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more and more  
users seeking  
legal materials  
and assistance.*

*Timothy L. Coggins, 1991*

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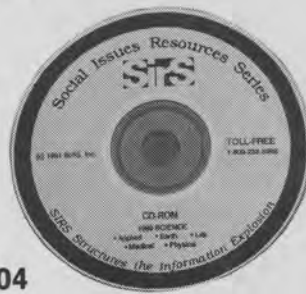
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# NORTH CAROLINA LibRARIES

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**Editor's Note:** All footnotes in this issue of NORTH CAROLINA LIBRARIES, *Law and the Library*, are formatted according to the *Uniform System of Citations*, 14th edition, rather than the *Chicago Manual of Style*.

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## *From the President*

Just six months until our biennial conference! The enthusiasm is building within the organization and the profession for the nationally known presenters that will be in High Point November 12-15. I hope you have already marked those days on your calendar.

An interesting feature of the conference will be a Wednesday morning session for potential leaders for the association and libraries. If you have an interest in being more involved, plan to attend the session to learn more about leadership skills and the North Carolina Library Association.

Thanks to all of you who have participated in three significant activities for libraries during the past few months - the Governor's Conference on Libraries and Information Services, the state Legislative Day, and the national Legislative Day. Each of these activities will make a difference for libraries in the future.

I look forward to participating in the White House Conference on Libraries and Information Services in July and hope you will offer your support to all sixteen delegates and alternates who were chosen at the Governor's Conference. You will be hearing more about the delegates and the sixteen resolutions that will be going forward from North Carolina to the White House Conference. Let the delegates know what you think!

There are other exciting things happening in the not-too-distant future. First, North Carolina will host the fall 1994 conference of the Southeastern Library Association in Charlotte. Even though 1994 is a non-conference year for us, I foresee a lot of participation by North Carolina library personnel. Think about what you would like to do to help. Charlotte and other cities across the southeast were in the running for the opportunity to host the conference. We should all be proud of the proposal made by Charlotte and the Public Library of Charlotte and Mecklenburg County that attracted the attention of the Executive Board of the Southeastern Library Association.

Secondly, members of our paraprofessional round table, the North Carolina Library Paraprofessional Association, have attracted national attention. Members participated in ALA committee meetings at the January Midwinter Meeting and will showcase their round table in a poster session at the July convention in Atlanta. Show your support by dropping by the poster session. This kind of initiative may lead to more paraprofessional participation in ALA and other state associations. Congratulations NCLPA!

There is always a lot going on with libraries in North Carolina. I cannot repeat it often enough - please get involved. The North Carolina Library Association needs you. Call 919 839-6252 for more information.

*Barbara Baker, President*



# Foreword

Timothy L. Coggins, Guest Editor

A steady rise in criminal and civil litigation continues to add to the backlog of cases in state courts, the National Center for State Courts reports. An awareness of legal issues, derived from "People's Court," "L.A. Law" and "Equal Justice," presents legal concepts and issues to the public and increases the potential for causes of action against neighbors, family members, and others. A significant economic downturn creates unemployment and other problems, causing potential financial ruin and bankruptcy for North Carolina and U.S. citizens and businesses. Law firms faced with the same economic environment cut staff (including attorneys) and no longer accept certain types of cases.

What do all these issues have to do with libraries? Potentially, quite a lot. As society becomes more litigious, librarians will see more and more users seeking legal materials and assistance. As information specialists, librarians must determine the types of information that the public needs and must attempt to provide the resources necessary to locate this information. Economic problems may result in more users attempting to handle legal problems without the assistance of attorneys. With mounting financial obligations and the possibility of no jobs, citizens might turn to public and other libraries to research their legal rights, options, and obligations. In other instances, law firms may not be interested in accepting new clients, thereby leaving many citizens with no alternative except self representation. Library managers, on the other hand, must become knowledgeable of the legal implications of library operations and their actions and must protect libraries from negligence and other actions brought by employees and users. Libraries throughout North Carolina presently address some of the legal information demands of users, but they likely will be faced with many more legal issues and demands for legal information in the future. Unfortunately, many libraries are not able to purchase necessary legal resources or to hire staff with legal research expertise to assist these users.

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This issue of *North Carolina Libraries*, "Law and the Library," presents an interesting and instructive collection of articles that should be helpful to North Carolina librarians. It includes articles discussing one traditional library issue, copyright law, but also addresses other relevant topics such as premises liability and sex discrimination that could affect librarians as managers and employees. Other articles focus on the unauthorized practice of law, how to help patrons compile the history of a *North Carolina General Statutes* section, the legal and other implications of dealing with the homeless and public library patrons with behavior problems, and the role of a private sector librarian functioning in the law firm environment.

Three articles deal with the law in substantive areas affecting librarians, managers and employees: copyright, premises liability, and sexual harassment. James Heller's article on copyright law traces the development of copyright law in the United States and offers practical advice to librarians. Heller clarifies some "grey" areas of copyright law and delineates the rights of both copyright owners and users of copyrighted works, including librarians and educators. Thomas Steele provides an extensive discussion of premises liability as applied to North Carolina libraries. He focuses on the liability of librarians and libraries for injuries sustained in the library and presents a thorough analysis of negligence law and its implications. Steele also offers a checklist to be used in libraries to guarantee that premises problems are reviewed and repaired before subjecting the library to liability. Laura N. Gasaway describes one particular type of sex discrimination, sexual harassment, and its impact on library operations. She reviews a series of court decisions that have developed standards concerning an employer's liability for sexual harassment. She concludes with a discussion of what a library manager should do to avoid sex discrimination charges in his or her library and encourages the development of a sound, written sexual harassment policy.

Another article addresses a critical issue to librarians: how much information can a librarian provide and at what point does answering a reference question become an unauthorized practice

of law? Janet Sinder's thorough analysis of this topic begins with a discussion of the relevant sections of the *North Carolina General Statutes* and presents reasons why it is important that librarians not advise users regarding their legal rights. Sinder concludes that librarians should provide as much assistance as possible to patrons, including showing helpful and useful materials, recommending books, etc., but they should stop short of providing actual advice and interpretation. Nina Lyon and Warren Graham of the Public Library of Charlotte and Mecklenburg County follow with an analysis of the security problems facing libraries in large urban centers. Behavioral problems identified by Lyon and Graham must be balanced with the library users' individual rights. The authors describe the use of security and safety officers in a public library and the development of rules and regulations governing conduct in the library. Their processes and conclusions should be instructive to other librarians facing difficult security and behavioral problems.

Librarians faced with questions about "legislative history" can find guidance in Louise Stafford's article about compiling legislative history about *North Carolina General Statutes* sections. Stafford discusses two aspects of compiling legislative history: tracing legislation and determining legislative intent. She interprets the North Carolina Supreme Court's perspective about legislative history through an analysis of several court decisions. The final article in the series discusses the changing role of the law firm librarian in today's law firms. Connie Matzen

reveals a view of private sector librarianship that many librarians have never seen. She presents the development of the law firm librarian from a "collection keeper" and filer of looseleaf services to an information specialist, educator, and politician/public relations expert within the law firm.

"Point/Counterpoint" focuses on the development of a county law library system in North Carolina. Many states have a detailed plan to provide law library services to the public and members of the bar, but North Carolina does not. Although several county law libraries exist in North Carolina, no comprehensive and adequately funded plan exists. Anna Donnally presents the view of a public library librarian who is faced with questions from users that require materials and expertise not available in her library. Harry Tuchmayer argues that county law libraries are certainly valuable, but asks if it is a legitimate use of taxpayers' money to fund libraries for a specific (and relatively small) group of library users? The final installment of this theme issue is a bibliography of legal materials that should be beneficial to North Carolina librarians. The bibliography lists basic primary and secondary legal research resources, but concentrates on some helpful titles about North Carolina law. While these titles vary in quality, substantive content, value, and scholarship, some of the titles might be helpful for some public, school, and academic library clients.

I thank the authors for their excellent contributions to this issue. I hope that all readers enjoy these articles and find some stimulating, practical, and beneficial information.




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# Copyright Essentials for Librarians

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by James S. Heller

**T**he United States Constitution authorizes Congress "to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries."<sup>1</sup> The first federal copyright legislation appeared in 1790 when Congress secured copyright in the authors of maps, charts and books. In the last 200 years Congress has extended copyright protection to maps, charts, designs, etchings, and engravings (1802); musical compositions (1831); photographs (1865); paintings, drawings, and sculptural works (1870); motion pictures (1912); sound recordings (1972); and computer programs (1980).

Today the Copyright Act of 1976,<sup>2</sup> along with interpretative judicial decisions, sets forth the respective rights of copyright owners and users of copyrighted materials. This article will present an overview of copyright law and how it applies to the activities of librarians and educators.

Copyright protection extends to original works of authorship "fixed in any tangible media of expression."<sup>3</sup> In limiting copyright protection to works that are "fixed," Congress mandated that there be some concreteness to the work. For example, an oral presentation may not be copyrighted, but the written speech upon which the presentation is based may be. Similarly, a live television or radio broadcast is not "fixed," but a recording of the broadcast is and may be copyrighted.

Not all works fixed in a tangible medium of expression are subject to copyright protection, however. Although works published by state or local governments may be copyrighted, publications of the United States government are in the public domain and are not copyrightable.<sup>4</sup> While facts may not be copyrighted because they lack originality, compilations of facts, such as almanacs, may qualify for copyright protection.

Ideas or themes may not be copyrighted, although the expression of an idea may. Therefore, although there can be no copyright in the theme of a romance between a northern gun-runner and a southern girl in the antebellum South, the expression of that idea in Margaret Mitchell's *Gone With the Wind* clearly is copyrightable.

In drafting the 1976 Act, Congress attempted to balance the often competing rights of owners of copyrighted works and the needs of users of those materials. Congress sought and encouraged input from various interest groups, notably educators, librarians, authors and publishers. The resulting Act was a compromise, with many of the troubling results that legislative compromises create. Some provisions were intentionally left ambiguous for later interpretation by the courts. In other instances, notably classroom copying and off-air taping, guidelines rather than legislation are provided.

Both copyright owners and users of copyrighted works have rights under the 1976 Act. Copying for teaching, scholarship,

and research purposes are mentioned specifically in the fair use provision of the Act.<sup>5</sup> Library copying,<sup>6</sup> public performances of audiovisual or musical works for instructional purposes,<sup>7</sup> and copying computer programs<sup>8</sup> also are addressed in the legislation. It is these provisions of the Copyright Act which most affect librarians and educators, and upon which this article will focus. Before discussing how librarians and educators may use copyrighted works, it is helpful to discuss the rights of copyright owners and the concept of infringement in the broader context of property law.

American law generally addresses three types of property. Personal property consists of goods, such as personal computers or books. Real property is land and things attached to land, such as houses. Intellectual property — the law of patents, trademarks, and copyrights — includes manifestations of a person's thoughts.

A property owner has the right to use his or her property within the bounds of the law. The property owner may lease, sell, or give away the property. In short, the owner has the right to dictate when and how his or her property shall be used. Like other property owners, the owner of a copyrighted work also has certain rights.

Under the Copyright Act, a copyright owner has the right to reproduce his or her copyrighted work, publicly perform or display the work, distribute the work, and prepare derivative works based on the original work.<sup>9</sup> Copyright infringement occurs when a copyright owner's rights are violated without his or her permission or absent the payment of royalties, unless the user's activity is permitted under another provision of the Act.<sup>10</sup>

**T**he fair use of a copyrighted work, including reproduction for purposes such as criticism, comment, teaching, scholarship, or research, is not an infringement. The fair use provision is designed to be a flexible rule of reason, and a determination as to whether a use is fair depends on the particular facts of each case.

To determine whether an activity involving copying is

*In drafting the 1976 Act, Congress attempted to balance the competing rights of owners of copyrighted works and the needs of users of those materials.*



allowed, a librarian usually should consider whether the copying is permitted under section 107, even if the activity also appears to be addressed by another provision of the Act. Indeed, each exemption to the exclusive rights of the copyright owner is based on what is considered to be an equitable balance between the copyright owner's rights and the competing rights of users of copyrighted materials. The four factors that are considered in a fair use analysis illustrate the balancing that is done in determining whether an activity qualifies for the fair use exemption.

The first factor is the purpose and character of the use. As a general matter, non-profit educational uses are favored over commercial uses. This does not mean that all non-profit uses are fair, nor that a profit-making motive will preclude a finding of fair use. How the copyrighted work is used is simply one of several factors that will be considered in a fair use analysis.

The second factor is the nature of the work copied. Librarians and educators should understand that there is greater room for copying informational, scientific, or factual works than there is for copying entertainment works.

The third factor is how much of the copyrighted work is copied. The more that is copied, the less likely it is that the copying will be considered fair. While copying one article from a periodical, a chapter of a book, or a poem from a collective work would in most instances be within the section 107 exemption, copying several articles from a periodical issue or a substantial portion of a book probably would not.<sup>11</sup>

The final fair use factor is the effect of the use (or copying) on the potential market for or value of the copyrighted work. This "diminished value" factor is considered the most important of the four factors. It is unlikely that a use will be considered fair if the value of or market for a work has been decreased because of the copying. This can be true even for non-profit educational uses of copyrighted materials.<sup>12</sup>

Section 107 provides that the fair use of a copyrighted work for purposes such as "teaching (including multiple copies for classroom use), scholarship, or research is not an infringement of copyright." While much educational copying is presumptively fair, the Act does not state that all such copying is allowed. What section 107 really says is that educational copying is non-infringing when it is a fair use. Educational copying is not elsewhere addressed in the Act. Instead, there are guidelines.

The *Agreement on Guidelines for Classroom Copying in Not-for-Profit Educational Institutions* was signed in March 1976 by representatives of authors, publishers, and educational interest groups, and is included in the legislative history of the Act.<sup>13</sup> Under the *Guidelines*, a teacher may provide one copy of a copyrighted work to each pupil if certain requirements, including brevity and spontaneity, are met, and if the cumulative effect of the copying does not endanger the copyright owner's rights. (Note how the latter requirement ties in with the fourth fair use factor of harm to the copyright owner). The *Guidelines* also state that educators cannot copy for the purpose of creating anthologies, compilations, or collective works. Educators wishing to make copies for such purposes would first receive permission from the copyright owner.

Not all education groups agreed to the *Guidelines*. The American Association of University Professors (AAUP) and the Association of American Law Schools (AALS) felt that the *Guidelines* were inappropriate for post-secondary education, and refused to endorse them.<sup>14</sup> The American Library Association also believed the *Guidelines* were unrealistic in the university setting, and in 1982 published *Model Policy Concerning College and University Photocopying for Classroom Research and Library Reserve Use*.<sup>15</sup> The

*Model Policy* offers broader guidelines for educators and librarians, and provides that certain copying for library reserve is permissible.

The *Model Policy* states that at a faculty member's request a library may copy and place on reserve excerpts from copyrighted works owned by the library. The policy generally permits a library to make one copy of an entire article, chapter from a book, or a poem for reserve. Multiple copies may be made if (1) the amount of material copied and the number of copies made are reasonable; (2) each item includes a notice of copyright; and (3) the effect of the copying does not harm the market for the work. The ALA suggests that no more than six copies be made for reserve purposes, that libraries avoid repetitive copying, that institutions not profit by reserve copying, and that libraries neither create anthologies nor copy consumable works.<sup>16</sup>

While copying within the ALA *Model Policy* appears to be fair use, remember that not all copying for educational purposes is allowed under the Copyright Act. Both the *Guidelines* and the *Model Policy* place limits on educational copying. Although neither are the law, they do provide valuable guidance to librarians and educators.

Most single-copy photocopying of articles and excerpts for personal research probably is fair use. The ALA recognizes this in its *Model Policy*, which states that instructors may make a single copy of a chapter from a book, an article, short story, short essay, or short poem for the purpose of scholarly research or use in teaching or preparing to teach a class.<sup>17</sup>

Libraries and their employees are accorded special rights under section 108 of the Copyright Act. In order to qualify for section 108 privileges, three initial criteria must be met: (1) the copying must be done without a purpose of direct or indirect commercial advantage;<sup>18</sup> (2) the library's collection must be open to the public or available to other persons doing research in a specialized field;<sup>19</sup> and (3) copies must include a notice of copyright.<sup>20</sup>

Section 108 addresses a wide range of library photocopying activities, including copying unpublished works,<sup>21</sup> copying to replace lost, stolen, or damaged copies of published works,<sup>22</sup> and the possible liability of libraries for infringing copying done on library photocopy equipment.<sup>23</sup>

The library photocopying exemption permits a library to copy articles or small excerpts for patrons as long as three conditions are met:<sup>24</sup> (1) the copy becomes the property of the user; (2) the library has no notice that the copy will be used for a purpose other than private study, scholarship, or research;<sup>25</sup> and (3) the library displays at the place where orders are accepted and includes on its order form a warning of copyright.<sup>26</sup> Most single (rather than multiple) copying of articles or small excerpts for educators, students, or researchers would be permitted under section 108 if the other requirements of that section are met. The right to copy an entire work — as distinguished from copying articles or excerpts — is more limited. Such copying is permissible only if the requirements noted in section 108 (d) are met, and if a new or used copy cannot be obtained at a fair price.<sup>27</sup>

*All librarians should be aware of the prohibition against systematic copying or distribution.*

All librarians should be aware of the prohibition against systematic copying or distribution.<sup>28</sup> While single copies of the same materials (the same article, for example) may be copied and distributed if each copying transaction is unrelated, a library should not subscribe to one copy of a journal or newsletter and regularly make copies of articles for its institutional members. Neither may several libraries in a library system agree that one of the libraries subscribe to a periodical, and the subscribing library systematically copy articles from that periodical for the other libraries. This does not mean that interlibrary copying is prohibited, however.

### Interlibrary Loan Copying

Libraries may participate in interlibrary arrangements so long as the library receiving copies of copyrighted works is not using the copies as a substitute for a subscription to or purchase of the work. The *CONTU Guidelines*<sup>29</sup> provide guidance on permissible copying for interlibrary purposes. Generally:

- (1) In any one year a library should not request more than five copies of articles published within the last five years from the same journal title (the CONTU Rule of Five).
- (2) Supplying libraries should not fill requests for copies unless the requesting library represents that the request conforms to the *Guidelines* or another provision of the Act (e.g., section 107). (Always remember that the library doing the copying may be liable for infringement).
- (3) Libraries should maintain records of copies requested under interlibrary arrangements for three years.

### Non-Book Materials

Copying under section 108 is limited effectively to books, periodicals, and sound recordings. Copying a musical, pictorial, graphic, sculptural, motion picture, or other audiovisual work is permitted only under the following three circumstances: (1) for the purpose of security or to preserve an unpublished work already owned by the library; (2) to replace a lost, stolen, or deteriorating copy of a published work when an unused replacement cannot be obtained at a fair price; or (3) the work is an audio-visual work dealing with the news.<sup>30</sup>

### Videos

The owner of a copyrighted videocassette or film retains the right to copy and distribute his or her work. A library may not copy a video to change formats (e.g., from Beta to VHS) or to make an archival copy. The copyright owner also has the right to publicly perform his or her audiovisual works.<sup>31</sup> Most of the questions librarians have about copyright and videos seem to revolve around the public performance right. Many librarians want to know under what circumstances they may lend videotapes, and whether videos can be viewed by patrons within the library.

Lending videos usually poses no problem unless there is reason to believe that the borrower will engage in an unlawful public performance of the video. While allowing an individual to view a videocassette in a private viewing room within the library probably is permissible,<sup>32</sup> allowing even small groups to view a tape within the library is more problematic. Playing the tape before a large group — even if no fee is charged — clearly is infringing without the copyright owner's permission, unless the use is considered educational or instructional and is therefore permitted under section 110(1) of the Act.<sup>33</sup>

### Sound Recordings

The copyright owner of a sound recording (i.e., a record, tape, or compact disk) has the exclusive right to reproduce and distribute

the work.<sup>34</sup> Libraries clearly may lend sound recordings to their patrons. But while a library may be tempted to make copies of sound recordings for lending or archival purposes (i.e., copying a record onto tape and lending the tape but not the record), that activity clearly is infringing. Instead, a library should purchase as many copies of the work and in as many formats as it needs.

### Computer Programs

Computer programs, like other works that are original and fixed, are copyrightable.<sup>35</sup> Congress, in its wisdom, allows software owners to copy software for three specific purposes: (1) to modify the program to suit the purchaser's specific needs; (2) to create a substantially different program that arrives at the same result as the first program but uses different methods; or (3) to make an archival copy. Whether other copying is permissible would largely depend upon an application of the fair use provision. A library district may not purchase one copy of a software package and make copies for each branch in the district; such use would not be fair.

Downloading, or transmitting online data to a local storage medium, clearly entails making a copy. Downloading is permissible if it is a fair use. If the downloaded data is used in a format identical to that which appeared in the original form, the use probably is not fair. Substantial reformatting of the data might be considered a fair use, however, although one must be aware of the prohibition against creating a derivative work.<sup>36</sup>

**I**t took Congress nearly thirty years to revise the Copyright Act of 1909; it may be well into the 21st century before there is another complete revision of the 1976 Act. The 1976 Act, unfortunately, often seems to present more questions than answers. Notwithstanding the grayness of American copyright law — or perhaps because of it — librarians should be aware of the Act, pertinent legislative history materials (including the *Guidelines*), publications of the ALA and other library, author, or publisher organizations, and articles and books on copyright that illuminate the issues and offer some guidance.

Copyright owners, particularly publishers, will continue to assert what they believe to be their rights under the Act. While librarians, . . . educators, and other consumers of intellectual property must be aware of the rights of copyright owners, they should also be aware of their rights as users of copyrighted works.

© James S. Heller

### References

1. U.S. Const. art. I, § 8, cl. 8.
2. 17 U.S.C. §§ 101-801 (1988).
3. 17 U.S.C. § 102 (1988).
4. 17 U.S.C. § 105 (1988).
5. 17 U.S.C. § 107 (1988).
6. 17 U.S.C. § 108 (1988).
7. 17 U.S.C. § 110 (1988).
8. 17 U.S.C. § 117 (1988).
9. 17 U.S.C. § 106 (1988).
10. 17 U.S.C. § 107-118 (1988).
11. Note that section 108 permits a library to copy an entire book under certain circumstances.
12. See *Encyclopaedia Britannica v. Crooks*, 542 F. Supp. 1156 (W.D.N.Y. 1982), where the court held that copying for educational purposes was not fair because the copying supplanted the market for which the educational works were created.
13. H.R. Rep. No. 1476, 94th Cong., 2nd Sess. 68-70, reprinted in 1976 U.S. Cong. & Admin. News 5681-83.
14. See *Cong. Rec.* 31,986 (1976).



15. American Library Association, *Model Policy Concerning College and University Copying for Classroom Research and Library Reserve Use* (1982).

16. Former Register of Copyrights David Ladd has stated that reserve copying is permitted only under section 107 or with the permission of the copyright owner. He further stated that a library should receive the copyright owner's permission before it makes multiple reserve copies for multiple-term retention. U.S. Copyright Office, *Report of the Register of Copyrights: Library Reproduction of Copyrighted Works* (17 U.S.C. 108) 108-111 (1983).

17. *ALA Model Policy*, *supra* note 15, at 4.

18. According to the House Report, the "advantage" must connect to the immediate commercial motivation of the reproduction, not to the ultimate profit-making status of the institution. House Report, *supra* note 13, at 75. This means that libraries in for-profit institutions, such as corporations or law firms, may qualify for the section 108 exemption.

19. The library need not have a totally open access policy; participation in interlibrary lending arrangements with other libraries should meet the "open or available" requirement.

20. Although it is unclear whether this means the section 401 statutory notice, it is wise to include the formal notice of copyright whenever possible.

21. 17 U.S.C. § 108(b) (1988).

22. 17 U.S.C. § 108(c) (1988).

23. 17 U.S.C. § 108(f) (1988). Libraries are advised to tape to each public access copier a notice that "The making of a copy may be subject to the United States Copyright Law (Title 17 United States Code)."

24. 17 U.S.C. § 108(d) (1988).

25. For example, copying cannot be justified under section 108(d) if a library staff member knows that a for-profit information broker requested the photocopy.

26. "Notice: Warning Concerning Copyright Restrictions: The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that the photocopy or reproduction is not to be "used for a purpose other than private study, scholarship, or research." If a user makes a request for, or later uses, a photocopy or a reproduction for purposes in excess of "fair use," that user may be liable for copyright infringement. This institution reserves the right to refuse to accept a copying order if, in its judgment, fulfillment of the order would involve violation of copyright law." 37 C.F.R. § 201.14 (1989).

27. 17 U.S.C. § 108(e) (1988).

28. 17 U.S.C. § 108(g) (1988).

29. National Commission on New Technological Uses of Copyrighted Works, *Guidelines for the Proviso of Subsection 108 (g) (2)*, published in H.R. Rep. No. 1733 (Conference) 94th Cong., 2nd Sess. 72-73 (1976).

30. 17 U.S.C. § 108(h) (1988).

31. 17 U.S.C. § 106(4) (1988).

32. The Attorney General of Ohio, however, has concluded that the display of copyrighted video tapes at a public library is an infringing public performance because of the library's accessibility to the public. Ohio Att'y Gen. Op. 87-108 (1987), 1987 *Copyright L. Rep.* (CHH) ¶ 26,240.

33. 17 U.S.C. § 110(1) (1988). The section 110 exception permits in-class performance of copyrighted videos under certain circumstances. See also Reed and Stanck, *Library and Classroom Use of Copyrighted Videotapes and Computer Software*, reprinted in *Am. Libr.*, Feb. 1986, at 120.

34. 17 U.S.C. § 106 (1988). Although there is no public performance right in a sound recording, there is a performance right in the underlying musical work — the song. The copyright owner of the song (i.e., the composition or lyrics) retains the right to control public performances of the work. Absent permission of the copyright owner of the musical work, public performances are permitted only for those works that are in the public domain.

35. 17 U.S.C. § 117 (1988).

36. 17 U.S.C. § 106(2) (1988).

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# The Law of Premises Liability As Applied to North Carolina Libraries<sup>1</sup>

by Thomas Steele

**T**he literature of librarianship and the law, while not extensive, is dominated by articles on malpractice, unauthorized practice, censorship, and copyright.<sup>2</sup> Yet, there are more complaints filed against libraries for personal injuries than for any of the above actions except for employment relations lawsuits. This article will focus upon actions against libraries and librarians for injuries sustained on premises of North Carolina libraries. While more common than malpractice and copyright actions, personal injury cases against libraries in North Carolina are rare for reasons other than relative safety of library premises.

The liability of librarians and libraries for injuries sustained in the library is not as clear-cut as might appear at first glance. The normal rules of negligence law do not necessarily apply because of the peculiar traditional general legal rules involving the liability of landowners and land possessors and because some libraries and librarians are shielded by the doctrine of sovereign immunity and by North Carolina statutory law. An interesting and probably fallacious hypothesis is that libraries are not sued because they are like "mom, flag, and apple pie" or because they are not "deep pockets" or are "judgment proof"—that is, libraries do not have adequate funds to pay a large money judgment.

The liability exposure of libraries and librarians to persons injured on the premises is determined by several factors: the type of library, the type of injured party, and the manner in which the injury was caused. In North Carolina, municipal and county libraries are shielded partially from liability by the doctrine of sovereign immunity.<sup>3</sup> State libraries, including those at state-supported academic institutions, may

be sued under the North Carolina Tort Claims Act.<sup>4</sup> Libraries which operate as parts of for-profit businesses, corporate libraries, and law firm libraries generally fall under the rules of premises liability that have been developed over the past two centuries in North Carolina or have been developed elsewhere and adopted in North Carolina. The liability of libraries of charitable and educational organizations—museums, charity hospitals, private academic libraries—was once deflected by the doctrine of charitable immunity, but that has been removed. They now face the same level of liability as corporate libraries.

Under the arcane rules of premises liability, the reason for the individual's presence on the library's premises may have more to do with the likelihood of his being able to recover damages for his injuries than anything else. Three classes or statuses of users are recognized: trespassers, licensees, and invitees. Recovery may also be denied or limited if the library and its staff exercised reasonable care in keeping the premises safe. Recovery may also depend upon whether the condition deemed to cause the injury is so obvious that any reasonable person would know to avoid the danger or upon whether the danger was hidden. Finally, the condition must have caused the injury.

All of the above assumes that the injury was caused by negligence. Users of libraries can also be injured intentionally

by library personnel. For example, a member of the library staff might assault a particularly troublesome patron. The author has found no such case, but can easily imagine its occurrence.

This article will explore the types of injuries that have occurred in libraries in North Carolina and nationally, as well as the most common kinds of injuries suffered by individuals on various premises. Then, the author will discuss the law of premises liability in North Carolina. Next, the article will explore immunities that shield certain types of libraries. Finally, it will conclude with some suggestions for minimizing the risk of injury to library staff and users.

*... the reason for the individual's presence on the library's premises may have more to do with the likelihood of his being able to recover damages for his injuries than anything else.*

## ***Types and Causes of Injuries Sustained In Libraries***

Nationwide, the most frequent injuries sustained by library users are those involving a slip and fall. Generally, the most common causes of those injuries are improperly constructed or maintained stairs or steps,<sup>5</sup> foreign substances (usually liquid) on the floor,<sup>6</sup> and objects on floors and stairs.<sup>7</sup> Library users are also often injured by falling on sidewalks just outside

libraries<sup>8</sup> and in entryways.<sup>9</sup> These falls are usually caused by icy pavement,<sup>10</sup> the defective design or construction of the walkway, or improper maintenance of the surface. Children have become injured on fences.<sup>11</sup> Construction workers and policemen have fallen through roofs and skylights.<sup>12</sup> Users have also been injured by assailants who attacked them in the library.<sup>13</sup> Library users have also been injured by defective elevator doors.<sup>14</sup> Con-

in order to protect others from unreasonable risks; (2) a breach of that duty; (3) a causal connection between the breach and injury to another; and (4) actual loss caused by the injury.<sup>24</sup> In most American jurisdictions, the duty owed to someone who comes onto the premises depends upon his or her status as either a trespasser, licensee, or invitee.

The level of duty of care required is tied directly to the nature of the person's business while on the library's premises. For example, if an individual is on the premises without permission, he or she is categorized as a trespasser. The library owes no duty to trespassers other than to refrain from intentionally injuring them.<sup>25</sup> Intentional acts could include such acts as a third party physically attacking

users or setting traps for them.<sup>26</sup> There is one significant exception to this rule. The child trespasser rule states that a property owner may be held liable even though a child is a trespasser if (1) the owner knows that children likely will trespass on the property; (2) if there is a man-made creation on the property that poses serious risk to children that the children could not comprehend; and (3) if the owner failed to use reasonable care in the maintenance of the artificial condition.<sup>27</sup> Water hazards (such as goldfish ponds), construction sites, play equipment, and skylights<sup>28</sup> are the kinds of artificial construction conditions that might be found in or around libraries.

If an individual is on the premises solely for his own benefit and not for that of the landowner, he is called a licensee.<sup>29</sup> The library's duty is not to intentionally or recklessly injure him. Only rarely would library users be defined as being licensees. For example, if a library were located in a non-public area of a corporate headquarters or law firm, customers or clients who wander into the library might be termed licensees. Staff areas of public libraries might also be areas where a library user would be classified as a licensee.

While no case in North Carolina has stated it expressly, case law in other jurisdictions and analogous situations in North Carolina seem to indicate that most library users and employees fall into the class of invitees. Whether library users are

classified as invitees or licensees is very important. Recovery for injuries and thus liability is much more likely if the individual is an invitee. If the area clearly is identified for library employees only, and not an area that is a normal part of the public areas of the building, it is more likely that the individual will be termed a licensee.<sup>30</sup> For example, a patron who leaves a public area to go to a non-public rest room and is injured in the non-public area has been held to be a licensee and not an invitee.<sup>31</sup> However, repairmen,<sup>32</sup> construction workers,<sup>33</sup> and employees<sup>34</sup> have been identified as invitees. Any place that the public is expected to go is considered a public area.<sup>35</sup>

A library owes the highest duty to an invitee. Invitees are those individuals who come onto the property by invitation either express or implied and for the mutual benefit of the library and the individual. The duty is to exercise reasonable care to keep the library premises safe and to warn of non-obvious dangers.<sup>36</sup>

Generally, the library premises must be kept reasonably safe.<sup>37</sup> Keeping the premises reasonably safe includes making reasonable inspections.<sup>38</sup> Compliance with the Building Code in constructing a building is also considered reasonable.<sup>39</sup> Even conditions created by the injured

## *Nationwide, the most frequent injuries sustained by library users are those involving a slip and fall.*

struction activities, including falling scaffolding, have caused other injuries.<sup>15</sup> In the only North Carolina case involving a library, *Siebold v. Kinston-Lenoir County Public Library*, the injury was caused by a slip and fall on "entrance stairs."

A look at injuries occurring on the premises of other public and business operations, however, is helpful to determine what can happen. Generally most injuries have been caused by slips and falls on slippery spots or foreign substances on floors,<sup>16</sup> and worn carpeting or metal strips<sup>17</sup> on stairs and steps.<sup>18</sup> In addition, injuries have included falls from defective chairs,<sup>19</sup> falling objects striking users,<sup>20</sup> or the collapse of tables.<sup>21</sup>

Finally, there are cases involving injuries caused by acts of third parties.<sup>22</sup> In fact, liability for the criminal acts of third parties is an area of increasing concern since libraries can be held to a standard of reasonable knowledge that such acts can occur.

### *Liability for Injuries Occurring on the Premises of North Carolina Libraries*

Injuries on library premises and, in fact, on most premises are only rarely claimed to be the result of an intentional act. Commonly, the injury is claimed to have occurred because of the negligence of those in charge of the premises. Negligence has become the predominant cause of action for accidental injuries in the country, but its elements are misunderstood by laypersons and many lawyers.<sup>23</sup> It consists of four elements: (1) a duty on someone's part to conform to a standard of conduct

## *Negligence has become the predominant cause of action for accidental injuries in the country ....*

party have been held to be actionable if there is a continuing series of acts that would give the landowner notice.<sup>40</sup>

The library has no duty to warn users about obvious dangers, but has a duty to warn about hidden dangers. Displaying merchandise<sup>41</sup> or information<sup>42</sup> in a place that is by an unguarded handrail can divert the attention and obscure an obvious condition. However, uneven pavement,<sup>43</sup> a step,<sup>44</sup> and adjacent areas of tile and linoleum<sup>45</sup> and even a chair in a darkened dance hall<sup>46</sup> have been held so obvious that there is no duty to warn.

The library owes a duty to invitees to reasonably care for the library premises and warn of non-obvious dangers. Even if that duty is not breached, the library may still not be held liable for an injury if the library's actions did not cause the injury.<sup>47</sup> The injured party must prove that the library's failure to fulfill its duty caused the injury.



## Public and Public School Libraries

Statutes and common law limit the liability that exists for personal injuries that are caused by the negligence of county and city public and school library personnel.<sup>48</sup> It has been held that municipalities may not be sued for personal injuries as long as the municipality engages in a proper governmental function<sup>49</sup> as opposed to a proprietary function.<sup>50</sup> The operation of a public library has been held to be a governmental function, and thus the municipality, the library, and the librarians may not be held liable in tort for negligence in maintaining the library.<sup>51</sup> However, this governmental immunity may be waived by the purchase of liability insurance under N.C.G.S. § 160A-485.<sup>52</sup> The city may not waive its immunity for any other reason than the purchase of liability insurance.<sup>53</sup> Although there is no case law, public libraries operated by regional library districts are apparently in the same situation as municipal libraries. Library systems are authorized by statute and are created as cooperative ventures of municipalities and/or counties.<sup>54</sup>

The effect of the statutes and the governmental immunity doctrine has been to limit litigation in this area. No other personal injury case, other than the *Siebold* case, involving a public library has come before either the North Carolina Court of Appeals or the Supreme Court of North Carolina.

Public librarians should not feel that they are immune from lawsuits arising from injuries to library users; however, while there has been no case involving libraries, it is clear that liability may exist for intentional torts.<sup>55</sup> The governmental immunity doctrine only applies if the employee is engaged in the governmental function. An intentional act of a library

was committing an infraction of library rules. In this situation, the library employee would have intentionally caused an injury.

## Academic and Other Private Non-Profit Libraries

Until the 1960s charitable institutions—private academic institutions, churches, and charity hospitals—were shielded substantially from liability by the charitable immunity doctrine.<sup>56</sup> However, this is no longer the case. The liability of academic libraries and other non-profit institutions is thus determined by the law of premises liability summarized earlier in the article.

## Libraries of For-Profit Organization

Libraries in corporations, law firms, for-profit medical hospitals, and other for-profit libraries are all subject to the general law governing premises liability in North Carolina. Many such libraries are not in public areas or are not open to the public. Thus, injured individuals other than employees, workmen, and others<sup>57</sup> might be considered to be licensees.

## Libraries Operated by State Agencies and Institutions

Libraries in state agencies and institutions including state college and university libraries are not shielded by the governmental immunity doctrine as are local government libraries. Instead, injuries occurring on these premises are governed by the North Carolina Tort Claims Act.<sup>58</sup> While the general rules governing liability for libraries of non-profit organizations apply, there are two very important conditions. First, the North Carolina Industrial Commission rather than the courts hears such claims.<sup>59</sup> Second, damages are limited to \$100,000. Claims under this act are strictly limited to negligence claims.<sup>60</sup> Claims for intentional torts caused by acts of officers while in the line of duty are not covered.<sup>61</sup>

## Conclusion

Quite apart from the liability of libraries and librarians, all librarians prefer that injuries on library premises be reduced. The best way to do this is to exercise sound

professional judgment when dealing with potentially dangerous conditions. Consultations with safety experts, engineers, and architects, as well as the use of published standard sources<sup>62</sup> should take place during the design phase. An inspection sheet produced after consultation with engineers, building inspectors, fire safety officers, and lawyers is probably the best way to avoid injuries and, coincidentally, to produce documentary evidence of diligence in maintaining library premises (see Appendix). Weekly inspections of library premises with an inspection sheet are recommended. Library managers should follow up with maintenance personnel when problems are noted, to ensure that repairs are properly done; and they should keep a file of all inspection sheets, work orders, and memoranda regarding repairs. Such simple common sense steps do not require legal training, just sound judgment in professionally managing a library.

## References

1. Readers should also consult D. Logan: *N.C. Tort Practice Manual* (rev. ed. 1990) for broader, more in-depth coverage of premises liability law in North Carolina.
2. Lynch, "Let it be me: A Bibliography on Librarian Malpractice," 16 *Southeastern Law Librarian*, Fall 1990, at 5; see also Steele, "The Liability of Librarians for Negligence," 26 *Public Lib.* 127 (1987).
3. *Siebold v. Kinston-Lenoir County Public Library*, 264 N.C. 360, 141 S.E.2d 519 (1965).
4. *N.C.Gen.Stat.* §§ 143-291-143-300.1 1990.
5. *Siebold*, 264 N.C. 360, 141 S.E.2d 519 (1965).
6. *Lowe v. City of New York*, 110 A.D.2d 825, 488 N.Y.S.2d 621 (1985).
7. *LaMarcov. Brooklyn Public Library*, 256 A.D. 954, 10 N.Y.S.2d 129 (1939).
8. *Rawlings v. Angelo State University*, 648 S.W.2d 430 (Tex Civ. App. 1983).
9. *Siebold*, 264 N.C. 360, 141 S.E.2d 519 (1965).
10. *Plymale v. Sabina Public Library*, No. 870-02-005 (Ohio Ct. App. Dec. 21, 1987) (WESTLAW, States database, OH file).
11. *Roffenbender v. City of New York*, 17 N.Y.2d 754, 217 N.E.2d 38, 270 N.Y.S.2d 214 (1966).
12. *Paz v. City of New York*, 157 A.D.2d 562, 550 N.Y.S.2d 304 (1990).
13. *Oreon v. City of St. Louis Municipal Library District*, 780 S.W.2d 60 (Mo. App. 1989).
14. *Papadopoulos v. Indiana University Board of Trustees*, No. 1P-80-499-C (S.D. Ind. 1981).
15. *Robey v. Keller*, 114 F.2d 790 (4th Cir. 1940).
16. *Duggins v. Colonial Stores, Inc.*, 323 F.2d 117 (4th Cir. 1963); *Register v. Great Atlantic & Pacific Tea Co.*, 235 F.Supp. 847 (E.D.N.C. 1964); *Norris v. Belk's Dept. Store of Dunn, Inc.*, 259 N.C. 359, 130 S.E.2d 537 (1963).
17. *Hedgepeth v. Rose's Stores, Inc.*, 40 N.C.

*Weekly inspections of library premises with an inspection sheet are recommended.*

employee may be *ultra vires*, that is, outside the scope of employment; the library would probably not be held liable, but the employee might be. Examples of this type of conduct might include an assault upon a library user by a circulation clerk or the setting of a trap to catch a library user who



App. 11, 251 S.E.2d 894 (1979).

18. *Southerland v. Kapp*, 59 N.C. App. 94, 295 S.E.2d 602 (1982).

19. *Husketh v. Convenient Systems, Inc.*, 295 N.C. 459, 245 S.E.2d 507 (1978).

20. *Keith v. S.S. Kresge Co.*, 29 N.C. App. 579, 225 S.E.2d 135 (1976).

21. *Aarhus v. Wake Forest Univ.*, 57 N.C. App. 405, 291 S.E.2d 837 (1982).

22. *Munrow v. Daniels*, 321 N.C. 494, 364 S.E.2d 392 (1988).

23. W. Keeton, D. Dobbs, R. Keeton & D. Owen, *Prosser & Keeton on The Law of Torts* at § 28, at 161 (W. Keeton, 5th ed. 1984).

24. *Id.* at § 30, at 164-65.

25. *Dean v. Wilson Construction Co.*, 251 N.C. 581, 111 S.E.2d 827 (1960).

26. See *Katkov v. Briney*, 183 N.W.2d 657 (Iowa 1971) where the defendant landowner set a spring-gun trap.

27. *Broadway v. Blythe Industries, Inc.*, 313 N.C. 150, 326 S.E.2d 266 (1985).

28. *Forte v. Dillard Paper Co.*, 35 N.C. App. 340, 241 S.E.2d 394 (1978).

29. *Logan, Id.*

30. *Samuel v. Simmons*, 50 N.C. App. 406, 273 S.E.2d 761 (1981).

31. *B. Cupita v. Carmel Country Club*, 252 N.C. 346, 113 S.E.2d 712 (1960).

32. *Pafford v. J. A. Jones Construction Co.*, 217 N.C. 730, 9 S.E.2d 408 (1940).

33. *Spivey v. Babcock & Wilcox Co.*, 264 N.C. 387, 141 S.E.2d 808 (1965).

34. *Bemont v. Isenhour*, 249 N.C. 106, 105 S.E.2d 431 (1958).

35. *Hicks v. Food Lion*, 94 N.C. App. 85, 379 S.E.2d 677 (1989). Parking lots, entrances and adjacent sidewalks have been held to be included.

36. *Bolkhir v. North Carolina State Univ.*, 321 N.C. 706, 365 S.E.2d 898 (1988); *Lyvere v. Ingles Markets*, 36 N.C. App. 560, 244 S.E.2d 437 (1978).

37. *Bolkhir v. North Carolina State Univ.*, 321 N.C. 706, 365 S.E.2d 898, 45 Educ. L. Repr. 393 (1988).

38. *Grady v. J.C. Penney*, 260 N.C. 745, 133 S.E.2d 678 (1963).

39. *Moon v. Bostian Heights Volunteer Fire Department*, 97 N.C. App. 110, 387 S.E.2d 225 (1990).

40. *Bolkhir*, 321 N.C. 706, 356 S.E.2d 898 (1988).

41. *Thomas v. Dixon*, 88 N.C. App. 337, 363 S.E.2d 209 (1988).

42. *Walkerv. County of Randolph County*, 251 N.C. 805, 112 S.E.2d 551 (1960).

43. *Little v. Wilson Oil Corp.*, 249 N.C. 773, 107 S.E.2d 729 (1959); *Evans v. Batten*, 262 N.C. 601, 138 S.E.2d 213 (1964).

44. *Benton v. United Bank Building Company*, 223 N.C. 809, 28 S.E.2d 491 (1944).

45. *Evans v. Batten*, 262 N.C. 601, 138 S.E.2d 213 (1989).

46. *Revis v. Orr*, 234 N.C. 158, 66 S.E.2d 652 (1951).

47. *McGaha v. Smoky Mountain Stages, Inc.*,

263 N.C. 769, 140 S.E.2d 355 (1968).

48. *N.C.Gen. Stat. § 160A-485* (1987) (municipalities); *N.C.Gen. Stat. § 153A-435* (1987) (counties). The first expression of this doctrine is found in *Russell v. Men of Devon*, 100 Eng. Rep. 359 (K.B. 1788).

49. *Siebold v. Kinston-Lenoir County Public Library*, 264 N.C. 360, 141 S.E.2d 519 (1965).

50. *Rich v. City of Goldsboro*, 282 N.C. 383, 192 S.E.2d 824 (1972).

51. *Siebold*, 264 N.C. 360, 141 S.E.2d 519 (1965).

52. *Siebold v. City of Kinston*, 268 N.C. 615, 151 S.E.2d 654 (1966).

53. *N.C.Gen. Stat. § 160A-485* (1989).

54. *N.C.Gen. Stat. § 153A-270* (1987); *N.C.Gen. Stat. §§ 160A-460 - 160A-464* (1987).

55. *Dickerson v. Atlantic Refining Co.*, 201 N.C. 90, 159 S.E. 446 (1931).

56. *Rabon v. Rowan Memorial Hosp.*, 269 N.C. 1, 152 S.E.2d 485 (1967); *N.C.Gen. Stat. § 1-539.9* (1989).

57. *Logan, Id.*

58. *N.C.Gen. Stat. §§ 143-291 - 143-300.1* (1990).

59. *N.C.Gen. Stat. § 143-291* (1990).

60. *North Carolina Tort Practice Handbook* 316 (rev. ed. 1955).

61. *Jenkins v. North Carolina Dep't. of Motor Vehicles*, 244 N.C. 560, 94 S.E.2d 577 (1956).

62. E. Mason., *Mason on Library Buildings* (1980).

## APPENDIX A

DATE \_\_\_\_\_

### WAKE FOREST UNIVERSITY INSPECTION SHEET

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# Sexual Harassment in the Library: The Law

by Laura N. Gasaway

**L**ibrary employees have the right to be free of illegal discrimination on the job under Title VII of the Civil Rights Act of 1964.<sup>1</sup> Discrimination based on sex is prohibited under the Act along with discriminatory employment actions based on race, religion and national origin. One particular type of sex discrimination, sexual harassment, has received much recent attention. All employees should be free of demands for sexual favors from supervisors and should enjoy a work environment that is free of harassing behavior from co-workers. Such standards appeal to most library managers who seek enhanced productivity and oppose harassment not only because it is illegal, but because it interferes with productivity.

While sexual attraction on the job is normal, sexual harassment can interfere with an individual's ability to perform his or her job successfully, may have a detrimental effect on others in the organizations, and ultimately will impact on the effectiveness of the library. A series of court decisions have developed standards concerning an employer's liability for sexual harassment. Although there have been no reported decisions involving sexual harassment in libraries, there is no reason to believe that libraries are immune from sexual harassment. There have been several cases of harassment in government agencies and educational institutions, as well as many in private employment situations. A number of studies have demonstrated the scope of the problem. One of the largest studies was conducted in 1980 by the U.S. Merit Systems Protection Board, which surveyed 23,000 federal workers. Over forty-two percent of women workers and fifteen percent of male workers reported being sexually harassed by their supervisors, co-workers or third parties, such as clients.<sup>2</sup> The study was up-

dated covering 1985-87 with similar results; forty-two percent of female and fourteen percent of male federal employees reported being victimized by sexual harassment. The most interesting factor in the update is that the federal workforce grew by 100,000 females; thus, a considerably larger number of women workers were surveyed.<sup>3</sup>

Title VII of the Civil Rights Act of 1964 is the overall anti-discrimination statute. It governs all employers, including libraries, which employ more than fifteen employees.<sup>4</sup> For Title VII purposes, the parent organization and not just the library is considered the "employer." Thus, it is the entire county government, university or corporation which is the employer; under this standard, virtually every library in the country is covered by Title VII.

The preamble to Title VII states that equality of employment opportunity shall not be abridged on account of race, national origin, religion or sex.<sup>5</sup> Sexual harassment constitutes sex discrimination under the Act. Although there are reported cases of sexual harassment by a female supervisor on a male subordinate,<sup>6</sup> and male on male sexual harassment, the huge majority of cases are male on female harassment.<sup>7</sup> Female on male or homosexual harassment is just as devastating for the employee as the typical male on female situation. However, for purposes of this article it is assumed that harassers are male and victims are female.

Today most individuals agree that employees should not be subjected to demands for sexual favors on the job. Only recently, however, has the U.S. Supreme Court recognized sexual harassment as sex

discrimination. It is precisely because of the person's sex that he or she is subjected to such treatment.<sup>8</sup> The key issue for most libraries in a sexual harassment complaint is whether the library as an employer is liable to the employee for the harassing conduct of either supervisors or co-workers.

Conduct that qualifies as sexual harassment may range from offensive sexual innuendos to actual physical assaults, and courts tend to consider a victim's response to such conduct in determining whether the conduct is sexual harassment. In other words, some employees enjoy and partici-

*All employees should be free of demands for sexual favors from supervisors and should enjoy a work environment that is free of harassing behavior from co-workers.*

pate in sexual banter and jokes while other workers might consider the behavior to be harassing. Although not dispositive of the issue, whether the victim has participated in such workplace banter may be relevant to a court in determining if particular conduct constitutes sexual harassment in a given situation.

The Equal Employment Opportunity Commission (EEOC) is the federal agency charged with enforcing Title VII's anti-discrimination provisions.<sup>9</sup> The EEOC has promulgated guidelines which define sexual harassment as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature occurring under any of three con-



ditions: (a) where submission is either explicitly or implicitly a term or condition of employment, (b) where submission or rejection of the conduct forms the basis for an employment action, or (c) where the conduct has either the purpose or effect of substantially interfering with the individual's work performance or creating

## Only recently . . . has the U.S. Supreme Court recognized sexual harassment as sex discrimination.

an intimidating, hostile or offensive work environment.<sup>10</sup>

Courts now recognize that there are two separate types of sexual harassment. The first is defined as *quid pro quo* harassment. This is the type of harassment most individuals recognize as discriminatory. *Quid pro quo* harassment occurs whenever a supervisor or other person in authority demands sexual favors from a subordinate. In exchange for granting the favors, the employee receives some employment benefit, such as a raise, a promotion, a favorable performance review, etc. Likewise, employees who deny the request from sexual favors are "punished" by being denied the raise or promotion, or are transferred to a less desirable job or are even fired.<sup>11</sup> *Quid pro quo* has been characterized as sexual blackmail,<sup>12</sup> and most early cases involved *quid pro quo* harassment.

The second type of sexual harassment is called hostile work environment. Whenever a supervisor or co-workers participate in sexual jokes, teasing or more blatantly destructive behavior, the working environment may become so tainted with such behavior that the environment becomes a hostile one for women or a single woman. Submission to such conduct becomes a term or condition of employment if the woman wants to continue working there.<sup>13</sup> The primary difference between hostile work environment and *quid pro quo* claims is that there is no retaliation or adverse employment decision based on the woman's refusal to participate in the conduct or refusal to grant sexual favors. Also, the employer's liability for the two types of sexual harassment claims may differ. In *Meritor Savings Bank v. Vinson*,<sup>14</sup> the U.S. Supreme Court endorsed the definitional portion of the EEOC guidelines including the "offensive or hostile work environment" part of the

definition.<sup>15</sup> The Court also endorsed an additional requirement to establish a hostile work environment claim: the offended party must prove that sexual harassment is so severe or pervasive that it alters the conditions of her employment.<sup>16</sup>

Clearly, in most situations, an employer is liable for actions of supervisory personnel. For *quid pro quo* sexual harassment, the EEOC guidelines would make the employer strictly liable regardless of whether the employer specifically prohibited harassing conduct or even knew about it and failed to take immediate and appropriate corrective action.<sup>17</sup> An employee is not required to follow

internal grievance procedures; instead, she may file a complaint directly with the EEOC. By utilizing internal grievance proceedings, however, the woman presents an employer with an opportunity to solve the problem internally and at a much lower level than by initiating a Title VII complaint with the EEOC.

The *Meritor* opinion does not go so far as to impose strict liability on employers for hostile work environment situations, but the Court indicates that, in general, agency principles would apply in determining liability.<sup>18</sup> Liability for harassment of an employee by fellow workers was not addressed in *Meritor*; however, the EEOC guidelines suggest that the employer is liable for failure to take immediate and appropriate action if the employer knew or should have known of the co-worker conduct.<sup>19</sup>

**E**ducation of all workers is the first step in prevention. The EEOC guidelines emphasize affirmative prevention,<sup>20</sup> and there are many reasons a library should implement a preventive program. First, the chance of harassment occurring is lessened when all employees know the rules. A clear policy and well established procedures reduce the time required for the library manager to learn of the harassment and take corrective action. There also is a significant benefit to victims when they know their rights. Victims are more likely to take self-help measures to prevent recurrences of sexually harassing behavior. Likewise, the likelihood of successful internal resolutions through early intervention are increased. Should the sexual harassment complaint ultimately go to litigation, a good prevention program can help document the employer's

record of good faith. This can affect the issue of liability and damages. Finally, work force productivity is enhanced because harassment and its attendant distractions are reduced.<sup>21</sup>

Library employers should take affirmative steps first to educate supervisors about sexual harassment and then to educate staff. Not everyone automatically recognizes the range of conduct that can constitute harassing behavior. Efforts to make all library personnel aware of the problem, to show that such conduct is illegal, and to emphasize that the library will not tolerate such behavior on the part of supervisors or workers are significant parts of any program designed to prevent harassment. To facilitate the process of educating workers, it is useful to focus on the less serious forms of harassment as opposed to the more extreme sexual assaults. Most employees are unlikely to commit serious assaults, but routine occurrences, such as offensive remarks, looks, pictures, pats and touches, are much more common and should be stressed as the cause of most sexual harassment complaints.<sup>22</sup>

In addition to having an education program, it is critical that each library develop a written sexual harassment policy if the parent organization does not have one. Employers have a business interest in regulating this aspect of business conduct. An anti-harassment policy is not an attempt to legislate morality; it focuses on increasing productivity, not spawning expensive litigation or jeopardizing government contracts.<sup>23</sup> The policy itself should state clearly that the library will not tolerate sexual harassment on the part of either supervisors or co-workers. It should specify that anyone affected by harassing behavior has a right to complain to management about the harassment and should indicate how to initiate a complaint. Further, the policy should state that the library will investigate all complaints, and that disciplinary action will be taken against perpetrators for complaints found to be legitimate. Lastly, the sexual harassment policy should be publicized widely within the library.

Libraries may fashion separate complaint and grievance procedures for dealing with sexual harassment or may rely on normal grievance procedures. It is essential, however, to provide for complaint to the personnel department or to an independent person named as the sexual harassment officer should the perpetrator be the employee's immediate supervisor. Many management experts recommend that the normal grievance procedure be used if possible.<sup>24</sup> Disciplinary action

should include a wide array of alternatives ranging from a simple reprimand to more serious actions, such as suspension and termination, determined by the seriousness of the harassing conduct.

Supervisors and workers must know that the library will enforce the policy and will take seriously any complaint raised. Haphazard enforcement can subject the

harassment policy, and establishes the employer's commitment to the policy and the seriousness with which the library administration views sexual harassment.

Clearly, an investigation must be conducted with sensitivity to both the victim's and the alleged harasser's feelings. Many victims want the investigation to be conducted anonymously, but this is not possible unless several women have complained about the same harassing conduct. It is essential that confidentiality be maintained except for the parties involved and any witnesses questioned. By ensuring confidentiality, the library may insulate itself from any defamation charge an alleged harasser might bring.<sup>28</sup>

After the investigation is complete, the investigator should prepare a written report to the library director. The report should include: (1) a summary of the allegations and the accused's response; (2) a summary of the individuals interviewed and their credibility; (3) a presentation of the findings of fact; (4) discussion of the conclusions about the allegations; and (5) recommendations for remedial or other corrective action.<sup>29</sup>

The desired result of any library's response to sexual harassment primarily should be a clear understanding by the parties that the library opposes and will not tolerate sexual harassment of any kind. A second desired result is an affirmation by the parties that the harassing conduct will not be repeated. Another desired result of any library's response to a claim which is demonstrably groundless is that the offended party's misperception will be dispelled.<sup>30</sup>

**T**he only relief a complainant may seek is an end to the harassment. Frequently, the library manager's disciplinary action against the harasser will be sufficient to stop the behavior. Thus, the harassed worker may seek no further remedy. In the *quid pro quo* situation, however, the victim has already suffered either an adverse employment action or failed to receive benefit to which she was entitled because she refused to accede to the harasser's demands. To make the victim whole again, some remedial action must be taken to restore what she has lost. If she has been terminated or constructively discharged, reinstatement is the appropriate remedy. Offer

of reinstatement with restoration of lost benefits frequently is sufficient to avoid litigation. Cash settlements also have been used to avoid litigation.

Should the victim file suit under Title VII, the remedies available are back pay, reinstatement, and restoration of lost benefits.<sup>31</sup> There are no punitive damages under Title VII. Should she also file charges under state law, she may be eligible for monetary damages to compensate for any psychological injury. Punitive damages to deter future sexual harassment may be available.<sup>32</sup>

Hostile work environment claims seek to address non-economic injuries. Thus, victims claiming hostile work environment under Title VII are eligible only for injunctive relief, i.e., an order to stop the harassing behavior and reinstate the employee or restore other lost benefits.<sup>33</sup>

**C**onsensual sexual relationships between co-workers certainly occur and have resulted in sexual harassment complaints when the relationship soured. Courts have not been hospitable to complaints arising from previously sexual relationships, especially if one party wants to end the affair while the other desires it to continue. Because of the problems amorous relationships on the job can cause, an employer's anti-harassment policy should deal with consensual relationships as well.

There are many types of consensual sexual relationships: (1) the female employee consents to the relationship because she fears retaliation if she says no, (2) she acceded to sexual demands because she believes it is the only way to get ahead, (3) she consents at first and later changes her mind, and (4) the employee is a willing participant, but the relationship sours. In *Meritor*, the Supreme Court indicated that a victim who consented to the relationship was not automatically excluded from relief.<sup>34</sup> Clearly, problems of proof are more difficult in consensual relationship cases.

Consensual relationships cause difficulties for other workers who are aware of the situation. Perceptions of favoritism can be extremely detrimental to morale, and such perceptions are hard to correct. It can be argued that a hostile work environment is created for other workers who are made to feel uncomfortable by any public manifestation of the amorous relationship or simple familiarity in the business setting.<sup>35</sup> Whether a third party has grounds to complain about payoffs to another employee who is involved in a sexual relationship with a supervisor is somewhat unclear. Some courts have allowed

*The most important factor in preventing harassment is a strong anti-harassment policy, consistently enforced, coupled with a continuous education effort.*

library to breach of contract claims. Further, employers must enforce the policy uniformly at all levels of employment and supervision.<sup>25</sup>

Ensuring employer and supervisor compliance requires more than promulgating a policy and distributing it only once to employees. The policy must become a part of any employee handbook and must be publicized to employees on a regular basis. Many universities publish their policies each autumn and require departments, divisions, and units to route copies of the policy to all employees on an annual basis. The most important factor in preventing harassment is a strong anti-harassment policy, consistently enforced, coupled with a continuous education effort.

The Supreme Court has recognized the importance of such employer-initiated programs and indicated that employer liability might be lessened if such affirmative steps to stop sexual harassment were undertaken.<sup>26</sup> Not only to comply with the Court's reasoning, but also because it is sound business practice, libraries should develop mechanisms for successfully handling harassment complaints.

**I**t is essential that the library investigate any sexual harassment claims. Not only is a thorough investigation useful to employers in minimizing liability, but it assists gathering information, clarifying the issues, evaluating the incident, making a judgment about the library's response to the claim,<sup>27</sup> and taking appropriate corrective actions. Additionally, the investigation provides support for the sexual



non-victims injured by favoritism to sue successfully. Such courts tend to allow a cause of action in any case in which sex was a substantial factor in an employment decision.<sup>36</sup> Other courts have found there is no gender connection, since unsuccessful candidates for a promotion might be of either sex. To these courts, there is no causal connection between the plaintiff's gender and the employment disadvantage.<sup>37</sup>

Although many sexual harassment issues have not yet been resolved by the courts, sexual harassment clearly is a violation of federal law for which a library may be liable. Ensuring a harassment free workplace not only benefits library productivity, but also helps insulate the library from liability. Education of both supervisors and employees as well as development, publication, and enforcement of a sound, written sexual harassment policy are critical.

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## References

1. 42 U.S.C. § 2000e (1988).
2. See *Sexual Harassment in the Federal Workplace: Is It a Problem?* Report of the U.S. Merit Systems Protection Board (1981).
3. Trost, "Sexual Harassment Persists on Jobs, U.S. Study Finds," *Wall St. J.*, June 30, 1988, at 10, col. 1.
4. 42 U.S.C. § 2000e-2(a) (1988).
5. *Id.* at 2000e-2(a) (1).
6. See *Heubschen v. Department of Health and Social Servs.*, 716 F.2d 1167 (7th Cir. 1983).
7. See *Joyner v. AAA Cooper Transp.*, 36 E.P.D. (CCH) ¶ 35, 167 (D. Ala. 1985).
8. See *Meritor Savings Bank v. Vinson*, 477 U.S. 57, 64 (1986).
9. 42 U.S.C. § 2000e-4 (1988).
10. 20 C.F.R. § 1604.11(a) (1980).
11. *Meritor*, 477 U.S. at 64-65.
12. Note, "The Aftermath of *Meritor*: A Search for Standards in the Law of Sexual Harassment," 98 *Yale L.J.* 1717, 1718 (1989) [hereinafter "Aftermath"].
13. *Meritor*, 477 U.S. at 65-55.
14. *Id.*
15. *Id.*
16. *Id.* at 67, quoting *Henson v. City of Dundee*, 682 F.2d 897, 904 (11th Cir. 1982).
17. 29 C.F.R. § 1604.11(c) (1980).
18. 477 U.S. at 71-72.
19. 29 C.F.R. § 1604.11(d) (1980).
20. *Id.* at §1604.11(f).
21. Kandel, "Sexual Harassment: Persistent, Prevalent but Preventable," 14 *Employee Rel. L.J.* 439, 441 (1988) [hereinafter Kandel].
22. *Id.* at 447.
23. *Id.* at 442.
24. *Id.* at 445.
25. *Id.* at 442.
26. *Meritor Savings Bank v. Vinson*, 477 U.S. 57, 72-73 (1986).
27. Bryson, "The Internal Sexual Harassment Investigation: Self-Evaluation Without Self Incrimination," 15 *Employee Rel. L.J.* 551, 551-52, 554 (1990).
28. *Id.* at 552.
29. *Id.* at 557.
30. Kandel, *supra* note 21, at 451.
31. 42 U.S.C. § 2000e-5(g) (1988).
32. Bradford, "Relief for Hostile Work Environment Discrimination: Restoring Title VII's Remedial Powers," 99 *Yale L.J.*, 1611, 1616 (1990).
33. "Aftermath," *supra* note 12, at 1719-23.
34. 477 U.S. 57, 69 (1986).
35. Chamallas, "Consent, Equality, and the Legal Control of Sexual Conduct," 61 *So. Cal. L. Rev.* 777, 846-47 (1988).
36. *Id.* at 848, citing *King v. Palmer*, 778 F.2d 878, 880 (D.C. Cir. 1986).
37. *Id.* at 849, citing *DeCintio v. Westchester County Medical Center*, 807 F.2d 304, 307-08 (2d Cir. 1986).

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# Answering Legal Questions: Reference or Unauthorized Practice of Law?

by Janet Sinder

**W**orking at the reference desk, librarians in all types of libraries are asked questions concerning legal issues. These questions can take a wide variety of forms, ranging from requests for help locating a specific citation to outright requests for legal advice.

In determining what type of reference service to offer in these situations, several different issues arise. One is the question of the unauthorized practice of law, prohibited by statute in North Carolina and every other American jurisdiction. If a patron relies on erroneous information, there could be a question of librarian malpractice. There is also the broader question of what types of help reference librarians should give to patrons with legal questions.

This article will not deal with librarian malpractice. The topic has been addressed elsewhere<sup>1</sup> and is not a problem that is limited to legal materials.<sup>2</sup> The potential exists for any librarian to be charged with malpractice for the provision of inaccurate information. Although librarians have written about it, the issue has never arisen in court.

Unauthorized practice of law by librarians is another issue that has been written about, but never addressed in a court case.<sup>3</sup> It is worth discussing here, however, because it illustrates some of the limits librarians face when answering legal reference questions.

North Carolina's statute on the unauthorized practice of law reads in relevant part:

[I]t shall be unlawful for any person or association of persons except members of Bar, for or

without a fee or consideration, to give legal advice or counsel, perform for or furnish to another legal services, or to prepare directly or through another for another person, firm or corporation, any will or testamentary disposition, or instrument of trust, or to organized corporations or prepare for another person, firm or corporation, any other legal document.<sup>4</sup>

Thus, non-lawyers are prohibited not only from appearing in court to represent others (a party is always entitled to represent himself or herself), but also from preparing any legal document or giving legal advice or counsel. It is, of course, the latter prohibition that must concern reference librarians.

**K**nowing that the giving of legal advice can be considered the unauthorized practice of law, librarians are faced with the question of what exactly constitutes legal advice. Robin Mills addressed this issue in her 1979 article, "Reference Service vs. Legal Advice: Is It Possible to Draw the Line?"<sup>5</sup> She found, after examining case law, that:

Answering a question about the law apparently becomes legal advice when the answer requires skill and familiarity with the law, or when the listener relies on the answer as an accurate statement of his rights and obligations, or when the answer is directed to the specific legal problem of an individual rather than to common problems of the public generally.<sup>6</sup>

Mills believes that the distinction between simply giving legal information and giving legal advice seems to depend on the particular circumstances of the situation, and that no clear standard can be given.<sup>7</sup>

Once again, librarians are not provided with much guidance in answering specific questions. Given this lack of concrete standards, librarians, especially those without legal training, need to be aware of the problems that can arise from even the simplest question. Mills begins her article with three hypothetical situations; the first illustrates that even what appears to be a straightforward reference question with a definite answer can contain unexpected problems.

In this example, a patron asks the librarian how long he has after an automobile accident to file suit. The librarian looks at the state statute and tells the patron that the statute of limitations (the amount of time following an event in which a lawsuit can be filed) in personal injury cases is two years. As the accident happened six months ago, the patron has another eighteen months in which to file suit. Unfortunately, the librarian was not told that the patron's wife died in the accident, and the statute of limitations for cases involving wrongful death is only one year.<sup>8</sup> If the patron relies on the librarian's answer to his question, he may not file his lawsuit in time.

Some might feel that the mistake could have been avoided by a thorough reference interview. If the librarian had asked whether anyone had died in the accident, the correct answer could have been found. But should the librarian be expected to know the correct questions to ask in this situation? Would he or she have the time or experience to uncover all the relevant facts, realize their relevance, and come up with the correct answer? After all, this is a



simple example; most legal questions are more complicated.

**P**eter Schanck has offered four reasons why librarians should defer to lawyers in the provision of legal advice: "(1) The attorney has better access to the facts in the case. . . (2) The lawyer usually has more complete knowledge of the law. . . (3) The attorney is able to research the law at his leisure. . . (4) The lawyer understands the practical functioning of the legal system."<sup>9</sup>

Schanck concludes that most librarians do not know the questions to ask or how to interpret the answers. Further-

law may have changed since the materials in the library were published. Even the most recent volume of the advance legislative service for North Carolina, which contains statutes more recent than those in the supplements to the *General Statutes*, is not completely up-to-date. North Carolina cases take approximately six weeks to be published and can take longer to be indexed. There is no index to the official reports, and cases may not appear in the *North Carolina Digest* for up to a year.<sup>11</sup>

Federal materials pose even more problems. Most non-law libraries receive the official, rather than the commercial, versions of federal statutes and U.S. Supreme Court cases.<sup>12</sup> Commercially pub-

lished resources have editorial additions that assist with interpretation and indexing and are published more quickly than most official publications. The official versions of these statutes and cases can take as long as two years to be published. In addition, most non-law libraries do not have all the materials necessary for complete legal research. For example, a

library may have the *United States Code*, but not the *Code of Federal Regulations* which contains rules and regulations promulgated by federal agencies. They also may not have all the case law necessary to determine how courts have interpreted the legislation.

If a patron is researching cases and statutes the librarian can demonstrate how these resources are organized, how to use the index to find materials, and where in the index a patron can begin a search. The patron should also be told that there may be other index terms that need to be checked. The more the librarian can do to inform the patron that the materials, not the librarian, will provide the information, the better.

Secondary sources are another option. Nolo Press and others publish a large number of self-help law books which are held by most large public libraries. Self-help law books focus on the types of cases in which the patron would be acting affirmatively, doing such things as buying a house, drawing up a will, or patenting an invention, rather than re-

sponding as a defendant in a civil or criminal case.<sup>13</sup>

The best answer in some instances, as with other types of reference questions, is a referral. Does the patron qualify for legal aid? Can the question be answered by some government agency? Should the patron be given the number of the North Carolina Attorney Referral Service?<sup>14</sup> Is there a library in the area that has more legal materials? If there is a nearby law library, the librarians there are bound by the same restrictions on the giving of legal advice. However, the law library will have a large selection of legal materials in the collection and may have staff members with more experience and a better understanding of what the patron needs to do research. If the best solution is for the patron to examine primary materials, those at a law library will probably be more up-to-date. Law libraries, with their larger collections, tend to have both the official and the commercial versions of cases and statutes.

**T**o understand North Carolina law on a particular subject, patrons may find some of the treatises written for lawyers helpful. There are books on topics such as family law, real estate, and criminal law that deal specifically with the law in North Carolina.<sup>15</sup> Although written for attorneys, they may help patrons doing their own research. They have the benefits of being directed specifically to the law in North Carolina, and of analyzing and explaining the subject.

There are ways that librarians in almost any library can assist patrons with legal problems. The key is to explain that

*Knowing that the giving of legal advice can be considered the unauthorized practice of law, librarians are faced with the question of what exactly constitutes legal advice.*

more, they do not have the time required to discover all the facts and do the necessary research. Schanck recommends that librarians, when asked for legal advice, should, even while providing some help, repeatedly urge patrons to contact an attorney.<sup>10</sup>

With these caveats, what exactly can reference librarians do when confronted with a legal question? There are several options, and the most appropriate one depends on the particular question. Basically, the choices are showing the patron how to use the primary sources to find information, recommending secondary sources on the subject, or referring the patron to another library or agency.

When faced with a legal question, the librarian should conduct a normal reference interview to discover what the patron wants. This does not require knowledge of the entire history of a legal question (allowing the patron to explain this should probably be avoided), but the librarian should know whether the patron is looking for something specific, wants to understand what his or her attorney is talking about or is just curious about an area of law.

If patrons are using primary legal materials, such as North Carolina cases and statutes, they should be advised that the

*. . . patrons . . . should be advised that the law may have changed since the materials in the library were published.*

legal research may be very different from research in other subjects because of the interaction of statutes, cases, and administrative regulations. The law is constantly changing, and there is rarely a clear answer on any issue. Librarians can show the materials to patrons, recommend books to read for background, and refer patrons to



other agencies that might help them. They should never give advice, but this does not mean they cannot help. Being aware of the difference between providing the materials to answer a question and providing an answer should help reference librarians confronted with legal questions.

## References

1. See e.g., Dragich, "Information Malpractice: Some Thoughts on the Potential Liability of Information Professionals," *Info. Technol. & Libr.*, Sept. 1989, at 265.

2. See, e.g., Gray, "The Health Sciences Librarian's Exposure to Malpractice Liability Because of Negligent Provision of Information," 77 *Bull. Med. Libr. Assoc.* 33 (1989).

3. For a recent article on the subject from a Canadian perspective, see Rice, "Reference Service versus Unauthorized Legal Practice—Implications for the Canadian Reference Librarian," *Legal Reference Services Q.*, Vol. 10, Nos. 1/2, 1990, at 41.

4. N.C. Gen. Stat. § 84-4 (1985). For example, it has been held to be unauthorized

practice of law for a motor club to allow members to write letters on club stationery concerning automobile accidents, advising others that they were liable under the law for damages and then to draw up receipts for settlements made because of these letters. *State ex rel. Seawell v. Carolina Motor Club, Inc.*, 209 N.C. 624, 184 S.E. 540 (1936).

5. Mills, "Reference Services vs. Legal Advice: Is It Possible to Draw the Line?" 72 *Law Libr. J.* 179 (1979).

6. *Id.* at 186 (footnotes omitted).

7. *Id.*

8. *Id.* at 179.

9. Schanck, "Unauthorized Practice of Law and the Legal Reference Librarian," 72 *Law Libr. J.* 57, 59 (1972).

10. *Id.* at 64.

11. If a library receives the West version of the court reports, there will be digests (subject indexes to the cases) in each volume of the reports.

12. Official publications of cases and statutes are those published by the government. As there is no copyright in any of these materials, they are very often reprinted by commercial publishers. For example, the *United States Code* is the official version of the

federal code. *United States Code Annotated*, published by West Publishing Company, and *United States Code Service*, published by Lawyers Cooperative Publishing, are two commercial versions. Sometimes the official code is published by a commercial publisher. This is the case in North Carolina, where the *North Carolina General Statutes* are published by the Michie Company.

13. See, e.g., D. Clifford, *Nolo's Simple Will Book* (2d ed. 1989); P. Miller, *The Common Sense Mortgage* (3d ed. 1989).

14. The North Carolina Referral Service (1-800-662-7660) is run by the North Carolina State Bar Association. It is a free service, which will give the caller the names of several local attorneys who work in a specific subject area.

15. See, e.g., L. Kelso, *North Carolina Divorce, Alimony and Child Custody* (2d ed. 1989); J. Webster, *Webster's Real Estate Law in North Carolina* (3d ed. 1988).

## NOMINEES NEEDED FOR TECHNICAL SERVICES AWARDS

The Executive Committee of the Resources and Technical Services Section is seeking the names of promising and practicing librarians for its Student and Significant Contribution awards. The two winners will receive plaques and \$250 cash awards during the RTSS business meeting at the NCLA Biennial Conference.

The **STUDENT AWARD** is open to students actively enrolled in library education in North Carolina as of July 1, 1991. Recent graduates who are North Carolina librarians are also eligible. Nominees must show a potential for contributing to technical services and must intend to pursue a technical services career. Self-nomination is permissible.

The **SIGNIFICANT CONTRIBUTION AWARD** is open to North Carolina librarians who have made an important contribution in technical services, either to their institutions or to the profession in general. At least part of the nominees' current work must involve an aspect of technical service. Applicants must be nominated by a current member of NCLA.

The nomination deadline for both awards is **August 31, 1991**.

To submit nominations for either award, please contact:

David Gleim, Chair  
RTSS Executive Committee  
Catalog Dept., CB# 3914  
Davis Library  
University of North Carolina at Chapel Hill  
Chapel Hill, NC 27599-3914

# Library Security: One Solution

by Nina N. Lyon and  
Warren Graham

**T**he problem is not new. Visit the public library in virtually any city today and you see a situation they all share; only the faces are different. A woman sits at a corner table mumbling to herself for hours;

an unkempt man carrying his worldly possessions in bags and bedroll sits reading the morning newspaper; a daily patron takes possession of the unabridged dictionary and the table it sits on and refuses to allow anyone else to use the dictionary as he copies the same words over and over, day after day; and a patron has just reported a naked woman washing her clothes and bathing in the women's restroom. This is the morning crowd—the homeless, the mentally unstable, the street people. By evening, the library fills with many young people, most working feverishly on class assignments, but a few heckle, are loud, rude, and sometimes destructive.

Often, in libraries, this disruptive behavior goes unchallenged. In most cases, no laws have been broken, and the local police do not have time to visit the library routinely. Library staff members are expected to control the behavior of these individuals without facing threats, accusations, and potential liability. But, most library employees are busy with library business and try to ignore these problems out of intimidation or a feeling that nothing could be done. Some libraries hire contract security companies either part-time or full-time. However, the success or failure of this approach depends on the quality of the company providing the service.

But, what happens to the image of the library in the community when disruptive behavior becomes the norm instead of the exception? Users who have been harassed, witnessed disruptive behavior, or felt threatened will not return. More negatively, they will tell friends "the story" of disruptive behavior they saw or experienced, who will then think twice before using the library themselves. When disruptive behavior is not controlled, the

safety and security of library users and staff are jeopardized. When disruptive behavior goes unchallenged, the library's image is damaged and use declines. "The story" in the community is that the library is not a safe place to visit.

Can the library change this perception without infringing upon the rights of the homeless, the mentally unstable, and others? Can the library change "the story" without subjecting its staff to personal liability?

**D**uring 1986 and 1987, the Administrative staff and the Board of Trustees of the Public Library of Charlotte and Mecklenburg County (PLCMC) had several opportunities to improve library safety and security issues during the planning of the renovation and addition project of the Main Library. Library Administration had long faced the daily security problems caused by inappropriate behavior. Because of these problems, the Main Library endured a declining public image, and many citizens were determined not to go into the library. But steps were taken to address this situation.

First, the Main Library renovation project was one component of numerous improvements in the immediate neighborhood of the new library. Parking lots and boarded up buildings were replaced with CityFair, an uptown food and retail center, the new Apparel Mart, a Days Inn Hotel, and the Spirit Square renovation, as well as the pending construction of the new Charlotte/Mecklenburg Performing Arts Center. All these projects were designed to bring people into the downtown area. Thus, the Main Library's neighborhood greatly improved and positive activities in the area increased. These changes helped library patrons feel safer.

In addition, the renovation of Main

Library allowed staff to redesign the interior of the facility with security and safety concerns as high priorities. Staff were interviewed by the design consultants to solicit their opinions and recommendations about the development of an attractive, functional, and safe facility. Many staff recommendations were adopted and implemented. For example, at the recommendation of staff, restrooms were relocated and designed to discourage bathing, washing clothes, loitering, and other inappropriate behavior. Special children's bathroom facilities were placed in the Children's Room area so that unsupervised children would not have to enter restrooms also being used by adults. As the predominant seating system, tables and solid wooden chairs were chosen over lounge furniture. A security type motion detection system was installed to monitor the entire building after hours. A single entrance/exit was established and all emergency exits were tightly controlled and equipped with alarms.

Most importantly, while the building

*When disruptive behavior goes unchallenged, the library's image is damaged and use declines.*

was under construction, administrative staff reviewed existing PLCMC's *Rules and Regulations for Conduct in Libraries* and developed a more comprehensive list of rules and regulations for library conduct and behavior. These rules, which follow this article, were adopted formally by the Library Board of Trustees in 1989 prior to the opening of the new facility.

Initially, every staff member who worked in the Main Library was asked to



state his or her security and safety concerns. Major concerns identified by the staff included intimidation by patrons, individual safety, use of drugs by patrons, unpredictable reactions of some patrons when staff approached them to correct behavior, and a feeling that library staff members should not be the first to approach users who are causing problems. Additionally, other urban libraries in the United States were surveyed to determine how they handled behavioral problems. A long list of issues and concerns developed from these steps. Administrative staff began working with the Mecklenburg County Police Department and PLCMC's legal counsel to develop a list of prohibited actions in the libraries along with the necessary actions to enforce the rules.

In PLCMC's *Rules and Regulations for Conduct in Libraries*, many prohibited actions already violate local, state, or federal law, such as solicitation for purposes of prostitution, carrying concealed weapons of any type, and indecent exposure. Since these are clear violations of existing laws, county and/or city police and county security can act immediately.

Other actions, such as sleeping, soliciting for money or items or services, eating, drinking, smoking, bathing, washing clothes, and bringing in bedrolls or large packages that take up excessive space, are not illegal according to local, state, or

federal law, but violate PLCMC's *Library Rules and Regulations for Conduct in Libraries*. County security or city police cannot handle these situations because they do not violate any local, state, or federal laws. Since these actions are violations of library rules, library staff must first approach the person and ask that the situation be corrected or the behavior changed. If the situation is not corrected or behavior changed, then the person is asked to leave the library premises. If the person refuses to leave, county security or city police can arrest the person for trespassing. Once arrested for trespassing, the person cannot reenter the facility.

As this process was developed, it was clear to Library Administration that public service staff, such as librarians, clerical assistants, or pages, would be responsible for the initial response to and enforcement of many of PLCMC's *Rules and Regulations for Conduct in Libraries*. County security and city police were available only to enforce the law. Hence, the library was back to its original dilemma: public service staff had to conduct regular Library business and activity and handle problem users at the same time.

Many employees expressed safety and intimidation concerns handling these issues.

To resolve this dilemma, Library Administration established a new library department of library assistants who are "floor monitors." It is "floor monitors" who as library staff members make all initial approaches to any behavioral problems. A Library Safety and Security Coordinator position was established to supervise the floor monitors. Although PLCMC advertises all positions internally to provide advancement opportunities, no member of the staff had the necessary qualifications and relevant experiences. For the Library Safety and Security Coordinator posi-

tion, security experiences were requirements. Many applicants had worked previously for security firms and possessed

## [Security officers] monitor behavior, never appearance.

associate degrees in Security from local community colleges. The Library Safety and Security Coordinator was responsible for working as chief liaison with county security staff. County security personnel were also contracted to provide twenty-four hour security for the Main Library facility and to be on call for branch library problems as well.

Simply having library staff directly responsible for monitoring the enforcement of PLCMC's *Rules and Regulations for Conduct in Libraries* has made the rules and regulations effective. Individuals with proprietary security or law enforcement backgrounds were hired as floor monitors and the Safety and Security Coordinator.

Both county security officers and floor monitors patrol the Main Library facility during all business hours, thus providing a highly effective deterrent. Together, these two levels of security are visible, vigilant, and consistent. The most important aspects of their work are objectivity and lack of bias in the enforcement of the policy. They [security officers] monitor behavior, never appearance.

Another extremely critical element is the manner they use to approach users for rule enforcement. Floor monitors maintain a quiet, pleasant, and respectful attitude in communicating library policy. Thus, more than ninety-five percent of the people informed of the rules comply readily. PLCMC's *Rules and Regulations for Conduct in Libraries* are printed and distributed on the same document that details Main Library's floor plan. This alerts all users to the interest in their safety and security.

Has "the story" changed? Users comment on the improvement of atmosphere at the Main Library everyday. Behavioral problems are handled quickly, efficiently, and fairly. Library Administration does not have to spend hours each week struggling with behavioral problems. Having a staff of floor monitors has made the PLCMC's *Rules and Regulations for Conduct in Libraries* effective. "The story" users tell has changed, and PLCMC's image in the community is positive.





## **RULES AND REGULATIONS FOR CONDUCT IN LIBRARIES OPERATED BY THE PUBLIC LIBRARY OF CHARLOTTE AND MECKLENBURG COUNTY**

The mission of the Public Library of Charlotte and Mecklenburg County is to make available to all residents by convenient and free access, collections of expertly selected library materials to meet the public's informational needs; to promote the enjoyment of reading and the book; to strengthen life-long learning, citizenship, and the appreciation of the world's cultural achievements.

The Board of Trustees of the Public Library of Charlotte and Mecklenburg County has adopted the following policy so that the Library may provide an atmosphere conducive to appropriate use of their services and facilities. Use of the Library is intended to be for reading, studying, writing, and listening to written or electronically transmitted materials. Other use is not permitted. The public is required to comply with these Rules and regulations:

The following actions are prohibited on Library property:

- Selling and/or soliciting
- Distributing or posting materials/literature that have not been approved by the Library
- Soliciting for money or items or services
- Soliciting for the purposes of prostitution
- Possessing or consuming alcohol or illegal drugs or being under the influence of alcohol or drugs
- Smoking or other uses of tobacco
- Eating or drinking
- Sleeping
- Not wearing shoes or shirt
- Bringing animals or pets into the library (except guide dogs for the blind or hearing-impaired)
- Any loud, unreasonable, and/or disturbing noises created by persons, radios, tape players or televisions
- Intentionally damaging, destroying, or stealing any Library property or a patron's or employee's property
- Removing library materials from the premises without authorization through established lending procedures
- Playing cards or games of any kind
- Leaving a child under six years of age unattended by a responsible person
- Leaving any child or young adult (up to age 17) in the Library after closing time
- Misuse of restrooms. Restrooms are for library patrons only.
- Bringing bedrolls, blankets, large packages into the Library, or taking up excessive space in the Library, or bringing in packages or unpackaged food.
- Carrying weapons of any type
- Engaging in disorderly conduct, fighting or challenging to fight, or using offensive words likely to provoke violence
- Indecent exposure
- Using obscene or abusive acts and/or language
- Any other illegal acts or conduct in violation of Federal, State, or local law, ordinance or regulation

Failure to comply with the Library's established Rules and Regulations may result in exclusion from the Library and/or being subject to arrest.

# NORTH CAROLINA CENTRAL UNIVERSITY

## School of Law

## School of Library and Information Sciences

### JD/MLS Program

The joint degree JD/MLS Program allows students who are interested in a career in law librarianship to simultaneously pursue the Juris Doctor degree and a masters degree in library and information sciences. Application to and acceptance by both the School of Law and the School of Library and Information Sciences are required. The degree of Juris Doctor is granted upon the completion of a minimum of 88 semester hours of required and elective courses. A total of 36 required and elective semester hours is required for the MLS.

Students in the joint degree program must successfully complete all of their required first year of study in the law school. Following the first year which is spent exclusively in the law school, students may begin the required library science courses. Library science courses are generally offered during the summer, on Saturdays and during the day and evening hours. Thus, a joint degree student in the Day Program can begin to pursue the library science courses in the summer between the first and second years of law school, and a joint degree student in the Evening Program can begin the library science courses in the summer between the second and third years of law school. A minimum of 24 course hours is required in the School of Library and Information Sciences for the joint degree.

The day student enrolls in a combination of the courses required for the JD and the MLS degree during the remaining four semesters and the summer between the second and third year. The evening student enrolls in a combination of courses for the degree requirements during the remaining four semesters and the summer between the third and fourth year.

#### Curriculum (Day Program)

	YR1	S	YR2	S	YR3	**RC	TOTAL
LAW	*31	0	24	0	24	9	88
LIB SC	0	6	6	6	6	12	36

#### (Evening Program)

	YR1	S	YR2	S	YR3	S	YR4	RC	TOTAL
LAW	16	6	18	3	15	6	15	9	88
LIB SC	0	0	0	6	6	6	6	12	36

#### \* Credit Hours

\*\* RC: Credit accepted by reciprocal agreement between the School of Law and the School of Library and Information Sciences.

S: Summer

*The hours and times represented above are merely an example of the times that the courses would likely be offered. The time and number of credit hours a student would take in the School of Library and Information Sciences each semester would depend upon when those courses are offered.*

# Compiling the History of North Carolina Legislation

by Louise H. Stafford

There are two aspects of compiling the legislative history of a statute. One is tracing the formation of the statute; the other is determining what the legislature intended that the enactment should accomplish. Tracing legislation amounts to collecting historical facts, such as when it was enacted, when it was amended, etc., about the statute. This information is necessary to proceed with determining legislative intent. Determining legislative intent is more difficult. It requires a search for materials from which conclusions may be drawn about the will of the legislature. Both aspects of compiling a legislative history require a basic understanding of the legislative process.<sup>1</sup>

Legislation passed by the North Carolina General Assembly is first published in the session laws and then is incorporated into the *General Statutes of North Carolina*.<sup>2</sup> Research on the history of a statute generally begins with an examination of the law in the *General Statutes*. In parentheses at the end of all statutes or sections is a history note which contains dates and abbreviations from which the derivation of the current statute can be determined. Information is listed chronologically. Depending on the age of the statute, there may be citations to earlier codes and/or session laws. A table explaining the abbreviations used for prior codes appears in the prefatory material at the front of each volume of the *General Statutes*. Citations to session laws indicate that the section or statute was affected by legislation passed during the referenced year. Session law citations include the session year, the chapter number (abbreviated "C"), and possibly a section number (abbreviated "S"). (See figure 1.) Throughout the research process, relevant facts learned about the statute should be recorded to eliminate the need to retrace steps later to find a

citation, date, bill number, or name.

After looking at the history note, the researcher should examine annotations following most sections in the *General Statutes*. The annotations may contain helpful cross references to other statutes, editor's notes, historical remarks, citations to related periodical articles, and citations to cases that have interpreted the statute. The next step is an examination of the sources cited in the history note to gain an understanding of changes in the provisions and language of the statute that have occurred since it was first adopted. After determining when the language or provision of interest to the researcher was added to the statute, the search is narrowed to that provision.

If the provision appears in one of North Carolina's earlier codes, there is likely to be a marginal note in the earlier code which contains a reference to the session and chapter number of the enactment. If the provision is found in the session laws of 1933 or later, the ratified bill number is given and should be recorded. The researcher should then go to the House or Senate journal for the session in which the enactment occurred. The journals were not indexed until the 1846-47 session. By the mid-1860's the indexes had become more detailed. Numerical tables of bill numbers, which give references to all pages on which a bill is mentioned, were added to the *House Journal* in

1971 and to the *Senate Journal* in 1973. For research in earlier years, bills must be identified by subject or name in the indexes.

The journals do not contain verbatim records of floor activity, but they do provide factual information about a bill's history, such as when and by whom it was introduced, to which committee it was initially assigned, if it was reported by the committee with amendments, if a committee substitute was reported, if there were amendments from the floor, and the record of roll-call votes. Beginning with the 1969 session, this information is also available in bill history notebooks maintained in the Legislative Library.<sup>3</sup>

Collecting bill history information is important because the possibility for change exists at any stage from introduction to ratification. Examination of additions, deletions, and the alteration of language may increase the researcher's understanding of the final version.

After the process of tracing the bill is completed, searching for clues as to the legislative intent of the act can begin. The materials that are available for research vary in scope and quantity. At best, the search will turn up roots for the act in a study commission report recommending the legislation; minutes of the study commission will be available for inspection in

Figure 1: Sample entry from the *General Statutes of North Carolina* 10-11. Acts of minor notaries validated.

All acts of notaries public for the State of North Carolina who were not yet 21 years of age at the time of the performance of such acts are hereby validated; . . . (1941, c. 233; 1973, c. 680, s.1)

1941	c. 233	1973	c. 680,	s.1
Session	c =	Session year	c =	s =
Year	chapter	of amendment	chapter	session



the Legislative Library; and there will be substantive references to the act in the minutes of the General Assembly committee to which the bill was assigned. Also, if the bill was amended, comparison of the bill's various versions will make the intent clearer. It is possible, however, that the search will uncover no records from which the meaning of the act can be inferred. The bill may have been introduced, reported favorably by committee, and passed by both houses without undergoing any change.

Reports issued by legislatively created study committees and commissions often contain recommendations for legislation and therefore may be useful in determining legislative intent. In 1965, the Legislative Research Commission was established, in part to perform interim studies to aid the General Assembly in the performance of its duties.<sup>4</sup> Since that time the number of reports has proliferated.<sup>5</sup> Although not all study committees issue reports of substance, the reports can be excellent resources. One way to establish if a report preceded an enactment is to check the Legislative Services Office's reports that list interim studies and Commission activities. The first of these lists was issued for the 1971-1973 biennium and they have been issued regularly since 1975, with some variation in title. They are available in libraries that collect the Commission's reports and may also be accessed by subject in the catalogs of these libraries. The reports of the study committees are enhanced in some cases by the availability of min-

utes Commission's biennial report to the General Assembly lists the Commission's activities. Memoranda explaining recommended bills are frequently sent to the General Assembly by the General Statutes Commission. The Supreme Court Library maintains a file of the memoranda pertaining to enacted bills from the 1959 session and the 1965 session forward. Other permanent commissions have been established, issued reports, and faded away with the completion of their mission or when the General Assembly discontinued appropriations for their continuation. The researcher must be alert to the mention of them in materials used in compiling the legislative history.

After searching for and reviewing existing committee reports, the researcher should return to the bill's history. If the history shows that the bill underwent changes during the legislative process, the changes should be examined to understand better the legislature's intent in the final version. Copies of all versions of a bill, including amendments that were not adopted, may be obtained from the Legislative Library beginning with 1971 House bills and 1973 Senate bills. The Institute of Government has a file of bills beginning with 1949. The North Carolina Collection located in the Wilson Library at the University of North Carolina-Chapel Hill has scattered holdings for the period 1858-1936 and a full collection from 1937 to the present. Bills from the 1760s through 1973-74 are available in the State Archives Search Room, which is located in the Archives-

State Library Building in Raleigh. There are also scattered holdings in the Archives Search Room for the period 1730-1760.

The minutes of the General Assembly standing committees to which bills are assigned upon their introduction are another

source for written records. The minutes are not verbatim accounts, but rather are required only to show the members present and the action taken during meetings.<sup>8</sup> The minutes of some committees, however, exceed the minimum requirement and do provide details and insight. They should be consulted if a thorough legislative history is being compiled. The rules of both houses provide that the minutes of standing committees be filed in the Legislative Library after adjournment of the

session.<sup>9</sup> A full collection of the minutes begins with the 1977 session, and there are sparse holdings beginning in the early seventies.<sup>10</sup>

Personal interviews with a bill's sponsors or members of a study commission provide a final source for views on the intent of an act. Key names will have become apparent in research up to this point. There is one additional source for identifying the members of committees, commissions, and boards. Since 1979, appointing authorities have been required to file written notice of all public appointments with the Governor, the Secretary of State, the Legislative Library, the State Library, and the State Disbursing Officer.<sup>11</sup>

**I**n summary, when compiling the legislative history of an act, the researcher should first collect bill history data and then proceed with a search for and examination of documents that may shed light on the purpose of the act. The list of possible documents includes reports that recommend legislation, all versions of bills, minutes of the General Assembly's standing committees, and minutes of legislatively created study committees and commissions that have recommended legislation. The extent and emphasis of the search may be altered to suit the circumstances. The sources available for research vary greatly depending on the age of the statute. Less material is likely to be found relating to older statutes. The content of the published primary sources—the session laws, codes, legislative journals—has changed over time and is still changing. Rather than trying to remember the dates for inclusion of various tables and materials in these series, it is better to remember the sources in general and work through them on a trial and error basis. Fortunately, some pieces of information, such as bill numbers, can be found in several sources. This means that it is possible to begin research without having access to a full complement of legislative materials.<sup>12</sup>

The inception of the North Carolina State Documents Depository System has improved the distribution of materials such as the reports of legislatively created study committees to the General Assembly. When local sources are exhausted, there are a number of institutions with strong North Carolina legislative collections. Major collections are available at the Legislative Library, the State Library, the Supreme Court Library, the Institute of Government Library, and the North Carolina Collection at the University of North Carolina's Wilson Library. These libraries are open to the public for independent

*... when compiling the legislative history of an act, the researcher should first collect bill history data and then proceed with a search for an examination of documents that may shed light on the purpose of the act.*

utes for the study committee. A file of study committee minutes, beginning with minutes from 1969, is maintained in the Legislative Library.<sup>6</sup>

Permanent commissions also issue reports containing recommendations that may shed light on changes in the law. Among these is the General Statutes Commission which is involved in continuous statutory research and has been authorized since 1951 to recommend substantive changes in the law.<sup>7</sup> The General Stat-

research and each has provisions for photocopy service. All accept requests for assistance by telephone and letter. Statutory responsibilities and institutional policies, however, put restrictions on the amount of assistance that can be offered to the public. Specifically, the staff at none of the five is permitted to prepare full legislative histories on request. All will, however, assist with the search for specific documents, provide research advice, and provide referral service. When the General Assembly is meeting, limits may be placed on the amount of service available to the public from the Legislative Library.

**L**egislative history plays a significant role in North Carolina judicial decisions. An electronic search of North Carolina Supreme Court and North Carolina Court of Appeals decisions from 1945 to the present yields 785 citations to decisions in which the phrases "legislative history" or "legislative intent" appear. The most recent opinion is *Burgess v. Your House of Raleigh, Inc.*,<sup>13</sup> which was filed February 7, 1990. Within that opinion four points regarding statutory interpretation are laid out as follows:

Where the language of a statute is clear and unambiguous, there is no room for judicial construction and the courts must construe the statute using its plain meaning. *Utilities Comm. v. Edmisten, Atty. General*, 291 N.C. 451, 232 S.E.2d 184 (1977). But where a statute is ambiguous, judicial construction must be used to ascertain the legislative will. *Young v. Whitehall Co.*, 229 N.C. 360, 49 S.E.2d 797 (1948). The primary rule of construction of a statute is to ascertain the intent of the legislature and to carry out such intention to the fullest extent. *Buck v. Guaranty Co.*, 265 N.C. 285, 144 S.E.2d 34 (1964). This intent "must be found from the language of the act, its legislative history and the circumstances surrounding its adoption which throw light upon the evil sought to be remedied." *Milk Commission v. National Food Stores*, 270 N.C. 323, 332, 154 S.E.2d 548 (1967).<sup>14</sup>

These precepts are not original to the cited cases. One can follow a trail of citations from *Milk Commission v. National Food Stores* back to the following quotation from *Blackstone's Commentaries*.

There are three points to be considered in the construction of all remedial statutes; the old law, the mischief, and the remedy: that is, how the common law stood at the making of the act; what the mischief was, for which the common law did not provide; and what remedy the parliament hath provided to cure this mischief. And it is the business of the judges so to construe the act, as to suppress the mischief and advance the remedy.<sup>15</sup>

Those compiling legislative histories for the purpose of establishing legislative intent should be aware that the language of an act is preponderant. *Milk Commission v. National Food Stores* elaborates, "Testimony, even by members of the Legislature which adopted the statute as to its purpose and the construction intended to be given by the Legislature to its terms, is not competent evidence upon which the court can make its determination as to the meaning of the statutory provisions."<sup>16</sup>

## References

1. This article focuses on the compilation of legislative history, including the materials and processes used. Space does not permit discussion of the legislative process. Refer to *The General Assembly of North Carolina: A Handbook for Legislators*, 6th ed. (Institute of Government, 1990) and the current *North Carolina Manual* (Secretary of State) for explanations of the legislative process.
2. N.C. Gen. Stat. § 164-1 (1990) provides that the *General Statutes of North Carolina* may be cited as "General Statutes of North Carolina," "General Statutes," "G.S.," "N.C. Gen. Stat.," or "N.C.G.S." When working with the *General Statutes* remember to use the cumulative supplement found at the back of each volume to update material found in the body of the volume.
3. Out-of-town researchers may request photocopies of bill histories from the Legislative Library beginning with the 1969 session. Beginning with the 1985 session bill history information may be obtained from the electronic Bill Status System by telephoning the Bill Status Desk. A terminal for public use is located in the Library's Legislative Office Building location.
4. N.C. Gen. Stat. § 120-30.17 (1989). Extra copies of reports to the General Assembly are printed and are available to the public, free of charge from the Legislative Library, while the supply lasts. Among the libraries maintaining a complete file of the reports are the Legislative Library, the State Library, the Supreme Court Library, the Institute of Government Library, and the North Carolina Collection.
5. The Legislative Services Office's report entitled *1989-91 Legislative Commissions, Non-Standing Committees: Interim Studies* lists 221 studies.

6. The earlier years are on microfilm. Researchers must visit the Legislative Library to use the study committee minutes files.

7. N.C. Gen. Stat. § 16400-13 (a) (4) (1990).

8. House Rule 29.2; Senate Rule 36.1. The Rules-Directories for the House and the Senate may be obtained from their respective clerk's offices.

9. *Id.*

10. Researchers must visit the Legislative Library to use the minutes of the standing committees.

11. N.C. Gen. Stat. § 143-47.7 (1990).

12. Research should begin at the local level. Copies of the session laws and the House and Senate Journals are widely distributed across the state. Pursuant to N.C. Gen. Stat. § 147-45 (Supp. 1990), among those currently designated to receive the session laws and the House and Senate journals are the sixteen institutions in the University of North Carolina system, thirty private colleges and universities, the clerks of Superior Court, and registers of deeds.

13. 326 N.C. 205, 388 S.E.2d 134 (1990).

14. *Id.* at 209.

15. 2 W. Blackstone, *Commentaries* § 87.

16. 270 N.C. 323, 332-33, 154 S.E.2d 548, 555 (1967).

## Sources

Bill Status Information  
Legislative Library  
Room 2226 State Legislative Bldg.  
Jones St.  
Raleigh, NC 27611  
919-733-7779  
Automated: 919-733-3031  
(requires touch-tone phone)

Institute of Government  
CB#3330 Knapp Bldg.  
University of North Carolina-CH  
Chapel Hill, NC 27599-3330  
Library: 919-966-4130  
Publications: 919-966-4119

Legislative Library  
500 Legislative Office Bldg.  
300 N. Salisbury St.  
Raleigh, NC 27603  
919-733-9390

North Carolina Collection  
CB#3930 Wilson Library  
University of North Carolina-CH  
Chapel Hill, NC 27599-3930  
919-962-1172

North Carolina State Archives  
Search Room  
109 E. Jones St.  
Raleigh, NC 27601-2807  
919-733-3952

Principal Clerk  
House of Representatives  
Room 2319 Legislative Bldg.  
Jones St.  
Raleigh, NC 27611  
919-733-7760

see **Stafford** continued on page 39.



# The Changing Role of the Law Firm Librarian:

## From Collection Curator to Information Specialist and Educator

by Constance M. Matzen

**D**uring the past twenty years, law firms have experienced dramatic changes. In 1981, David Ranii wrote that "many of the same developments that altered the practice of law in the 1970's have transformed the jobs of librarians in law schools and private firms across the country. . . ." Among these developments are the increasing complexity of the law, the increasing size of law firms, an expansion of specialized practices, and a view of firms as businesses, concerned about revenues, overhead costs, and efficiency.

Changes affecting firms naturally affect their libraries because "[t]he library's purpose in all cases is to provide information, services, and materials necessary for the practice of law by the organization or for the preparation of advisory memoranda by the organization's legal staff. The degree to which the library can provide such support, working within the constraints of budget and space, determines the degree of its success."<sup>2</sup> To be successful today, a law firm librarian is an active information manager and educator. No longer should the librarian be perceived as simply a curator of books and firm-produced documents.<sup>3</sup>

Today's law firm librarian may be one of several professionals working for a mega-firm of over three hundred attorneys, or the only library staff person in a firm with only twenty attorneys. Most law librarians possess a master's degree in Library Science; many have law degrees. Vitality aware of the need for continuing education, he or she attends conferences and workshops to enhance reference, managerial, communication, and teaching skills. The librarian handles a variety of reference requests and administrative activities; he or she is an information specialist who utilizes computers, telephone contacts, and traditional resources to provide the best possible service.

Librarians provide and maintain computer-assisted research resources in addition to printed resources. Legal research databases permit full-text searching of cases, statutes, administrative regulations, and other publications of interest to attorneys. Librarians arrange training sessions and keep users informed of new developments in database content and software enhancements. Computer searchable subject collections in CD-ROM (Compact Disk Read Only Memory) format also are utilized.<sup>4</sup> Rather than replacing the book collection, computer-assisted legal research resources complement it, allowing researchers access to more information in a more flexible manner.

Because attorneys and legal assistants require non-legal information, law firm librarians also must be familiar with non-legal resources. Some typical law firm reference requests follow: "Locate a manual describing steel crane designs and specifications." "Find newspaper articles discussing such-and-such." "What is the status of the savings and loan institutions bailout legislation?" "Prepare a bibliography of all articles by Joe M. Doe, M.D." "Whom do I call at the Environmental Protection Agency about underground storage tank regulations?" "I'm giving a speech tomorrow and need some information. Can you help?" "Is this book available for us to borrow?" "Who is the chief executive officer of General Motors?" Law librarians subscribe to a wide range of databases in order to answer these types of questions.<sup>5</sup> Databases such as Vutext, Nexis, LegiSlate, StateNet, or those available through Dialog cover financial records, state or federal legislation, patents and trademarks, medicine and drugs, regional and national news, government agency activities, and many other areas. In addition to formal networks, such as the Triangle Research Libraries Network (TRLN) and the North Carolina Information Network (NCIN),

librarians also develop informal networks with special, academic, and public librarians for reference assistance and interlibrary loans. In other words, librarians utilize a variety of resources to provide requested information as quickly as possible and at a reasonable cost.

As librarians demonstrate their ability to answer these types of requests, they are asked and expected to do even more. In the ideal world, attorneys would have reference service available whenever it is needed. A Texas mega-firm library recently has made "after hours" reference service available by providing librarians with home computers linked to commercial databases and the firm's office.

In today's complex and increasingly competitive legal environment, firms place a high value on these research services. Librarians "bill" (charge back to clients) the time spent on a research project plus any database costs and other expenditures incurred.<sup>6</sup> Time may be charged at hourly rates comparable to those of legal assistants or junior associates. This policy improves the image of the library from that of a department simply contributing to the overhead costs of firm operations to a revenue provider.

**N**ew research techniques encourage the development of new management procedures. Law firm librarians understand the value and importance of automated administrative and technical services procedures.<sup>7</sup> However, attorneys may be less inclined to support such activities. A librarian introduces automation by recognizing that "[t]he first step in getting started is to know and understand the culture of [his or her] firm. Every law firm has its own culture, which is reflected in the way the firm does business."<sup>8</sup> Although automation seems unnecessarily expen-

sive, librarians must demonstrate the benefits of online and book catalogs and of library developed indexes for special collections, such as expert witness documents or continuing legal education seminar manuscripts. They must show that "[c]omputerized indexing of memoranda of authority, forms and brief files greatly facilitates the use of these sources without putting an onerous burden on staff-time."<sup>9</sup>

Librarians work with the firm on other projects involving automation. Many firms are installing local area networks (LANs). The librarian must be a part of this planning process, ensuring that attorneys can access in-house and commercial databases as well as CD-ROM libraries using their office computers.<sup>10</sup> In addition, the library staff should plan to use the network to communicate with users directly or via the firm's electronic bulletin board.

To promote library services and improve research skills, communication between the library and the firm's members is essential.<sup>11</sup> Traditionally, librarians provide orientation tours for summer clerks, new associates, and legal assistants<sup>12</sup> and produce a variety of publications to keep users informed. Brochures outline services; handbooks describe the collection, services, policies, and procedures; newsletters highlight new developments by listing new acquisitions, describing databases, and summarizing tables of contents of law-related publications. Each firm employee should receive a description of library services as well as publications of specific interest. No library is complete without bulletin boards where library procedures and announcements about continuing legal education courses or new research techniques are posted.

Describing services is not enough, however. Wesley Boomgaarden writes that "[l]ibrarians are first and foremost educators. We are nothing if we are not teachers, using all means at our disposal to assist the enterprise of education. Those not in accordance with this blanket statement are either unaware of the essence of librarianship or lack the profession's vision and purpose."<sup>13</sup> Librarians have always provided one-on-one instruction when helping answer reference questions. Now they are expanding their educational activities for several reasons: the decline in research skills learned in law school; the decline within the firm of the mentor relationship, which formerly provided a place for new associates to learn basic skills<sup>14</sup>; and the impact of constantly changing technological developments on the research process.<sup>15</sup>

Many librarians conduct research seminars for firm employees. Basic research seminars are provided for summary clerks and new associates. Advanced seminars for more experienced attorneys might focus on new research techniques or publications. Specialized seminars for legal assistants or secretaries highlighting directories, maps, and other ready reference publications encourage library use.

When instructing attorneys and legal assistants, the librarian emphasizes the relationship between printed resources and online materials. Researchers should know when to use which type of materials. Librarians also have an ethical obligation to instill a critical attitude toward online resources. For example, online libraries may not be as complete as assumed; older materials, especially for state jurisdictions, may not be available online. CD-ROM libraries must be used in conjunction with both online and printed materials to ensure access to all relevant information.<sup>16</sup> In 1986, Robert C. Berring, Director of the Law Library and Professor of Law at the University of California, Berkeley, School of Law, said that "computerized research has been oversold as a solution to research problems. People tend to think of computers as omniscient and put too much faith in them."<sup>17</sup>

Law firm librarians indeed have moved beyond the stereotyped role of "curator of books." They are information specialists who are able to utilize new technologies to search and manage information. They have expanded their role as educators. By serving in these roles, they fulfill the library's purpose, enabling firm attorneys to practice law efficiently and effectively by providing the highest level of service possible.

## References

1. Ranii, "Librarians' Work Is Looking Up," *Nat'l L.J.*, July 6, 1981, at 1, col. 4, 14, col. 1.
2. Glass and Richmond, "Administration of Private Law Libraries," in *1 Law Librarianship: A Handbook* 69, 70 (1983).
3. Couric, "Firm Librarians are Managing More Than Books," *Legal Times of Wash.*, June 29, 1981, at 24, col. 1; Griffith, "From Books to Computers: The New Breed," *Legal Assistant Today*, May-June 1989, at 52; Heroy, "New Functions and Expanding Roles for Private Law Librarians," in *Managing the Private Law Library* 365 (1988); Metaxes, "Firm Librarians No Longer Mere Keeper of the Books," *Nat'l L.J.*, July 14, 1986, at 1, col. 1; "Technological Gains, More Responsibilities Evident in Libraries," *Nat'l L.J.*,

June 25, 1990, at S11, col. 1; Wallace, "Program Overview: A Decade of Change and Continuation," in *Private Law Librarians* 13 (1986).

4. Strain, "CD-ROM in the Private Law Library: A Primer of Readings," in *Managing the Private Law Library* 153 (1988).

5. "Beyond Lexis and Westlaw: Other Online Resources," *L. Libr. Lights*, May-June 1987; Ensor, "Nonlegal Databases for the Law Librarian: An Update," 81 *L. Libr. J.* 813 (1989); Quint and Mintz, "Conducting, Evaluating, and Presenting the Results of Interdisciplinary Online Searches," in *Private Law Librarians* 31 (1986); "Using the Library to Meet the Firm's Business Information Needs," *Legal Admin.*, Summer, 1987, at 36.

6. "Billing in the Private Law Library," *Legal Info. Mgmt. Rep.*, Spring, 1989.

7. Burwell, "Using A Library Software Package in the Law Firm Library," in *Private Law Librarians* 131 (1986); Johnson, "Software for Law Firm Library Applications," in *Private Law Librarians* 199 (1986); Sapienza, "Developing an On-Line Catalog at Kadison, Pfaelzer, Woodard, Quinn & Rossi," in *Private Law Librarians* 179 (1986); Seele, "Managing Technology in the Private Law Library to Facilitate the Flow of Information," in *Managing the Private Law Library* 95 (1988).

8. Hambleton, "Electronic Technology and the Law Firm Librarian," 81 *L. Libr. J.* 551 (1989).

9. Glass and Richmond, *supra* note 2, at 84.

10. Miller, "Computer Networking Comes of Age," *Nat'l L.J.*, October 8, 1990, at 27, col. 1; Sullivan, "Automated Networks in the Law Library and Law Office," in *Managing the Private Law Library* 109 (1988).

11. "Creative Ways to Promote Your Library," *L. Libr. Lights*, Nov-Dec. 1988; Donaldson, "Reference as a Public Relations Tool," in *Private Law Librarians* 345 (1986).

12. Wrenn, "Library Orientation Programs" in *Private Law Librarians* 295 (1986).

13. "Current Comments: Librarians as Educators," *AALL Newsletter*, Aug. 1990, at 35.

14. Wallace, "Fast Forward, or Legal Research in the Real World," *PLL Perspectives*, Apr.-May 1990, at 1.

15. DeGeorges, "Beyond Library Orientation: Outreach Programs for the Law Library," in *Private Law Librarians* 271 (1986); Callinan, "Research Protocols in Reference Service: Informal Instruction in Law Firm Libraries," 82 *L. Libr. J.* 39 (1990); Leon and Kerchof, "Teaching Legal Research in Private Law Libraries," *PLL Perspectives*, Sept.-Oct. 1990, at 1; Panella and Stein, "In-House Legal Database Training: A Must for Law Firms," *Legal Admin.*, Summer, 1987, at 53.

16. Oaks, "CD-ROM - The Future is Not Quite Now," *L. Libr. Lights*, May-June 1990, at 20.

17. Metaxes, "Professor Urges Special Training for Computerized Legal Research," *Nat'l L.J.*, Dec. 15, 1986, at 4, col. 2.



# BIBLIOGRAPHY OF SELECTED LEGAL RESOURCES

The following lists some basic legal research materials that public, school, academic and special libraries might want to collect. The first part outlines basic primary and secondary legal resources; the second part is a bibliography of treatises about North Carolina law.

## Part I: Basic Primary and Secondary Resources

Primary law is found in (1) constitutions and legislative enactments; (2) rules and regulations of authorized administrative bodies; and (3) written opinions of the courts. Secondary sources of the law consist of other legal materials such as treatises, legal encyclopedias, periodicals and journals, form books and citators.

### A. Federal Materials:

Federal statutes can be found in several resources: *Congressional Record*, *United States Statutes at Large*, *United States Code*, *United States Code Annotated* (West Publishing Company), and *United States Code Service Lawyers' Edition* (Lawyers Co-operative/Bancroft Whitney). Federal rules and regulations are found in the *Federal Register* and the *Code of Federal Regulations*.

Court decisions also can be found in many resources. United States Supreme Court decisions are published in the resources listed below:

- (a) *United States Reports* (official edition, published by the U.S. Government);
- (b) *United States Supreme Court Reports, Lawyers' Edition* (Lawyers' Co-operative Publishing Company);
- (c) *Supreme Court Reporter* (West Publishing Company);
- (d) *United States Law Week* (Bureau of National Affairs);
- (e) *United States Supreme Court Bulletin* (Commerce Clearing House).

Other federal court cases can be found in the *Federal Reporter* (federal court of appeals) and the *Federal Supplement* (federal district court). "Digests" are index-type resources used to locate cases on a specific subject; they exist for most jurisdictions and courts. For example, to locate U.S. Supreme Court cases on a particular subject, use one of two digests for the United States Supreme Court, either the *U.S. Supreme Court Digest* (West Publishing Company) or the *U.S. Supreme Court Reports Digest* (Lawyers Co-operative Publishing Company). For federal district courts and federal court of appeals cases, use the *Federal Practice Digests, 2d, 3d and 4th*, *Modern Federal Practice Digest* and the *Federal Digest*. (Digests also exist for state courts and regional reporters).

### B. State Materials:

Materials to locate North Carolina statutes, cases, and administrative regulations and rules are very similar to federal materials. North Carolina legislation as passed by the North Carolina General Assembly is first published as "ratified bills," similar to slip laws. Once codified, North Carolina laws can be found in the *North Carolina General Statutes* (Michie Publishing Company). Administrative rules and regulations are available in the *North Carolina Administrative Code* (agency/subject arrangement) and the *North Carolina Register*.

Decisions from the North Carolina Supreme Court and Court of Appeals can be found in official and unofficial versions of case reporters. *North Carolina Reports* includes the decisions from the Supreme Court and *North Carolina Court of Appeals Reports* provides access to Court of Appeals cases. The unofficial version for North Carolina cases is the *Southeastern Reporter, first series* and *Southeastern Reporter, second series*. Users can locate cases on a particular subject by using the *North Carolina Digest*, *Southeastern Reporter Digest*, and *Strong's North Carolina Index, 3d and 4th*.

### C. Secondary Legal Resources:

Listed below are secondary legal resources that some North Carolina librarians might find useful for their collections. The resources are divided into broad categories: research guides; legal encyclopedias; legal periodical literature indexes; citation form books; dictionaries; and directories.

#### 1. Research Guides

*How to Find the Law* (Cohen & Berring). 9th. edition. St. Paul, MN: West Publishing Company, 1989.  
*Fundamentals of Legal Research* (Jacobstein & Mersky). Mineola, NY: Foundation Press, 1987.  
*Fundamentals of Legal Research Illustrated* (an abbreviated version of the above).  
*Effective Legal Research* (Price, Bitner & Bysiewicz). Boston: Little, Brown & Company, 1979.  
*Legal Research in a Nutshell* (Cohen). 4th. edition. St. Paul: West Publishing Company, 1985.

#### 2. Legal Encyclopedias; Annotated Law Reports

*American Jurisprudence 2d*. Lawyers Co-operative Publishing Company, 1940 — . (82 volumes updated yearly; supersedes *American Jurisprudence* (1936-1940).

*Corpus Juris Secundum*. West Publishing Company, 1936 — (150+ volumes updated yearly; earlier edition — *Corpus Juris* (1911-1936). ("... a complete restatement of the entire body of American law mainly in the language of the courts, based upon the authority of all the reported cases from 1658 to date.")

*American Law Reports*

First Series - 1911-1948; second series - 1948-1965; third series - 1965-1980; fourth series - 1980 to date.

#### 3. Legal Periodical Literature Indexes

*Index to Legal Periodicals*; *Current Law Index*; *Legal Resources Index*; *Legaltrac* (Information Access); *Index to Foreign Legal Periodicals*; and *Index to Periodical Articles Relating to Law*.

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#### 4. Citation Form Books

*A Uniform System of Citations* ("Blue Book"). 14th. edition. Cambridge, Mass: Harvard Law Review Association, 1986.

*The University of Chicago Manual of Legal Citation* ("Maroon Book"). Chicago: University of Chicago, 1989.

#### 5. Dictionaries

*Black's Law Dictionary*: definitions of terms and phrases of American and English jurisprudence ancient and modern. 5th ed. St. Paul: West Publishing Company, 1979.

*Words and Phrases*. 46 volumes. St. Paul: West, updated yearly.

#### 6. Directories

Directories are very prevalent in the legal field. Many directories such as *Martindale-Hubbell Law Directory* and the *American Bar* provide information about individual attorneys and law firms. Other directories focus on specific groups of lawyers or their locations. Some sample titles are *American Bench*, *North Carolina Legal Directory*, *Lawyers' List*, *Who's Who in American Law*, *Directory of Women Attorneys in the United States*, and *AALS Directory of Law Teachers*.

### Part II. Treatises about North Carolina Law

The following list of books about North Carolina law represents merely a sample of illustrative titles that are available should a library determine a need in a particular area. The list is not comprehensive and does not attempt to recommend one title over another title.

Adams, Wesley Thad. *Personal injury and property damage, preparation for trial: the law in North Carolina*.

Norcross, GA: Harrison Co., 1980. 148 p.

Bocchino, Anthony J. & J. Alexander Tanford. *North Carolina trial evidence manual*. Charlottesville, VA: Michie Co., 1976. 1 vol. (looseleaf).

Brandis, Henry. *Brandis on North Carolina evidence*. 3d. ed. Charlottesville, VA: Michie Co., 1988. 2 vols.

Constangy, H. William. *North Carolina employer-employee handbook: North Carolina laws and regulations pertaining to employers and employees and their relationship*. Norcross, GA: Harrison Co., 1976.

Douglas, Robert D. *Forms: a comprehensive and accurate compilation of legal and business forms for use in the state of North Carolina*. 3rd ed. Charlottesville, VA: Michie Co., 1983. 4 vols.

Edwards, Mark B. *North Carolina probate handbook*. 3d ed. Norcross, GA: Harrison Co., 1982. 287 p.

Edwards, Mark B. & Sidney C. Ward. *North Carolina and federal estate and tax planning*. Norcross, GA: Harrison Co., 1974. 471 p.

Edwards, Sandra. *Children and juveniles: the law in North Carolina*. Norcross, GA: Harrison Co., 1981. 103 p.

Finberg, Barney & Emily Hightower. *Products liability: the law in North Carolina*. Norcross, GA: Harrison Co., 1980. 130 p.

First Union National Bank. *N.C. wills and trust manual for lawyers with tax tables*. Charlotte, NC: 1979 - .

First Union National Bank. *NC wills and trusts*. Charlotte, NC: 1979 - .

Hightower, Emily. *North Carolina law of damages*. Norcross, GA: Harrison Co., 1981. 479 p.

Kelso, Lloyd T. *North Carolina divorce, alimony and child custody*. Norcross, GA: Harrison Co., 1983. 318 p.

Lee, Robert E. *North Carolina family law*. 4th. ed. Charlottesville, VA: Michie Co., 1979. 4 vols. 4th ed.

North Carolina National Bank. *Will and trust manual for lawyers with tax tables*. Charlotte, NC: NCNB, 1982. 1 vol.

Potter, J. Reid. *North Carolina appellate handbook*. Charlottesville, VA: Michie Co., 1978. 243 p.

Price, Ronald M. *North Carolina criminal trial practice forms*. Norcross, GA: Harrison Co., 1979. 413 p.

Price, Ronald M. *North Carolina criminal trial practice*. Norcross, GA: Harrison Co., 1985. 628 p.

Price, Ronald M. *Personal injury and property damage defenses and immunities: the law in North Carolina*. Norcross, GA: Harrison Co., 1980. 120 p.

Robinson, Russell M. *Robinson on North Carolina corporate law and practice with forms*. Norcross, GA: Harrison Co., 1990. 825 p.

Ruby, Jack E. *Labor Law: the law in North Carolina*. Norcross, GA: Harrison Co., 1982.

Ruskell, Richard C. & Nancy E. Settle. *Personal injury and property damage, causation and parties: the law in North Carolina*. Norcross, GA: Harrison Co., 1980. 117 p.

Schiro, Gregory W. & Lilona S. Schiro. *Real estate residential loan closings: the law in North Carolina*. Norcross, GA: Harrison Co., 1980. 213 p.

Schiro, Lilona S. *Collection of accounts: the law in North Carolina*. Norcross, GA: Harrison Co., 1979. 569 p.

Schiro, Lilona S. *N.C. real estate title searches*. Norcross, GA: Harrison Co., 1982.

Settle, Nancy E. & Theodore R. Smith. *Landlord and tenant breach and remedies: the law in North Carolina*. Norcross, GA: Harrison Co., 1980. 110 p.

Sheffield, Walter L. *Civil procedure forms*. St. Paul, MN: West Publishing Co., 1981. 2 vols.

Shuford, William A. *North Carolina civil practice and procedure*. 3d. ed. Atlanta: Harrison Co., 1988. 587 p.

Snyder, John H. *North Carolina code of criminal procedure*. Rutherfordton, NC: Snyder Publications, 1978. 1 vol. (looseleaf).

Snyder, John H. *North Carolina elements of criminal offenses*. Rutherfordton, NC: Snyder Publications, 1984. 4th ed. 114 p.

Thorp, William L. *Thorp's North Carolina trial practice forms*. 2d. ed. Norcross, GA: Harrison Co., 1984. 444 p.

Wachovia Bank and Trust Company. *Wachovia will and trust manual*. Winston-Salem, NC: , 1985 - . 1 vol. (looseleaf).

Webster, James A. *Webster's real estate law in North Carolina*. Rev. ed. Charlottesville, VA: Michie Co., 1981. 688 p.

Wiggins, Norman Adrian. *Willis and administration of estates in North Carolina*. 2d ed. Norcross, GA: Harrison Co., 1983. 2 vols.



## SELECTED LIST OF LEGAL PUBLISHERS

Foundation Press, Inc.  
Post Office Box 64526  
St. Paul, MN 55164  
516-248-2561

Harrison Company  
3110 Crossing Park  
Norcross, GA 30071  
800-282-9867

Harvard Law Review Assoc.  
Gannett House  
Cambridge, MA 02138  
617-495-7888

Hein & Company Inc.  
1285 Main Street  
Buffalo, NY 14209  
800-828-7571

Institute of Government  
Knapp Building  
UNC-CH, CB # 3330  
Chapel Hill, NC 27599  
919-966-4119

Lawyers Co-operative Pub. Co.  
One Groves Street  
Rochester, NY 14694  
716-546-5530

Little, Brown & Company  
Law Division  
34 Beacon Street  
Boston, MA 02106  
617-227-0730

The Michie Company  
Post Office Box 7587  
Charlottesville, VA 22906  
804-295-6171

North Carolina National Bank  
Charlotte, NC 28255  
704-374-5000

Snyder Publications  
107 Ridgeland Drive  
Rutherfordton, NC 28139

Want Publications Co.  
1511 K Street, N.W.  
Washington, DC 20005  
202-783-1887

West Publishing Co.  
P.O. Box 64526  
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5. The name, position, and professional address of the author should appear in the bottom left-hand corner of a separate title page.
6. Each page after the first should be numbered consecutively at the top right-hand corner and carry the author's last name at the upper left-hand corner.
7. Footnotes should appear at the end of the manuscript. The editors will refer to *The Chicago Manual of Style*, 13th edition. The basic forms for books and journals are as follows:  
Keyes Metcalf, *Planning Academic and Research Library Buildings*. (New York: McGraw, 1965), 416.  
Susan K. Martin, "The Care and Feeding of the MARC Format," *American Libraries* 10 (September 1979): 498.
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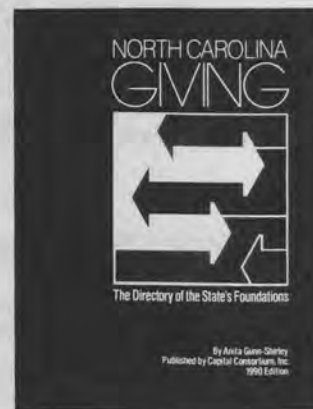
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## NORTH CAROLINA LIBRARY ASSOCIATION AWARDS

The 1990-91 Membership Committee requests your recommendations for persons you consider worthy for the North Carolina Library Association Distinguished Service Award, Honorary and Life Members Awards. Suggestions should be accompanied by a biographical sketch, including contributions to libraries and librarianship. These suggestions should be sent to the Committee Co-Chairperson by June 14, 1991.

The NCLA by-laws provide for the Membership Committee to seek suggestions from all members and to recommend names for these honors to the Executive Board prior to the Biennial Conference.

Criteria for selection are as follow:

1. Honorary memberships may be given to non-librarians in the state who have rendered important services to the library interests of North Carolina. Honorary memberships should be given at a time considered appropriate in relation to the contribution made.
2. Life memberships may be given to librarians who have served as members of the North Carolina Library Association and who have made noteworthy contributions to librarianship in the state. These memberships are limited to librarians who have retired.
3. The Distinguished Service Award may be given to a professional librarian or in memory of a deceased professional librarian who distinguished professional library services to North Carolina, significant service or other professional contributions provided during either a short or long span of time, and service resulting in a regional or national impact on librarianship in general.
4. Contributions of all nominees should have had impact beyond the local level.

Please send your recommendations to:

Sylvia Sprinkle-Hamlin, Co-Chair  
Membership Committee  
Forsyth County Public Library  
660 West Fifth Street

### WHO COLLECTS WHAT?

#### Cooperative Collection Development of Local History Materials In North Carolina

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Local history materials are disappearing at an alarming rate in North Carolina. Who is responsible for collecting and preserving these valuable materials? Who is already collecting? Can, and do the major repositories collect everything? How can your institution acquire local materials that may otherwise be lost forever? Attend this first of its kind statewide symposium and help answer these questions.

Speakers include William S. Powell, John David Smith, and a dozen practicing librarians and archivists.

For further information and registration materials, contact:

Eileen McGrath  
North Carolina Collection  
Wilson Library CB 3930  
University of North Carolina  
Chapel Hill, NC 27599-3930  
Phone: (919) 962-1172.

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## 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

... see **Donnally** continued on page 39



## 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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# Library Research in North Carolina

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*Ilene Nelson, Column Editor*

As I consider the factors which influence the amount and kind of research conducted by librarians, I realize that a lack of time or financial support may deter many of us from undertaking projects. Of these two, lack of financial support is probably the greater stumbling block. By doing a little investigating, I have discovered grants and awards which are available to librarians who wish to conduct research. I present the following summaries as a spur to readers who have ideas but not the backing to pursue them. In each entry the source of the information is indicated by an abbreviated title reference, ALA for the *ALA Handbook of Organization*<sup>1</sup> and DRG for the *Directory of Research Grants*<sup>2</sup>. The number that follows "ALA" is a page reference; an item designation follows "DRG."

Various programs are offered to librarians regardless of professional specialization and with few restrictions concerning the nature of the research:

## ***Carroll Preston Baber Research Grant (DRG-786)***

This grant is given annually to support research that could "lead to an improvement in services to any specified groups of people" and with the potential to serve as a model for the library community. Special consideration will be given to proposals focusing on technological applications and to those involving cooperation between libraries and other agencies, or between librarians and persons in other disciplines. Any ALA member may apply for this \$10,000 grant. For more information contact Mary Jo Lynch, Baber Jury Staff Liaison, (312) 944-6780; American Library Association, 50 E Huron St., Chicago, IL 60611.

## ***(Herbert W.) Putnam Honor Award (ALA-193)***

This is an award of \$500 which is "presented as a grant-in-aid to an American librarian of outstanding ability for travel, writing, or any other use that might improve his or her service to the library profession or to society." The Putnam Award will next be presented in 1992. Further information is available from the ALA staff liaison, Elaine K. Wingate.

## ***Whitney-Carnegie Awards (ALA-195)***

These awards "are granted to individuals for preparation of guides to research resources. The aids must be aimed at a scholarly audience but have general applicability. The awards cover costs appropriate to the preparation of a useful product, including the cost of research and compilation. The maximum amount awarded is \$5000; the amounts and number of awards are at the Publishing Committee's discretion and vary from year to year. Preference is given to projects for which the American Library Association can serve as publisher." Contact the ALA

Publishing Committee for more information at 50 E. Huron St., Chicago, IL 60611.

## ***Council on Library Resources Faculty/Librarian Cooperative Research Program Grants (DRG-1503)***

"This cooperative program is designed to enhance the research skills of librarians and to promote better communication between librarians and teaching faculty." The maximum amount of the grant is \$3000. A detailed description can be requested from the Cooperative Research Program, (202) 483-7474; Council on Library Resources, 1785 Massachusetts Ave. NW, Washington, DC 20036.

## ***Council on Library Resources General Research Grants (DRG-1504)***

"Proposals are accepted for carefully developed projects to explore topics directly related to the generation, accessibility, and use of recorded information, especially where the results are likely to support library objectives. Individuals from any academic discipline who have an interest in the broad subject of information and its use are urged to explore their ideas with the CLR staff." The grants are modest in amount and are not intended to cover continuing operating costs or salaries. Appropriate proposal topics include "the influence of computer and other technologies on library operations and management; the information requirements of major disciplines, including the relationship between characteristics of information and its utility; international aspects of library service; and the economics of libraries." For details contact General Research Grants, (202) 483-7474; Council on Library Resources, 1785 Massachusetts Ave. NW, Washington, DC 20036.

For librarians who want to do research and travel, too, there are several relevant grants:

## ***PLA/CLSI International Study Award (ALA-206)***

C.L. Systems donates this award of up to \$5000 for the purpose of supporting "a study tour abroad that will stimulate interest in the development of an international study project with public libraries outside the United States and enable a staff member of a United States public library to carry out an international study project that will further and improve international understanding among public libraries worldwide." Information and forms are available from the Public Library Association, 50 E. Huron St., Chicago, IL 60611.



**Martinus Nijhoff International West European Specialist Study Grant (ALA-201)**

A maximum of 10,000 Dutch guilders is awarded annually to enable an ALA member "to study some aspect of West European studies, librarianship, or the booktrade." The grant covers air travel to and from Europe, transportation in Europe, and lodging and board for no more than fourteen consecutive days. The primary criterion for awarding the grant is the significance and utility of the proposed project as a contribution to the study of the acquisition, organization, or use of library materials from or relating to Western Europe. Application guidelines are available from ACRL.

**Bogle International Library Travel Fund (DRG-964)**

"Awards of \$500 are granted to librarians to travel abroad to study and/or attend first international conferences." Interested librarians should contact Robert A. Doyle, ALA International Relations Committee, (312) 944-6780; American Library Association, 50 E. Huron St., Chicago, IL 60611.

**Fulbright Scholar Awards (DRG-2192)**

"The Council for International Exchange of Scholars awards Fulbright Scholarships to Americans for advanced research or for university lecturing abroad . . . Awards for U.S. citizens include approximately 300 grants in research and 700 grants in university teaching and lecturing for periods ranging from 3 months to an academic year. There are openings in over 100 countries, and in a few cases, the opportunity for multi-country research is available." Requirements include U.S. citizenship; Ph.D. or comparable professional qualifications; university or college teaching experience for lecturing awards; and for selected assignments, proficiency in a foreign language. Grant benefits include round-trip travel for the grantee, and for most full academic year awards, one dependent; maintenance allowance to cover living costs of grantee and family; tuition allowance, in many countries, for school-age children; and book and baggage allowances. For more information contact the Country Program Officer, Fulbright Scholar Awards, (202) 686-6240; Council for International Exchange of Scholars; 3400 International Dr. NW, Ste M-500; Washington, DC 20008-3097.

**Harold Lancour Scholarship for Foreign Study (DRG-3031)**

"This scholarship is awarded to a librarian or graduate library science student for foreign study and research in the library sciences." The maximum amount of the award is \$1000. To obtain application forms, contact the Executive Secretary, Phi Mu International Library Science Honor Society, University of Pittsburgh, Pittsburgh, PA 15260, (412) 624-9439.

**Library/Book Fellows Program (DRG-3108)**

"Funded by the U.S. Information Agency and administered by the ALA, this program was initiated to place U.S. library and publishing professionals in institutions overseas for periods of several months to one year. The program's purpose is twofold: to enable U.S. librarians and publishers to enrich and broaden their career experiences through a short period of overseas service in research and development; and to increase international understanding through the establishment of professional and personal relationships and the accomplishment of mutual goals. Eight to ten fellows a year are sent around the globe to work on projects such as developing a university-level library science curriculum, setting up a system for automating library functions, and developing and promoting American studies collections in host countries. Other work has included organizing a national archival collection, training host-country librarians in traditional and automated information retrieval techniques, and promoting the translation and distribution of U.S. books. Each year host institutions submit proposals by November 1, and new countries are selected and positions are announced January 1." Applicants must be U.S. citizens and must be educated and experienced in the field of library or information science, publishing, or other fields directly related to the interests and needs of specific projects. A command of the language of the host country is desired for all applicants and may be required for some specific assignments. For more detailed information contact Robert P. Doyle, Director, Library/Book Fellows Program, (800) 545-2433, American Library Association, 50 E. Huron St., Chicago, IL 60611.

There are also various grant programs which are designed to support librarians with particular specializations:

**(Frances) Henne YASD/Voice of Youth Advocates (VOYA) Research Grant (ALA-208)**

This annual grant of \$500 is intended to provide seed money for small scale projects which will improve library service to young adults. "Applicants must be a members of YASD, although the research project may be undertaken by an individual, an institution, or a group." Further information is available from ALA staff liaison Linda Waddle.

**World Book Grant (DRG-5794)**

This annual \$1500 grant supports continuing education in school or children's librarianship. Funds might be used, for example, for attending a special workshop or to underwrite a sabbatical. The grant may be divided among no more than three

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applicants. The applicant must be a member of the Catholic Library Association. Detailed application information can be obtained from Michael W. Rechel, Director of Publications/Media, (215) 649-5251, Catholic Library Association, 461 W. Lancaster Ave., Haverford, PA 19041.

**Readex/GODORT/ALA Catharine J. Reynolds Award (ALA-203)**

This annual \$2000 award offers financial support to documents librarians for "travel and/or study in the field of documents librarianship or in an area of study that will directly benefit their performance as a documents librarian." Contact the ALA Government Documents Round Table for details.

**(Samuel) Lazerow Fellowship for Research in Acquisitions or Technical Services (ALA-200)**

This annual award of \$1000 was established "to foster advances in acquisitions or technical services by providing librarians in those fields a fellowship for research, travel, or writing." The fellowship is administered by the Association of College and Research Libraries, 50 E. Huron St., Chicago, IL 60611.

**Bowker/Ulrich's Serials Librarianship Award (DRG-981)**

This \$1500 award is given for "contribution to serials librarianship in areas of professional association participation, library education, serials literature, research, or development of tools leading to better understanding of the field of serials." To apply, contact the Association for Library Collections and Technical Services, (312) 944-6780, American Library Association, 50 E. Huron St., Chicago, IL 60611.

**MLA Research, Development, and Demonstration Projects Awards (DRG-3481)**

"The purpose of this award is to provide support for research, development, and demonstration projects which will help to promote excellence in the field of health science librarianship and information sciences. Grants will not be given to support an activity which is operational in nature or has only local usefulness." Students in graduate library science programs as well as practicing health sciences librarians are eligible to apply. Contact Ann Landretti, Program Services Assistant, Grants and Scholarship Program, (312) 419-9094, Medical Library Association, 6 N. Michigan Ave, Ste 300, Chicago, IL 60602.

**Database and Expert Systems Research Grants (DRG-1578)**

This grant supports "research fundamental to the design, development, management, and use of database and knowledge-based systems. Research topics include conventional databases and knowledge base extensions, database support in distributed systems, expert systems, and information retrieval. Request information about Program No. 47.070 from Dr. Maria Zemankova, Program Director, Database and Expert Systems, Division of Information, Robotics, and Intelligent Systems, Directorate for Computer and Information Science and Engineering, (202) 357-9570, National Science Foundation, 1800 G St NW, Washington, DC 20550.

**References**

1. *ALA Handbook of Organization 1989/1990 and Membership Directory*, ed. Gerald G. Hodges (Chicago: American Library Association, 1989).
2. *Directory of Research Grants*. (Phoenix: The Oryx Press, 1990).

**Donnally** *continued from page 34 ...*

allocating fixed percentages of court costs to the county law library should be established, based perhaps on a county's population. All of the existing county law libraries have basic collections in place which need not be duplicated by the local public library. Developing these collections to meet the proposed minimum state standards would not be accomplished overnight and might well require help from the state level. Provision for the training of county law library staff should be coordinated at the state level (perhaps by the Administrative Office of the Courts). Reciprocal agreements regarding both materials and professional expertise should exist between the county law library and the public library. The State's library and information science schools and law librarians in academic, firm, and other settings also could assist as needed with training and other professional expertise.

The need for a system designed to serve the legal information needs of all North Carolinians is undeniable. Establishment of a strong system of county law libraries building on the facilities already in place is a feasible solution to this problem.

**Stafford** *continued from page 27 ...*

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# NORTH CAROLINA



# Books

Robert G. Anthony, Jr., Compiler

When one of the state's most popular, well-known, and admired native sons describes a volume as "the most interesting book about North Carolina I've ever read — and one of the most interesting books about anything," most of us sit up and take notice. That's what Charles Kuralt said about this book, and the publisher has, appropriately, put that quotation on the dustjacket.

It's hard to find fault with Kuralt's evaluation. This anthology of one hundred essays was designed as a sampler of the rich diversity of North Carolina. It fulfills that promise. The editorial combination of Jack Claiborne, longtime associate editor of *The Charlotte Observer*, and William Price, Director of the North Carolina Division of Archives and History, is a winner.

The book is divided into four sections: environment, people, events, and "social fabric." Selections are brief, usually three or four pages, and are arranged roughly chronologically within each section. The editors used North Carolina writers whenever possible, and their choices are wise ones. Well-known voices of the state are here: John Lawson, Gerald Johnson, Thomas Wolfe, Reynolds Price, Jonathan Daniels, Sam Ervin, Fred Chappell, Doris Betts, Terry Sanford, and others. Harry Golden's classic, "The Vertical Negro Plan" for integration, is included, as is a revealing essay about Billy Graham by Frye Gaillard.

Newcomers and natives alike will delight in the writings of O. Henry and in essays about Chang and Eng Bunker, the original Siamese twins; in George Moses Horton, the slave poet of Chapel Hill; Frank Porter Graham; Andy Griffith; Ava Gardner; and James Buchanan Duke. Lesser known North Carolinians with equally compelling stories include Harriet Jacobs, Clement Exum, Annie

Lowrie Alexander, and Harriet Morehead Berry. The volume ends with essays by two of the state's best known contemporary historians, H. G. Jones's "Seeking Inspiration from History" and William S. Powell's "Why We're Called Tar Heels."

A few organizational changes would have made this anthology more useful. The book needs an index. While there is a table of contents, the titles of the essays often give no indication of the subject. Who would know that an essay titled "A Buttoned-Down Boat-Rocker" is about Julius Chambers? And while the reader may guess that "A Power in the East" is about Jesse Helms, it's not so easy to guess that "A Prophet Without Honor" is Archibald De Bow Murphy. Similar examples abound. An index would also provide needed access to topics or places within essays.

Sources for each section are listed only in the back of the book. Putting the source at the end of each selection would have been helpful to readers. Each essay is preceded by editorial comments. Printing those comments in italics or in some other distinctive type would have helped the reader distinguish them easily from the essay following.

These reservations, however, are minor in the overall evaluation of this fine volume. It's likely to be one that librarians and library users enjoy equally. *Discovering North Carolina* is recommended for middle school and above, for all public libraries, and for academic libraries supporting local history collections or classes in North Carolina history. It would also be a welcome and much-used addition to personal bookshelves.

— Alice R. Cotten, University of North Carolina at Chapel Hill

Jack Claiborne and William Price, eds.

## ***Discovering North Carolina:***

### ***A Tar Heel Reader***

Chapel Hill: University of North  
Carolina Press, 1991.

372 pp. \$24.95. ISBN 0-8078-1931-X.



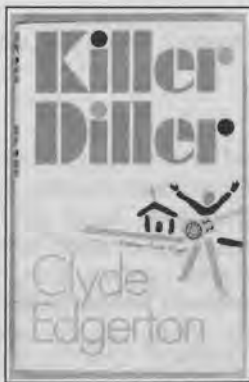
**F**ans of Raney Bell and Mattie Rigsbee, heroines of Clyde Edgerton's earlier comic novels, will welcome *Killer Diller* with eagerness. On the other hand, anyone who was offended by the gentle fun the author had with Southern Baptists in his first two books had better avoid his latest offering. While *Raney* and *Walking Across Egypt* good humoredly described the simple, sincere faith of unsophisticated small town people, *Killer Diller* goes after the calculated religious posturing of certain members of the church's bureaucracy with sharply pointed satire.

*Killer Diller* is Wesley Benfield's story, continued about nine years after Mattie Rigsbee of *Walking Across Egypt* took him in from the reformatory and tried to civilize him. (Mattie, having slowed down quite a bit, is unfortunately a very minor character in this novel.) Wesley is twenty-four years old now and a faithful churchgoer, bricklayer, aspiring blues musician, and, because of his unfortunate inability to pass up a car with the keys left in it, a resident of BOTA House (BOTA for Back on Track Again), a halfway house run by Ballard University.

Clyde Edgerton.

### ***Killer Diller***

Chapel Hill: Algonquin Books, 1991.  
247 pp. \$17.95. ISBN 0-945575-53-X.



Ballard University is an up-and-coming Baptist school. Among its many community service projects are Nutrition House, where overweight Christians can solve their problems with the help of Jesus; Project Promise, a vocational education program in which BOTA residents tutor special education students; and a gospel band called the Noble Defenders of the Word. These all generate favorable publicity for the university, as well as some grant money. The administration is also quietly courting Eastern LinkComm, an important local industry, and hoping soon to be exerting influence in Washington.

Wesley, in spite of all these good influences, is still essentially an unsocialized yahoo. Also he is nobody's fool. While he's trying hard to be a good Christian, breaking himself of swearing by putting "n" in front of all the bad words ("Nodamn!"), as he reads his Bible, he realizes there's a lot there that they don't tell you about in Sunday School. If David didn't get in immediate trouble over Bathsheba, he reasons, why shouldn't he put the moves on Phoebe, his girlfriend from Nutrition House? Wesley's freewheeling code of ethics and morality stands in sharp contrast to the slick hypocrisy of the university's administrators, which he recognizes for what it is. His affection and concern for Mattie are genuine, and he has learned from her to do good to the least of his brethren, as evidenced in his relationship with Vernon, his possum-faced Project Promise student.

The religious satire in *Killer Diller* may offend some readers, as may the equal opportunity racial slurs voiced by some of the characters. The plot is disjointed; and the conclusion, which is told as a confusing dream Wesley has while fleeing Ballard with Phoebe, Vernon, and the Noble Defenders of the Word on their way to blues fame, is weak. Nevertheless, Edgerton has created some wonderful farce here, and the novel is recommended for public, school, and academic libraries.

— Dorothy Hodder, New Hanover County Public Library

**P**ublished for the Historic Preservation Foundation of North Carolina to commemorate that organization's fiftieth anniversary, *North Carolina Architecture* beautifully reflects significant advancements made in the field of architectural history during the past half century. The book was inspired by Bayard Wooten and Archibald Henderson's *Old Homes and Gardens of North Carolina* (1939) and by Frances Benjamin Johnston and Thomas Tileston Waterman's *The Early Architecture of North Carolina: A Pictorial Survey* (1941). All three titles contain important photographs of some of the state's architectural treasures, but the scope and scholarly underpinning of Bishir's book enhance its value as an educational tool.

The endnotes and bibliography provide clear evidence of the enormous amount of research that enabled Bishir to write her lively narrative. The author studied printed and manuscript sources in a variety of libraries and archives. She also made free use of the scores of National Register of Historic Places nominations, research reports, and published architectural surveys written by staff members of, or consultants hired by, the North Carolina Division of Archives and History's Survey and Planning Branch. Bishir headed this branch from the early 1970s until 1987 and thus played an important role in the state's quest to preserve a record of a fast-disappearing building environment.

This raw material provided a solid foundation for the author's carefully crafted analysis of architectural styles and building types during the period

Catherine W. Bishir.

### ***North Carolina Architecture***

Photography by Tim Buchman.  
Chapel Hill: University of North Carolina Press, 1990.  
514 pp. \$59.95. ISBN 0-8078-1923-9.





from the early eighteenth century to about 1940. Unlike the writers of fifty years ago, Bishir explains architectural trends in terms of the socio-economic context in which they developed. Furthermore, she discusses not only the premier plantation houses of the eighteenth and early nineteenth centuries, but also the homes or farm complexes of people of modest means. These, like factories, commercial buildings, and structures built by churches, educational institutions, and state and local governments are discussed in part as the attempt of people to meet a need or to convey an image. Herein lies the educational value of the book. The reader learns why buildings were built and, in many cases, who designed them. Construction methods are discussed. Bishir tells about site selection and how structures in a farm complex, mill village, or early twentieth-century suburb are related to one another.

The book's many illustrations amplify these concepts. Floor plans for some of the buildings reveal room relationships. Site plans show how farmers chose to locate their barns and other dependencies. Tim Buchman's exquisite black-and-white photographs of exteriors often convey a sense of place. Interior views skillfully document woodwork or other decorative details. His eighteen color plates at the end of the text are a benediction.

The Historic Preservation Foundation of North Carolina and its many benefactors deserve praise for sponsoring *North Carolina Architecture*. Providing a synthesis of many years of research, the book will serve the state well until additional survey work and historical research merit a new publication. Until then, schoolchildren and patrons of all public and academic libraries in North Carolina will be inspired by what they find in this volume.

— Maurice C. York, East Carolina University

**E**ven though it was the sex that got folks excited over the Equal Rights Amendment, the ERA was no more about sex than it was about equality. In *Sex, Gender and the Politics of ERA*, University of North Carolina at Chapel Hill history professors Donald G. Mathews and Jane Sherron De Hart claim that the fight over women's rights really boiled down to a gender conflict. This indepth look at the struggle for ratification of the Equal Rights Amendment in North Carolina traces its roots to the suffrage movement and places the North Carolina experience within the context of the national push for ERA ratification.

The study is both chronological and topical. The authors first give a straightforward history of the ERA in North Carolina in a concise and engaging narrative. The reader is introduced to the multifaceted issues, the complex political process, and a long string of key players—the numerous women who organized on both sides of the issue and the legislators who fought the battle over the ERA.

The second half of the book concentrates on what the ratification experience meant to those involved. Here the authors deliver an amazingly fresh and insightful analysis of the discourse between the two sides by exploring contested political territory through the symbolic rhetoric of the warring factions.

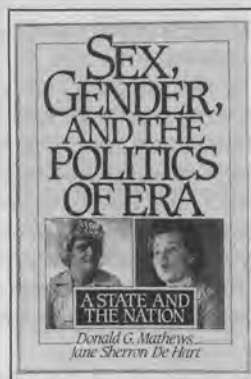
The voices of the women themselves—extracted from passionate speeches, strategic letters, and reflective interviews—give life to this otherwise academic and complex discussion. By letting the women tell much of the story in their own words, the authors break through the stereotypes of the “legal libbers” and the “emotional housewives” and demonstrate how a bid for equality became a fight over the cultural definition of womanhood.

In light of the thoroughness and sensitivity exhibited by the authors in this study, it is surprising to find so little mentioned about the role of black women and the relationship between the ERA and Civil Rights movements. Were there really so few black ERA activists? If so, why? What were the responses of black communities to the ERA? Although the authors readily point out that the ERA was basically a movement of white women, they never explore why this would be so and thus missed an excellent opportunity to look at the impact of race on what they have clearly defined as a gender issue.

A more technical shortcoming of the book is the lack of a comprehensive bibliography. The footnotes are packed with valuable information on collections of personal and political papers, names of interviewees, references to newspaper articles, and citations to related books on the subject. Yet, with the exception of an appendix which lists the names and dates of interviews, there is no handy list which pulls all these sources together.

Donald G. Mathews and Jane Sherron De Hart.  
***Sex, Gender, and the Politics of  
 ERA: A State and the Nation***

New York: Oxford University Press, 1990.  
 283 pp. \$24.95. ISBN 0-19-503-858-4.



These limitations should not discount the overriding value of the book which breaks new ground on several fronts. The narrative provides a critical piece of North Carolina's political history. The analysis of the rhetoric used in the political process adds new dimension to current perceptions of the ERA conflict. An obvious choice for academic libraries, this book would also be appropriate for most public libraries in the state.

— Ginny Daley, Duke University

**F**or the people of North Carolina, no twentieth century election has held the mystique or the emotion of the 1950 U.S. Senate Democratic primary election campaigns between the liberal Frank Porter Graham and his conservative opponent Willis Smith. Graham, long-time president of the consolidated University of North Carolina, was recognized internationally as a leading proponent of social and racial reforms. In 1949 Governor W. Kerr Scott appointed him to a vacancy in the U.S. Senate, a selection that antagonized conservative Democrats throughout the state. As the 1950 election approached, conservatives, fearful of Graham's liberal tendencies, sought to identify a viable opponent who would be more palatable to their own political convictions. Conservative Democrats found a champion in the respected Raleigh attorney Willis Smith; and, with former U.S. Senator Robert B. Reynolds serving as a spoiler candidate in the first primary, the stage was set for the most controversial campaign the state had experienced in modern times.

The much beloved and universally respected "Dr. Frank" was the overwhelming favorite for election, but 1950 was not a time for passionless deliberation. Many Southerners resented the liberal thrust of the Harry Truman presidential administration and the U.S. Supreme Court challenges to racial segregation. Coupled with these issues was the frenzied rhetoric of U.S. Senator Joseph McCarthy, who claimed that the federal government was overrun by Communist operatives and fellow travelers.

Smith supporters took advantage of the fears and uncertainty of the populace, as well as the political ineptness of Senator Graham himself. Despite the repeated urging of his supporters, the senator refused to renounce his membership or involvement in numerous controversial organizations, criticize his opponent, or make campaign promises. Although Graham held a commanding lead in the first primary, Smith supporters carried the run-off election by resorting to distortions, personal attacks, and outright fabrications to prey upon racial and economic fears. With this backdrop, there is little wonder that the Graham-Smith campaign became known as the bitterest, most vicious, most racially oriented encounter of the twentieth

century. The campaign also appears to have served as a training ground for many of the political leaders who have since dominated North Carolina politics.

Pleasants and Burns, both native North Carolinians who studied history at the University of North Carolina at Chapel Hill, have crafted a highly readable, thoroughly researched, and carefully documented study of North Carolina's most emotionally charged election. Rather than perpetuating traditions that sprang from the contest, they have carefully dissected the campaign and explored the strengths and weaknesses of both major candidates. While they extol the "Christ-like" qualities that endeared Dr. Graham to his multitude of followers, they also reveal the political and social naivete that plagued Graham the candidate and continuously embarrassed and confounded his cadre of handlers. This is a solid study not only of North Carolina politics but also of a era in the state's history when social change was wrenching at the very foundation of the people's psyche. It gives concrete form to the dichotomy that was and in many respects still is North Carolina.

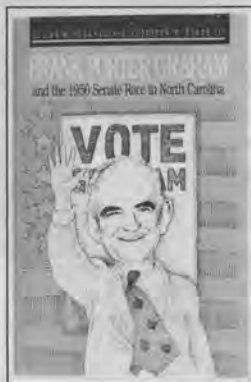
There is no question that *Frank Porter Graham and the 1950 Senate Race in North Carolina* is an important study of modern North Carolina. Even younger readers, who were not living in 1950, will relate the issues and the personalities to more recent contests of which they do have recollections. The book should be included in every academic and major public library in the state.

— Donald R. Lennon, East Carolina University

Julian M. Pleasants and  
Augustus M. Burns III.

## ***Frank Porter Graham and the 1950 Senate Race in North Carolina.***

Chapel Hill: University of North Carolina  
Press, 1990.  
356 pp. \$29.95. ISBN 0-8078-1933-6.





## OTHER PUBLICATIONS OF INTEREST

**Durham County: A History of Durham County, North Carolina** by Jean Bradley Anderson is sure to be a model for future Tar Heel county histories. Wide-ranging and scholarly, well-illustrated, with extensive bibliography and personal name and subject indexes, plus appendixes of elected officeholders and local officials, the book details the history of this important Piedmont county from Indian settlement through 1981, its centennial year. Great care has been taken to include all aspects of the county's heritage—economic, political, educational, religious, social, and cultural. The result is an impressive work, one destined to be the definitive history of Durham County for years to come. (1990; Duke University Press, 6697 College Station, Durham, North Carolina 27708; 611 pp.; \$27.50; ISBN 0-8223-1056-2).

Jerry Bledsoe has delighted Tar Heels for years with his columns in Greensboro and Charlotte newspapers. In **The Bare-Bottomed Skier and Other Unlikely Tales**, he gathers some of his funniest work, his first humor collection since the 1981 publication of *Where's Mark Twain when We Really Need Him?* The sixty selections in this latest collection offer ample evidence that Bledsoe, also the author of ten other books including the national bestseller *Bitter Blood*, retains his radar-like ability to spot the comical. (1990; Down Home Press, P.O. Box 4126, Asheboro, N.C. 27204; 214 pp.; \$14.95; ISBN 0-9624255-8-3).

From the mid-1660s until shortly after World War I, the pursuit of whales frequently brought excitement to Tar Heel coastal waters. In **Whaling on the North Carolina Coast**, Marcus B. Simpson, Jr., and Sallie W. Simpson offer a well-crafted narrative of these encounters with Earth's largest creatures. They tell how shore-based local residents seized beached whales or used small rowing boats to reach ones trapped in shallow waters. Whalers in sailing ships, mostly based in New York and New England, practiced pelagic, or open sea, whaling in deeper waters, especially in the "Hatteras ground" northeast of Cape Hatteras. The authors also describe the boats, whale guns, harpoons, and other equipment used; and they discuss the removal of whalebone, oils, and other valued parts from whale carcasses. The Simpsons's history of whaling was first published in the *North Carolina Historical Review*, where it won the 1988 Robert D. W. Connor Award for best article. (1990; Historical Publications Section, Division of Archives and History, 109 East Jones Street, Raleigh, N.C. 27601-2807; 51 pp.; pbk.; \$3.00, plus \$1.00 postage and handling; ISBN 0-86526-242-X).

The Paul Green Foundation, in association with Appalachian Consortium Press, has recently announced publication of **Paul Green's Wordbook, an Alphabet of Reminiscence**. This unique collection of tales, remedies, words, plant lore, games, songs, and other expressions of the people is a record of the interests and observations made during more than fifty years by the late Paul Green, North Carolina Dramatist Laureate and Pulitzer Prize-winning playwright. Although best known for his dramas, Green was also a writer of short stories, novels, essays, poetry, and motion picture screenplays. Through the generosity of the Mary Duke Biddle Foundation, the Prickett Fund, the Paul Green Foundation, and many private contributors, the two-volume, 1,280-page set is available free to North Carolina libraries. It may be obtained by writing to:

Appalachian Consortium Press  
University Hall  
Appalachian State University  
Boone, North Carolina 28608

Libraries are asked to include \$5.00 with their requests to cover shipping and postage costs. If this cost presents a hardship, however, they may state so in their letters of request.



The eighty-eight columns collected by long-time Charlotte sportswriter Ron Green in **From Tobacco Road to Amen Corner: On Sports and Life** range widely over the sporting field—baseball, basketball, football, golf, boxing, automobile racing, track, and pool. As would be expected, the legends are there, many with North Carolina roots, such as Charlie "Choo Choo" Justice, Richard Petty, Junior Johnson, David Thompson, Michael Jordan, Dean Smith, Billy Joe Patton, Arnold Palmer. But Green's brief essays also celebrate the weekend golf game, the corner pool hall, the scruffy angler on the coastal pier. Whether writing about the famous or the unsung—or of family and friendship in several non-sports columns—Green offers observations about life gleaned during his more than forty years of sportswriting. (1990; Down Home Press, P.O. Box 4126, Asheville, N.C. 27204; 215 pp.; \$17.95; ISBN 0-9624255-9-1).

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# NORTH CAROLINA LIBRARY ASSOCIATION

## Minutes of the Executive Board

October 19, 1990

The Executive Board of North Carolina Library Association met Friday, October 19, 1990, in the Crystal Coast Civic Center on the Carteret Community College Campus in Morehead City. The meeting was called to order at 10:00 a.m. by President Barbara Baker, who introduced Dr. Donald Bryant, President of the College.

Board members present were: Janet Freeman, Amanda Bible, Michael LaCroix, Frances Bradburn, Pat Gregory Richards, David Gleim, Martha Ransley, Judie Stoddard, Patricia Langelier, Pam Jaskot, Steve Sumerford, Sylvia Sprinkle-Hamlin, Renee Stiff, Nona Pryor, Jerry Thrasher, Nancy Massey, Johannah Sherrer, Melanie Collins, Gene Lanier, Howard McGinn, Jane Moore, Edward Shearin.

Dr. Bryant welcomed the Board to the college and to Morehead City. Ed Shearin, Director of the Learning Resources Center, offered to conduct tours of the center after the meeting.

Minutes of the April 20 meeting were corrected as follows: "and North Carolina Library Association" to be inserted in the sentence, "The Department of Cultural Resources, State Library (insert) will be co-sponsoring the conference." Omit the sentences, "Since this would be the year for the NCASL Conference," ending with "also a possible site", and "The Membership Committee had a display at this conference." Change "the October 19 meeting will be at (the Seahawk Hotel) to (Carteret Community College)." Janet Freeman moved that the minutes be approved as amended. Seconded by Pat Langelier, the motion carried.

The following corrections were made to the July 20 minutes: Insert "Chair Gene Lanier sent a written report," in the sentence, "Intellectual Freedom Committee (insert) and omit "had no report." Insert "will submit to the membership in September for approval" in the sentence, "The Section (insert) a Bylaws change and omit "approved." Change "open" to "all" in the sentence, "the ban on smoking in (all) meetings." Gene Lanier moved that the minutes be approved as amended. Seconded by Pat Langelier, the motion carried.

Treasurer Michael LaCroix reported that as of September 30, the checking account balance was \$13,718.36. A deposit of \$50,000 is in an undesignated five-month CD and \$23,695.47 is in a seven-day CD. Disbursements for July 1 - September 30 were \$26,280.08.

President Baker announced changes to the agenda to include reports from the following committees: Conference, AIDS, Public Relations, Archives, Intellectual Freedom, and Literacy.

Reporting for Doris Anne Bradley, Constitution, Codes, and Handbook Chair, President Baker announced that the new Handbook should be ready for the January meeting. Information is needed on awards given by the Association. Information should be directed to Doris Anne Bradley or to Martha Fonville at the NCLA office.

Steve Sumerford, the new Chair of the Literacy Committee, reported that approximately \$1,500 was available from the Literacy Partnership Conference that could be used by the Committee for a possible spring workshop. An interest questionnaire devised by his committee of ten was shared with the Board.

Sylvia Sprinkle-Hamlin, Membership Chair, requested that by Nov. 4, a member from each NCLA committee recommend a member to be on the membership committee.

Janet Freeman, Conference Committee Chair, announced that NCLA would be in High Point Nov. 12-15, and requested that committees get information about programs to the committee on a timely basis to insure the success of the conference. Michael LaCroix reminded the Board that requests for program grants should be submitted to Nancy Fogarty, Finance Chairman, as soon as possible. Children's Services has already confirmed their speaker.

Pam Jaskot, Public Relations Chair, reported that ALA is sponsoring two programs, a photo contest, "Year of the Lifetime Reader", and repeating "Night of a Thousand Stars." Discussion of the first "Night

of a Thousand Stars" indicated that the program was moderately successful, but it was a lot of work for the response, and Wednesday night was a poor choice for rural areas where many people attend church on Wednesday night. The committee will determine what to promote.

Gene Lanier, Intellectual Freedom Chair, reported on numerous presentations, incidents and responses, and specifically on a challenge to Kipling's "How the Leopard Got His Spots" in a school library in Watauga County, which was appealed by librarian Audrey Hartley to the school board, which voted to retain the book. He noted that since May there had been 3 cases involving police and confidentiality of records. He stressed the need for librarians to be familiar with the confidentiality law-Chapter 125, article 3 of the *General Statutes*. He also pointed out that there would soon be new interpretations of meeting room policies, displays and exhibits, decorations and holidays, and fees for library services.

Ed Shearin reported that Technology and Trends would be meeting in January.

Anne Berkley, Archives Chair, sent a report presented by President Baker, stating that NCLA records would be ready for deposit in N. C. State Archives in November or shortly thereafter. Archives only accepts gifts and the donation needs to be authorized by a contract furnished by Archives. Melanie Collins moved that Barbara Baker sign the contract authorizing the donation. Seconded by Frances Bradburn, the motion carried.

Pauline Myrick sent a report from the Nominating Committee. Nominees for the 1992-93 biennium are: Vice-President/President-elect-Gwyndolyn G. Jackson and Sue Spencer; Secretary-Waltrene M. Canada and Joyce Orndoff; Director-Mae L. Rodney, Edward T. Shearin, Jr., Gay Williams Shepherd, and Helen Tugwell. Their pictures and biographical information will be in the Spring issue of *North Carolina Libraries*.

Frances Bradburn, *North Carolina Libraries* Editor, reported that Nancy Bates would be the guest editor of the Summer 1992 issue and the theme would be "Librarians and the Political Process." Changes on the editorial board are: John Welch replacing Howard McGinn as associate editor but McGinn will remain on the board as a special advisor to the editor; Al Jones, from Elon College, will replace Jinnie Davis; and Ilene Nelson will be research column editor.

There was no report from the Trustees.

Nancy Massey, Vice-Chair, Round Table on the Status of Women in Librarianship has met three times this year and sponsored a highly successful workshop, "Plateauing: How to Tread Water Without Going Under" on Aug. 9-10 at Forsyth County Public Library with sixty participants. The Round Table will continue the publication *Ms. Management* and has confirmed Jill McCorkle, North Carolina novelist, as their speaker for the November biennial conference.

Reporting for Maury York, Round Table on Special Collections, Frances Bradburn announced a symposium, "Cooperative Collection Development of Local History Materials in North Carolina which is planned for May 29-30 in Chapel Hill, Co-sponsored by the North Caroliniana Society, major support will be provided by the University's North Carolina Collection. The Round Table urges representation from all types of libraries.

Renee Stiff, Round Table on Ethnic Minority Concerns Chair, announced a workshop, "Managing Communications and Conflict in the Workplace," to be held Nov. 2 at Forsyth County Public Library. The workshop is free to REMCo members and \$10 for nonmembers. REMCo presented a position paper at the state regional White House Conference held in Durham in September. Volume 6, No. 2 of the *REMCo Newsletter* has just been published.

David Gleim, Resources and Technical Services, announced the

publication of *Directory of Curriculum Materials Centers Serving North Carolina Teachers Education Programs*, a 48-page guide compiled by committee member Joanna Wright and funded by RTSS. Copies are \$5.00, available from Joanna Wright, Randall Library, UNC-Wilmington. Flyers were distributed which described the Oct. 25-26 conference. "Menu-Driven Libraries: Options for the 1990s, A Conference on Customized Versus Standardized Technical and Public Services." Eighty-five have registered for the LSCA Title III funded conference which will be held at the Durham Hilton Hotel. The newsletter, *NCLA/RTSS Update*, will be issued in November.

Johannah Sherrer, Reference and Adult Services, reported 80 registered for the highly successful workshop, "Reference 2000: Blending Artistry and Technology," which was held Sept. 28 at Forsyth County Public Library. A copy of the program and the results of a preconference attitudinal survey of library directors were passed around. The workshop was funded with an LSCA Title III grant.

President Baker presented a report submitted by Nancy Bates, Public Library Section. The Section Planning Council met Aug. 17. The following activities and plans were reported: The Audiovisual Committee is preparing a directory and has planned two fall workshops in Asheville and Fayetteville. The Development Committee is working on guidelines for the 1989-91 Award which recognizes the development of worthwhile library programs, practices and procedures. The Genealogy-Local History Committee has prepared a questionnaire on local history collections for public and community college libraries. The data will be compiled and made available to all libraries. The Governmental Relations Committee reported on Legislative Day on June 6 and the efforts to retain the present state aid package rather than securing more funds. The Personnel Committee completed the survey on certification and recertification and forwarded it to the Public Library Certification Commission. The tabulation showed there are no clear-cut national trends on these two issues. The Public Relations Committee is completing arrangements for a conference in Fayetteville Nov. 29-30. The Committee applied for an NCLA Project Grant. The Young Adult Committee is continuing the *Grassroots* newsletter and received an NCLA Project Grant to update and computerize the mailing list.

Judie Stoddard, reporting for the Paraprofessional Association, stated that committees had been appointed and now that Sampson County Library has a new director, Ann Thigpen will have time to begin plans for a workshop.

Nona Pryor, NCASL Chair-Elect, presented Laura Benson's report. More than 1,100 attended the Sept. 27-28 conference in High Point, with 350 attending the preconference on whole language conducted by author-educator Nancy Polette. Especially appreciated were the exhibits from the Young Adult Committee of the Public Library Section, the AIDS Awareness Committee, and the State Library. Elsie Brumback from the Dept. of Public Instruction received the Mary Peacock Douglas Award, and David Ricketts, Superintendent of McDowell County Schools, was honored as the Administrator of the Year. Plans are being developed for a North Carolina Children's Book Award to be given in cooperation with the Children's Services Section and to further promotion of the Battle of the Books for middle school students.

Melanie Collins, New Members Round Table, reported a meeting on Oct. 16 at Harnett County Public Library. NMRT has plans to send letters and membership brochures to library school deans and will try to set up class visits. The program planned for the biennial conference is "Moving Up-Moving On, Coping With Change."

Other conference activities include the Young Librarian Award, Friendly Booth Award, and the Baker and Taylor Grassroots Grant for Students.

President Baker presented the report submitted by Nancy Ray, Library Administration and Management Chair. LAMS held its first workshop, "To Make Necessity A Virtue," Oct. 15 at the Holiday Inn of Southern Pines. Thirty-seven registered for this workshop, which focused on the effective management of people in an era of increasing expectations with decreasing or stand-still resources. Joleen Ezzell edited the first newsletter, *On The LAM/SL*, and the second issue is to be mailed in the late fall to the over 100 members of LAMS. Plans are being developed for a spring workshop or a leadership training program in conjunction with the biennial conference in November.

There was no report from Documents.

Pat Richardson presented the Community and Junior College

report submitted by Susan Janney. CJCS met Sept. 20 at the AHEC Library in Charlotte and decided to prepare a display and a resolution, "That the United States Federal Government restore and expand funding for community and junior college libraries through programs such as HEA grants. Such funding would provide books, materials, equipment, and services for which costs have increased, while local resources have decreased," for presentation at each of the Regional Governor's Conferences. It was decided to have a semi-annual newsletter edited by Mike McCabe. For the fall biennial conference, CJCS plans to sponsor an author, possibly Clyde Edgerton, and also have an exhibit.

Martha Ransley, College and University Chair, reported the section Board met Sept. 28 in Greensboro and made the following plans: two Bibliographic Interest Group workshops, "Presentation Skills and the Design of Instruction," to be held Feb. 22 at Meredith College and March 1 at Salem College; a workshop in April, "How People Learn: Using Technology To Help People Learn"; and for the fall biennial conference, a program, "Glasnost for Libraries—Russian and United States Libraries," featuring a professor whose specialty is the Soviet Union, a librarian recently returned from a tour of Russian Libraries, and a panel of two Slavic bibliographers and the ALA representative to international libraries. The Bibliographic Interest Group requests a one-hour slot for a meeting at the biennial conference.

President Baker presented a report from Pat Siegfried, Children's Services Chair. The CSS Executive Board met Sept. 6 with all members present. All 300 copies of *Reel Readers* have been sold and orders are still coming in. It was decided to print an additional 200 copies. A Chapbook Sampler issue was printed for distribution at the NCASL Conference in High Point. Composition and length of the winter issue was discussed. Plans for a spring workshop to follow up the 1989 conference "Changing Needs . . . Changing Behaviors" was discussed and will be finalized at the November Board meeting. The board discussed State Library Children's Consultant Cal Shepherd's proposal to provide State Library mini-grants for innovative children's programs and encouraged her to pursue action on the proposal. CSS staffed a membership table at the NCASL Conference in High Point and presented the Notables Showcase. The Showcase appeared very successful with 249 attending the media portion and 300 attending the book showcase.

Patricia Langelier, ALA Councilor, stated that she would have a report in January following the ALA midwinter meeting.

Jerry Thrasher, SELA Representative, announced there had been 9 reservations for the chartered bus to the conference in Nashville. Thirty-three to thirty-five are needed to confirm the trip. He encouraged attendance at the preconference, "Understanding and Relating to Your Community's Power Structure" on Dec. 4-5. SELA exhibits have been requested for the Governor's Conferences in Winston-Salem and in Supply and will be provided. David Fergusson will become the SELA representative at the end of the conference on Dec. 8. Jerry expressed sincere appreciation for representing NCLA and SELA to each other for the past four years.

President Baker announced that a membership table had been reserved for NCLA in the registration area at the SELA Conference. A special request was received from SELA for items representative of the state to be used in a silent auction to raise money to cover the all-conference reception expenses. After discussion, Melanie Collins moved that Barbara Baker be authorized to spend up to \$100 to buy articles for the auction. Seconded by Michael LaCroix. Martha Fonville moved that the motion be amended to increase the amount to \$200. Seconded by Jerry Thrasher, the amended motion failed 8-7 with one dissension. The original motion carried.

#### Old Business:

Howard McGinn, State Librarian, discussed the previous request for NCLA to co-sponsor the ACC public service announcements. He stated that each announcement was probably seen by over a million people each time it was shown, that ACC schools were used because they donated the time and that commercial funds could not be used to produce the spots because of the players status. Concern had been expressed over the use of "public library" in the first announcements. That was because they were funded by public libraries. If NCLA sponsors a spot, "public" could be omitted.



Frances Bradburn moved that NCLA sponsor one NCAA basketball PSA at a cost of \$2,500 with credit given to NCLA and the player stating "Stay in school and use your libraries." Seconded by Nancy Massey, the motion carried.

Johannah Sherrer presented a petition from the Reference and Adult Services Section for a special release of funds to implement the Maryland Reference Training Model in N.C. The section is limited to \$1,500 in conference monies, but the plan calls for NCLA to assist by contributing \$5,000, 40% of the total costs. Johannah Sherrer moved that NCLA release an additional \$3,500 in project monies for the implementation of the Maryland Reference Training Model. Seconded by Nancy Massey, the motion carried.

There was no new business.

Howard McGinn, State Librarian, presented the following items in the report from the State Library:

1. The participation and attendance of lay persons and government officials at the Governor's Conference is strongly urged.
2. State budget woes continue. The State Library has been asked to identify an additional 1 1/2% for reducing their budget. It is hoped that this would come from lapsed salaries. There is a fear that LSCA funding may be reduced if there are additional budget cuts since a maintenance of effort level must be maintained to qualify for funding. LSCA titles I and III benefit all types of libraries. The film budget was cut \$94,000 and other services will be reduced. Libraries that do not qualify for state aid will no longer receive services unless they qualify or join a county library system. Also community colleges must join the Information Network to continue interlibrary loan service. Local, state and federal officials need to be made aware of the effect the budget cuts will have on library services. Personal contact is urgent.
3. The State Library exhibit at ALA was marvelous and will be repeated at AFA in Atlanta.
4. An increase in state aid to public libraries and \$500,000 for construction are being included in the new budget request.
5. Summer Reading Program and Quiz Bowl are being put in the regular budget, not LSCA.
6. Non-revenue bills that will be presented include a mandate to

use acid-free paper for the core collection of state documents and getting the ALA Bill of Rights written into law.

7. Public and academic librarians are being trained to access the State Data Center through the Link database.

8. Anne Marie Elkins has been hired as the new library consultant for the eastern part of the state.

9. Legislative Day will include a noontime pig-picking at the State Library.

10. A marketing director has been hired for the Library for the Blind and Physically Handicapped to expand their services.

11. The State Library is looking at the National Research Education Network (NREN) project to establish a nationwide high speed data network.

Jane Moore distributed awards program and membership applications for Friends of North Carolina Public Libraries. The deadline for entries is Feb. 15. Awards will be presented at the Friends spring meeting.

Martha Fonville, Administrative Assistant, reported that the membership data base is now independent and is being used for labels and other lists. It can be searched by last name, but searching by membership number is more reliable. A list of Executive Board members and Committee Chairs was passed around to check for accuracy before it is included in the new *Handbook*. The group was reminded to allow extra time for bulk mailings and that the State Courier mail can be used at half the cost of first class mail. An updated NCLA membership report shows 2,538 members. The two largest sections are NCASL-1.133 and Public Library-346.

President Baker reported that she had attended the LAMS workshop, the NCASL Conference and the Family Literacy Partnership conference and will be speaking at the Regional Governor's Conference in Lenoir on Nov. 9. She expressed disappointment at the lack of library representation at the literacy conference. Only 57 counties sent delegations. Appreciation was expressed to Ed Shearin for the fine refreshments.

Meeting adjourned at 12:40.

Amanda Bible, Secretary

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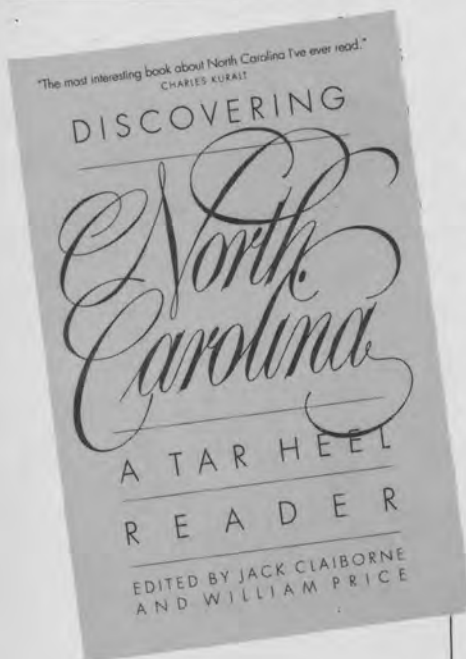
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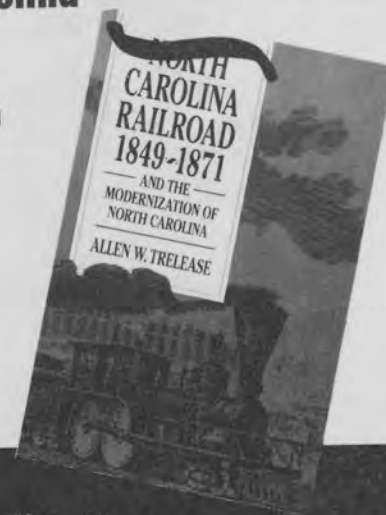
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