual institute for law librarians at the Supreme Court Library in November, 1962. The California State Law Library offers law librarians an internship at the State Law Library. The New York State Law Library does no individual training of staff members from other law libraries, but it does hold workshops through the annual meetings of the Association of Law Libraries of Upstate New York.

The law libraries of five states—California, Nevada, New York, Pennsylvania and Washington—prepare bibliographies on subjects as requested by the local law libraries. Four of these state libraries issue bibliographies on subjects selected by them, and Pennsylvania has just started to issue information bulletins which present bibliographies on subjects chosen by the state library.

Upon occasion acquiring information pertaining to available equipment and furniture, along with evaluation of the items and the vendors, becomes a problem for local law libraries, and the mere comparing of notes with another law librarian can be helpful. Twelve states offer advice on equipment and furniture which is adaptable to library use.<sup>6</sup> Florida limits its advice to information based upon its

own experience, whereas Pennsylvania supplies data on sources available in Pennsylvania and adjacent states.

Planning for expanded quarters or for totally new ones is a major project for any library, and it is the logical point for shifting the collection into a more usable arrangement. Because the experienced librarian spends many hours planning for such a move, it follows that the inexperienced librarian finds it an awesome task. California, Connecticut, Maryland, Michigan, New Jersey, North Carolina, Oklahoma, Pennsylvania, and Washington have had occasion to be of assistance to county and other law libraries in such instances.

It is logical to expect that the state law libraries or the Supreme Court libraries would be resource centers for other law libraries and that consequently they would convey information on their holdings and the services available at their libraries. Few law libraries are so close together or are so well known that some type of advertising does not have to be done. Delaware is one of the exceptions in that there are only three law libraries in the state and the distances between them are small. In those 10 states which do not have state law libraries, the Supreme Court is less likely to assume a responsibility to other law libraries. Notable exceptions to the rule are found in Alabama, Florida, Georgia, North Carolina, and Washington, all of which are generous in sharing their resources and the talents of their law librarians. Of the state libraries, twelve supply some form of listing of available materials. California issues a quarterly annotated list of recent acquisitions; Connecticut prepares a quarterly selected list of acquisitions; and Kansas prepares a quarterly list of acquisitions. Wisconsin issues a typed, semi-annual list of acquisitions; Massachusetts has bi-monthly mimeographed bulletins; and Washington provides a monthly report on new books. New York uses printed, processed, or typed bibliographies. Nevada circulates a newsletter at irregular periods, and New Hampshire avails itself of the *New Hampshire Bar Journal*. Maryland publishes a catalog with supplements every two years, and New Jersey supplies information upon demand. Pennsylvania includes broad groupings of holdings in the recommendations to the county law libraries, and includes information on holdings in all initial correspondence with the libraries.

Information about services available at the state library or the Supreme Court library is circulated by most of the libraries through personal contacts with other law librarians. Alabama, California, Georgia, Michigan, New York, Pennsylvania, and Wisconsin offer in-

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struction concerning their services through correspondence, and New Jersey answers all requests for such information. Minnesota presents information on its services at Bar Association meetings and in the *Minnesota Bar Journal*. California distributes leaflets and a directory of services and publishes articles on its work. Connecticut distributes a descriptive leaflet on services. Washington avails itself of library bulletins, newspaper releases, and public speeches. Pennsylvania sends its Law Librarian to the Pennsylvania Bar Association meetings to explain its services and includes such information in all recommendations submitted to the county law libraries after visits to the local libraries. Michigan reaches all of the attorneys through the advance sheets of the *Michigan Supreme Court Reports*.

The majority of state libraries offer advisory service to other law libraries as a part of their function as state libraries or as Supreme Court libraries and without a specific grant of the authority from the legislature. Michigan, California, Nevada, and Pennsylvania have the clearest authority for their advisory work; *e.g.*, the Michigan State Library Board "(a) shall have general control and supervision of the state library . . . (f) may give advice and counsel to any public, school, state institutional, or other library within the state . . . (i) may supply further advice and information to libraries in the state through field visits, conferences . . . and do any and all of the things it may reasonably be able to do to promote and advance library service in the state of Michigan."<sup>7</sup>

In California "The State Librarian shall administer the State Library in accordance with law and such regulations as may be adopted by the State Board of Education, which board shall determine all policies for the conduct of the State Library,"<sup>8</sup> and the Department of Education has the power to "(j) Give advisory, consultive, and technical assistance with respect to public libraries to librarians and library authorities, and assist all other authorities, state and local, in assuming their full responsibility for library services."<sup>9</sup> Nevada's State Librarian has the power and the duty "(a) To administer the state library, including the law and government library and the public and other departments, in accordance with law and good library practice. . . . (f) To enter into agreements with other libraries in the state for the improvement of library service. . . . (i) To render, in his discretion, technical assistance to any library seeking such assistance."<sup>10</sup>

Pennsylvania gives the Department of Public Instruction the power "(1) To appoint a suitably qualified State Librarian . . . (3) To

maintain, as part of the State Library, a law library. . . . (10) To promote and demonstrate library service throughout the state."<sup>11</sup>

Fifteen states give advisory service with or without specific legislative authority, namely Alabama, Arizona, California, Connecticut, Michigan, Minnesota, Nevada, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, Washington, Wisconsin, and Wyoming. Washington is the only library which has supervisory authority, and this is limited to the Attorney General's Library.

A few states have been real pioneers in their advisory work. On August 17, 1959, Edwin C. Jensen, State Law Librarian of Wisconsin, participated in a discussion of County Law Libraries at the Wisconsin Clerks of Court Institute in La Crosse. As part of his contribution to the conference, he distributed a manual, *Elements of Law Book Cataloging*. On March 11, 1961, additional copies were distributed at the Legal Secretaries' Institute I which was held at Milwaukee. The preface to the manual is descriptive of its purpose:

This little pamphlet is intended to be an aid to Clerks of court and others charged with the duty of caring for a small law library. Special care has been taken to make it as simple as possible without the sacrifice of fundamentals.

It is divided into two parts. The first part is a very concise description of the type of material which may be found in a law library. The second part is an attempt to describe simple law library cataloging in such a manner that a person with absolutely no experience, can more or less successfully catalog a law book.

This pamphlet is not for publication, sale or public distribution.<sup>12</sup>

The pamphlet consists of 41 pages and is a handbook which includes numerous helpful suggestions for Wisconsin law librarians as is illustrated by this statement regarding Session Laws: "A complete set should be kept, even if in the basement."<sup>13</sup> The second part of the manual deals with cataloging, and it is well illustrated with sample cards.

California provides the unique feature of awarding internships to librarians to spend short periods at the State Law Library. It also issues a minimum holdings list for law libraries and contemplates compiling suggestions for minimum space, staff, and salary. Advisory services extend beyond the local law libraries to include college law libraries, prison libraries, and other public libraries. Non-law libraries have been advised concerning basic materials for their collections.

The Michigan Law Librarian has worked with an area of the state



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to consider organizing a regional law library. This consideration involved conferences with the judges and lawyers of the area, discussion with them of the advisability of such a library, and the methods of organizing it. Some years ago the Michigan Supreme Court agreed to deposit a set of its records and briefs in each of two county law libraries on condition that these materials would be bound and thereby preserved. Because no one in these two libraries was skilled in the physical preparation of the material for binding, the Michigan State Library stepped in and now prepares the papers for binding. When they are finished, they are shipped to the county law library, and the binding costs are paid from the county law library fund.

Since September 1959 the Washington Supreme Court Law Librarian has been acting as a consultant to all county law libraries in assisting them to prepare basic minimum legal collections, as well as in aiding them with the routine task of weeding the collections and purchasing books. Oral suggestions have been offered during visits to the county law libraries and have then been followed up by written recommendations.

Pennsylvania State Library's Law Division has a basic pattern for its advisory work of visiting the county law library and conferring with the Law Library Committee of the local Bar Association, the judges of the local court, and the librarian or the individual who does the work in the law library. The collection is checked and listed, the operational procedures are examined, and if necessary a training session is held with the librarian. In light of the existing goals of the library, what the leaders of the Bar Association would like the library to be, and good law library policies, recommendations are then made upon the general operation of the library, upon the maintenance of the collection, and upon the expansion of the collection. Copies of the recommendations which are keyed to the library in question and cover the specific problems which exist, are sent to all interested parties. If a collection needs to be shifted and no one is available to plan the move, actual charts are supplied for the rearrangement.

The appreciation expressed by local law libraries for such services from the state or the supreme court library of their states is typified by the following letter of the Carbon County Law Librarian to the Law Librarian of the Pennsylvania State Library: "We of the Carbon County Library would like to thank you once more for coming here and helping to solve our library problems and for the splendid report you sent to us. Judge Heimbach [President Judge, Fifty-Sixth Judicial

District, Jim Thorpe, Pa.] remarked that it was a piece of work ably done and the rest of us were amazed at how you gathered so much information in such a short time."<sup>14</sup>

### *References*

1. Libraries which reported but which do not offer advisory service are Arkansas Supreme Court Library, Colorado Supreme Court Library, Delaware State Law Library in Kent County, Idaho State Law Library, Indiana Supreme Court Law Library, Iowa State Law Library, Kansas State Library, Massachusetts State Library, Missouri Supreme Court Library, Montana State Law Library, Ohio Supreme Court Law Library, South Carolina State Library, Tennessee State Library, Vermont State Library, and Virginia State Law Library.

2. Alabama, California, Connecticut, Maryland, Michigan, Minnesota, Nevada, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, Washington, and Wyoming.

3. Alabama, Arizona, California, Maryland, Minnesota, Nevada, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Washington, and Wisconsin.

4. Alabama, Arizona, California, Connecticut, Florida, Maryland, Michigan, Minnesota, Nevada, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Washington, and Wisconsin.

5. Alabama, Arizona, California, Florida, Maryland, Michigan, Minnesota, Nevada, North Carolina, Oklahoma, Pennsylvania, Washington, and Wisconsin.

6. Alabama, Arizona, California, Connecticut, Florida, Maryland, Michigan, New York, North Carolina, Oklahoma, Pennsylvania, and Washington.

7. *Michigan Statutes Annotated* (1936), § 15.1565(2), 1959 revision.

8. *West's Annotated California Codes* (1954), Education Code, § 27004, 1960 revision.

9. *Ibid.*, § 27051.

10. *Nevada Revised Statutes* (1957), § 378.080, 1960 revision.

11. *Purdon's Pennsylvania Statutes Annotated* (1930-31), Title 24, § 4201, 1961 cumulative annual pocket part.

12. Jensen, Edwin C. *Elements of Law Book Cataloging*. Madison, Wisc., 1961.

13. *Ibid.*, p. 5.

14. Bossard, Harlan G. Letter dated June 8, 1960.