

## Vote Yes for a County Law Library System

by Anna Donnally

**A**ccess to legal information is an essential element of equal justice. Unfortunately, for the average North Carolina citizen, gaining access to legal information is difficult. In fact, it is probably safe to say that lay people find locating the answers to their legal questions without a lawyer nearly impossible. Thus, access to legal information is based on the ability to pay, unless a person is charged with a serious crime. While not a panacea, a statewide system of law libraries which meets some minimum standards for collections and staffing should be established.

Questions about the legal aspects of marriage and divorce, business operations, child care, preparation of wills and trusts, regulation of firearms, building codes, and the legal rights of landlords and tenants are common information needs. People often need more information than can be provided through popular works on a subject or through referral to the applicable statute, ordinance, or regulation. Certainly, this is true of individuals involved in litigation. While an argument may be made that a lawyer's expertise is still required for interpretation of the legal information, there is considerable material that is intelligible to the person. Furthermore, the layperson is not alone in the need for access to the resources of a law library. Small law firms and solo practitioners are often unable to afford necessary legal reference materials.

Public libraries cannot provide the necessary materials in most cases. Building a law collection is not cheap and often this is not the primary mission of the public library. While some legal resources, such as state statutes, local ordinances and the *U.S. Code*, are commonly found in public library reference collections, more specialized but essential legal reference tools, such as court reporters, are not. Furthermore, few public library reference staffs are trained to use legal materials.

Although nearly all North Carolina counties maintain a law library of some type, they vary widely in collection sizes, staff expertise, and organizational structures. Few meet the standards recommended by the State, Court and County Law Libraries Section of the American Association of Law Libraries. These standards recommend that the county law library be supervised by a "law librarian who is professionally trained with adequate experience." Likewise, adherence to the recommendations regarding collections are observed probably more in the breach than in the observance in North Carolina.

Administratively, county law libraries may fall under the jurisdiction of the local public library system, district attorney's office, clerk of court, or some combination of the above. The majority of counties support their law libraries with court facilities monies. North Carolina General Statutes section 7A-304.2a sets uniform costs and fees in superior or district court and mandates that funds derived from facilities fees shall be used exclusively by the counties or municipalities for "courtroom and related judicial facilities" including a "law library (including books) if one has heretofore been established or if the governing body hereafter decides to establish one". This money is collected by the Clerk of Court and usually goes into a county's general fund. Since there is no prescribed portion to be spent for maintenance of a law library, funding is made at the discretion of the local board of county commissioners.

Given the extreme diversity of North Carolina's county law libraries and the minimal legal collections at most public libraries, access to reliable legal information is by no means easy. Corporate and academic law libraries are not found in many areas of the state and, in any case, typically have no mission to serve the general public. The answer to the problem of public access to legal materials seems obvious: build on strengths. Public funds are already being used to maintain county law libraries; the legislation is on the books. It seems logical to build on this weak existing structure to create a strong network of law libraries across the state.

Minimum state standards should be established for collections and staffing. A system for

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## Vote No for a County Law Library System

by Harry Tuchmayer, Column Editor

**W**riting an opinion that opposes expanded public library services, no matter what the reasoning and no matter what the service, is probably not very smart. After all, libraries traditionally have argued the importance of reaching all segments of the population — even lawyers! But something doesn't sit right with providing one small group this extraordinary service. I am not against law libraries per se, but I am opposed to separate facilities for specialized collections.

Why should taxpayers support a library that is not designed for them, does not have convenient hours, and most importantly, does not collect the material they need most? I understand that most county law libraries evolved from small collections of often used resources, such as the *North Carolina Digest* and the *Southeastern Reporter*, that judges and county attorneys found indispensable for their work. I understand also that a single purchase of other expensive sources and services, housed in a convenient location in or near the courthouse, greatly assists the entire legal community. But the fact of the matter remains, those that benefit most are the small firms and independent lawyers who lack the financial resources to buy these expensive yet indispensable "tools of the trade." Does the public library, or the taxpayer, buy sophisticated diagnostic tools for the independent auto mechanic? When was the last time the public library set up and operated the database of a local business at the taxpayers' expense?

Public libraries do, and always have, provided specialized resources for specialized groups within the confines of an existing multi-purpose facility. Many libraries support wonderful local history and genealogical collections while others have developed excellent small business collections. But these examples are fundamentally different than providing for and staffing a separate facility. In these and other instances, such specialized "libraries" are part of a larger service open to all community residents. As a result, users of these specialized libraries differ in their knowledge of the subject, and more importantly, they differ as to their needs. Consequently, these collections are developed to accommodate the widest possible array of users, necessitating the purchase of both basic and advanced resources. When was the last time a separate county law library purchased fifteen copies of *Separation and Divorce in North Carolina* or *How to Avoid Probate*?

Why should the public library, already strapped for funds to meet the spiraling cost of standing orders, be burdened with maintaining these services? When was the last time your county law library canceled its subscription to "seldom used resources" the way most state university libraries were forced to do with their own periodicals budget? In fact, if demand were the criteria for retention, most law libraries would be closed tomorrow because they serve such a small group of users. It's not that I'm against law libraries, but I do question just whose responsibility it is to maintain one. The establishment of such a facility undoubtedly increases the quality of legal services in a community, much as the creation of well funded public libraries benefits the cultural and economic well being of an area. But paying for this service from an already strapped library budget does not truly reflect the real costs for either service to the community. Taxpayers have a right to know what it really costs to maintain and support all aspects of the judicial system, just as they do when it comes to supporting traditional library services. Tying the funding of county law libraries to the judicial budget, and not the public libraries budget, better reflects the true cost of this service and might enhance the ability of a law library to increase operating budget and expand services.

Public libraries can and should work with the legal community to provide exceptional collections of legal materials for all users. But true justice demands equality, and as far as I can tell, we have tilted the scales of justice in favor of the few when support is provided for the creation of separate facilities.

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