



# SFALL Newsletter

SFALL Newsletter, Volume 30, Issue 1, Fall 2006

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## PRESIDENT'S LETTER from Sid Kaskey

I guess it is my time to write a piece for the association newsletter. I promise, as your President, no preemptive military action.

What I want to discuss today involves good news and bad news.

The good news is that as professionals we can do more than ever before. What once may have taken a week to accomplish can often be done within minutes. We are super researchers.

The bad news is so can a well skilled newly minted attorney. It is true that as information professional we usually have a better handle on what is available and where it is located; but we also have to accept the truth that the big two [they know who they are] have made it possible for attorneys to do much of what once was our specialty: finding esoteric information.

I do not, as you might believe, think this is the end of law librarianship. I believe, as was expressed to me recently by one of the more perky of our members, that there will always be a need for a skilled law librarian; I believe that is true. I just do not believe as many of us may be needed.

Fortunately there is a solution.

Some of the brighter lights in our profession suggest that we should aggressively market ourselves. We can and should, they say, promote ourselves as not only legal researchers, but also as a source of marketing information. And, along the same lines, make sure that we push for a maximum standard billable number. The closer we are to becoming a profit center, the more successful we will be mitigating any downsizing in our department. Indeed, we can actually justify an increase in staff.

Now, let me stop you before you break out the Champagne. This is a Faustian bargain. In case you have been asleep at the switch, that swooshing sound you hear are young associates heading for in-house counsel positions. And, it is not necessary to be a rocket scientist to know why: they are escaping billing hours. Quality of life means something to these escapees.

As I read the professional literature I fear we are forging our own Sword of Damocles: some in our profession keep pushing for increased billable hours.

I suggest there is another way to mitigate the change in our profession and at the

same time keep our quality of life: accept the reality and work with management to lessen cost. We do have skills that are valuable to management. We can find, extract and process legal and marketing information. And, for the most part, we can do it better and more cost efficient than attorneys. However, pushing for some sort of standard billable hour benchmark is not the answer.

Promote your skills and share what you know through workshops and presentations. Demonstrate your competitive intelligence knowledge by producing good solid research. Do that and Attorneys, management and staff will recognize your skills and know where to turn when they need help. Make the increase in your billable hours a natural measure of your worth to your firm, and not a result of an artificially applied number.

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**“A truly great library contains something in it to offend everyone.”  
~Jo Godwin**



**FROM THE EDITOR**  
Please think about submitting articles and news to the newsletter. Share interesting news and stories from your library with the SFALL membership. Make this your newsletter!!

Send your submission or comments to [aolson@mail.ucf.edu](mailto:aolson@mail.ucf.edu)

## CALENDAR



**Mark your calendars for  
The next SFALL meeting... Oct. 5 @ noon  
At St. Thomas University School of Law**

(lunch will be provided)

**Presentation: “HOW ARE LAW SCHOOLS PREPARING THEIR STUDENTS FOR THE PRACTICE OF LAW”.** Panel: Karl Gruben, St. Thomas; Matthew Downs, FIU; Sally Wise, UM & Lisa Smith-Butler, Nova

Please RSVP to Edee Hammer at [EHammer@shutts-law.com](mailto:EHammer@shutts-law.com)

## Prison Law Libraries in Florida

Rob Hudson, Nova Southeastern University  
Shepard Broad Law Library & Technology Center

Do you ever get hand written letters from prison inmates at your law library? When I see a handwritten envelope it catches my eye because it is so unusual, and the addition of Florida Department of Corrections Information and a prisoner ID really gets my attention. Typically, I open the letter to see that it is a request for legal documents from our collection. The citation may be wrong, or the letter may contain just a vague description of an area of interest that the prisoner wants some information on – in other words a request that I do their research for them. Sometimes I can respond, but often I can't get that involved.

However, I wonder about the inmates that write these letters. Don't they have a jailhouse library established by law that the prisoners have a right to access? Wasn't this the right the Supreme Court recognized in the *Bounds* case? Are request for sections of the USCA just a result of inmate inability or laziness? Some of these letters request straightforward case law, which I assumed was available to all inmates under the law. What is contained in a prison law library in Florida, anyway? What is legal research like behind bars? I never had the time to look into any of this, until now.

Recently, a law review article rekindled these questions. I happened to see a law librarian blog abstract of *The Great Unobtainable Writ* published in a Harvard journal. The author was a Florida inmate, a man convicted of attempted murder and robbery, and a self proclaimed jailhouse lawyer. The subject was obtaining post-conviction relief from inside a Florida prison, with first hand accounts of what jailhouse law libraries and legal research behind bars are really like. The article answered many of the questions I had been asking myself, and provided context for those letters I had been receiving.

According to the article, freely accessible prison law libraries in Florida are almost a thing of the past. Law books that were provided to inmates under *Bounds*, now are being discarded under *Lewis*. CD-ROM collections are replacing legal books, I learned, but most inmates are forbidden under prison rules to touch computers. For example, from the article:

"Prisoners in Florida are not allowed to use the computers in the law libraries for research purposes. A pro se prisoner needs to know the name and citation of the case he wants to read. He must then give the case citation to a law clerk. The law clerk, when he gets around to it, will then pull up the case on the computer, and the pro se prisoner may then read the case off the computer screen and take notes. At no time during this process is the pro se prisoner allowed to touch the keyboard; the pro se prisoner must have a law clerk available to scroll the text up or down. The law library may have three or four computers in it, but only one is designated for use by the prisoners who do not work in the law library. When a prison (like the one where I am housed) has over 1000 prisoners, plus the 350-400 prisoners at a work camp one computer is woefully inadequate...." 41 Harv. C.R.-C.L. L. Rev. 299, 326.

Additionally, the definition of a law library is so narrow under the *Florida Administrative Code* that the scant materials that are available explain why prisoners are writing letters to outside libraries like mine. For example, only two sections of UCSA are included in the prison collection, those on habeas corpus and prisoner rights. As another example, case law from other states is not available in Florida prisons. No Florida Jurisprudence, CJS, or ALRs.

Florida is not alone, apparently, in its effective dismantling of prison law libraries. According to the recent article, "*On Cell Block D*," many states have done the same:

"In a number of jurisdictions, prison administrators have donated to charity or simply thrown away their institutions' law collections in order to create storage space on the bookshelves. In Arizona, for example, officials disbanded thirty-four prison law libraries. In Idaho, the department of corrections sold multiple law libraries for the price of one hundred dollars plus the cost of shipping over the eBay auction website. These sudden and widespread actions were in many ways a response to the Supreme Court's decision in *Lewis v. Casey*, which held that the Constitution does not grant inmates the right to access legal research materials. Furthermore, the alternatives introduced in lieu of law libraries have motivated a number of institutions with law collections to reconsider their policies, especially since a significant number spend several hundred thousand dollars per year to maintain updated collections of law materials." 24 Yale L. & Pol'y Rev. 91, 92.

Florida law may provide greater access protection to law libraries than federal law. As I researched the issue, I found that in 2001 a serious lawsuit was filed on behalf of Florida inmates. In *Henderson v. Crosby* the issue was brought to a head. The suit alleged that the state had undermined inmates' rights by removing legal materials from prison libraries, as well as by removing typewriters. (This explains why inmate letters are always handwritten.) Pro bono attorneys from Holland & Knight represented the plaintiffs. Interestingly, the case even came to the attention of AALL SIS *Legal Information Services to the Public*, which sponsored an *Amicus Brief* on the issue. On Aug. 24, 2004 the First District held that the inmates had a right to access, but that the actions taken by the Florida Department of Corrections did not impede that right. The Florida Supreme Court denied review.



**S**outh Florida Association of Law Libraries (SFALL) membership is composed of librarians employed in academic, government, and private law libraries in the South Florida Area and is open to all other interested individuals.

### Prison Law Libraries in Florida, continued...

The resulting dismantling of remaining prison law libraries in Florida continues, apparently. It provides context for the next inmate letter I will, no doubt, receive at my law library. In Broward County (where I live) two inmates filed an appeal to stop Sheriff Ken Jenne from closing the local prison law libraries:

"Jenne began converting jail law libraries at his five jails earlier this year into on-line systems that require inmates to make their requests for legal research in writing. The move saves about \$150,000 a year, but the inmates fear it will take away their constitutional right to an adequate defense by slowing down research. Jailhouse legal research is an American legal tradition, credited with the release of many wrongly convicted inmates." *Miami Herald*, Inmates Sue for Access to Law Library, p.1B, July 16, 2004.

I'm guessing the appeal was unsuccessful



## 100th AALL Annual Meeting & Conference July 14 - 17, 2007, New Orleans, LA

**SFALL** can underwrite two grants to attend AALL in New Orleans next year.

For more information or to apply, please contact:

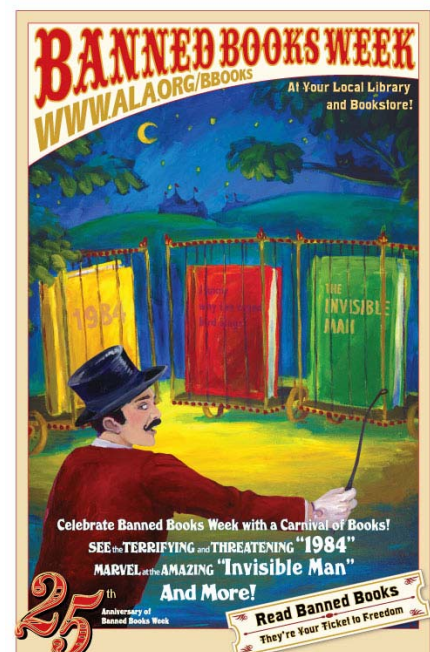
Lisa Smith-Butler, [smith-butler@nsu.law.nova.edu](mailto:smith-butler@nsu.law.nova.edu); Charles Cratit, [cpratit@mdcll.org](mailto:cpratit@mdcll.org); or Theo Karant-salis, [tkarants@mdc.edu](mailto:tkarants@mdc.edu) for more information.

## Banned Books Week 2006 is September 23-30

**CELEBRATE**, by reading one of the many banned books: You can find a list on the **ALA page**

<http://www.ala.org/bbooks/>

**2006 BBW; Read Banned Books: They're Your Ticket to Freedom**





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**SFALL: A look back in time**  
**Angie Stramiello, Nova Southeastern University**  
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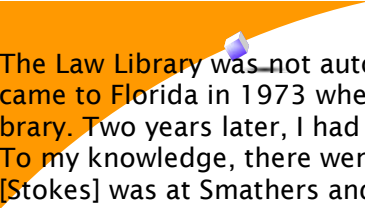
Rob Hudson was relatively new to Nova's library staff and had only been in South Florida a few years when he stopped by my office after he returned from a SFALL meeting. He told me that he had agreed to be president next year and hoped that more people would participate. I told him a little about the early days of the group and that I had been one of the founding members and an early president of SFALL. Rob asked why we needed an organization other than SEALL and AALL, so I told him about the original purpose of SFALL. He subsequently asked me to write a newsletter article on the beginning of the organization and the people involved. Although we were able to find a short history online, the information was very sketchy prior to SFALL becoming a chapter of AALL and did not capture the essence of what SFALL was originally intended to do. The published history begins "As a result of a discussion among Dick Hutchins of the University of Miami Law Library, Kathy Steffenson Stokes of Smathers & Thompson and Bob Wallace of Dade County Law Library, an organizational meeting of the law librarians of Dade and Broward counties was held on October 20, 1976." Although SFALL celebrated a 25<sup>th</sup> anniversary as a chapter of AALL, the organization is really 30 years old. This article is intended to be somewhat light hearted.

#### WHERE ARE THEY NOW?

Because it has been thirty years since that first SFALL meeting and most of the original steering committee members have retired or are not in the area, I began a search to locate and contact as many people as I could to confirm my memories of SFALL's beginning. I telephoned Leila Glenn Mestrits at UM and Muriel Efron at Greenberg in West Palm, who were very active and made great contributions to SFALL and are still members, and told them about the article. They were able to give me some ideas of how to locate other original members. I telephoned Bill Beintema, who left UM in 1980 and is now at the University of Tennessee. He was still in touch with Dick and Mary Hutchins and sent me their phone number in Pennsylvania. Dick has retired from the law library field, but stays very active in community activities. Researching for this article was turning into a bit of a reunion by telephone, and each person I contacted was interested to know about the others in the group. I wanted to find Maureen Gilully, the original chair person of SFALL. I knew she and her husband were friends with an attorney with whom I worked at English McCaughan and O'Bryan, who was able to give me Maureen's married name and the firm where her husband works. Maureen is still a member of the Florida Bar and I located her number in the Florida Bar Journal. Leila had kept the archived material for many years and told me she had given it to Linda Datko a few years back. I asked Rob to borrow it for a while and it has proved to be a great resource. As I spoke with people, I asked their memories of how SFALL began. Dick Hutchins remembered that it was Bob Wallace who had the idea to have a mentoring group available to those who needed help in their organizations, and the others confirmed this. Bob was someone who saw a need to help others in law libraries in Dade, Broward, and Palm Beach counties and acted upon it. Bob was law librarian at the Dade County Law Library for many years, and his staff was very involved in SFALL. Charles Cratit, who was an original member, is still at DCLL as reference librarian and Johanna Porpiglia is now the director of DCLL; Eric Welsh is now at Regent University Law School, and Barbara Hunt, who served as an officer in those early years, has retired and still lives in Dade County. When Bob Wallace retired in the early 1990s, he and his wife Rosemary moved to Pembroke Pines. Bob passed away on October 4, 2003, and is fondly remembered by his colleagues in law librarianship. Additionally, the County and University library staff members were essential to SFALL. Jeannie Underhill, who is now Director of Broward County Law Library and her staff were important members as was Michael Richmond, now Professor of Law at Nova, who was then the Nova Law Library Director. Carol Roehrenbeck, followed as Nova's director and is now director at Rutgers. Carol and the Nova staff were very active in the early days of SFALL.

#### REMEMBERING WHAT LAW FIRM LIBRARIES WERE LIKE IN OUR AREA

Times were different for law libraries in the 1970's. I was very fortunate to have had a mentor at the University of Tennessee who was nationally known for his legal research skills. I took his legal research course and learned the law book publishing industry and how to work with vendors. We functioned on a budget of \$25,000, and expenditures for the following year were planned well in advance. There were only three women law students in second and third year, but the first year class had more than five times as many.



The Law Library was not autonomous at that time and cataloging was done at the main university library. I came to Florida in 1973 when I was offered the position of reference librarian at the Broward County Law Library. Two years later, I had the opportunity to become the first law librarian at Mershon Sawyer in Miami. To my knowledge, there were only two firms in Miami that had professional librarians: Kathy Steffenson [Stokes] was at Smathers and Thompson, and Cesar Armstrong, a retired attorney, was at Blackwell, Walker and Gray. Large firms in Miami had around 40 attorneys, but would grow rapidly in the next few years. Baker, McKinsey in New York claimed to be the largest firm in the country with over 500 attorneys worldwide. We all know what eventually happened when the firm decided to outsource the library. I found a situation at Mershon that had no restrictions on the collection, no consistent staff for filing, and many misfiled volumes. Bills were sent upon receipt to the bookkeeping department for payment and sometimes had been paid on the statement and the invoice. People from other firms were coming into our library and taking books without so much as a "may I". I immediately drafted a reciprocal borrowing policy that said borrowing was to be only librarian to librarian. The library was of course out of space and badly needed to be weeded. I was sent to "check out" a demonstration by Lexis of their new computer assisted legal research system, because none of the attorneys had the time to go. I thought it was truly awesome, but the problem was that they would not put Florida law on until twenty Florida firms subscribed. Westlaw was starting their own system, but it consisted of headnotes rather than full text. West needed to re-think their system, which later changed to full text, and competition between the two companies caused increasingly better products for the customers.

Law Library positions were soon to become available at more firms in Miami. Within a year or so, the two other major law firms in our building each hired a full time staff member to serve as "librarian". They were great organizers, but neither had any experience in a law library and these positions were clerical. I remember discussing the fact with Bob Wallace that there were several firms putting someone in charge of their libraries. Bob later called me to say that we really needed to do something to help these people who had no library experience. He had talked to Dick and Kathy and invited me to the initial meeting, which also included Muriel Efron of FIU, Maureen Gilully, Pat Mulreany, and Gilberto Fort of DCLL.

SFALL attendance over the next months continued to increase, and everyone benefited from the networking experience. People whose firm would not have allowed a travel budget or days out of the office for a conference in another state, soon were able to show their firms the benefits of exchanging ideas. Meetings were somewhat informal and people were given the opportunity to discuss their library problems in a brainstorming fashion. Bob Wallace began a union list of serials and organized workshops on basic legal research. Other workshops were held in Dade, Broward, and Palm Beach counties. I co-chaired a workshop with Mary Cross, librarian at Smathers and Thompson, on private law libraries. Mary married Mike Petit and moved to a firm in Washington, D. C. Sadly, Mary, who was one of the active early members, passed away several years ago. Everyone with an interest in law libraries was welcome to come to the meetings. Dues were affordable and workshop registration fees were generally under five dollars to encourage people who had to pay their own way.

Excessive growth took place in the 1980s with one major firm raiding other firms by offering very large salaries. When that firm crashed several years later, about 500 employees nationwide were looking for jobs. Many of the firms of the 1970's are no longer together. I had the great opportunity to be the first librarian in two very supportive firms. Neither still exists, and I am at Nova Southeastern as a reference librarian until I retire, whenever that may be.

Whom have I missed for this article? If you were involved in SFALL during the first five years or know of someone who should be included, please e-mail Rob at [HUDSONR@NSU.LAW.NOVA.EDU](mailto:HUDSONR@NSU.LAW.NOVA.EDU) or me at [STRAMIELLOA@NSU.LAW.NOVA.EDU](mailto:STRAMIELLOA@NSU.LAW.NOVA.EDU) for a newsletter follow up. Tell us when and how you first became involved with SFALL, where you are now and where you worked when you were a member. We would also like to have your memories of the organization.

It has been great fun talking with colleagues from 30 years ago and learning where they are. We hope to locate more and share the information with you.