

Standards for Appellate Court Libraries & State Law Libraries

June 2013

Preamble

Access to justice is a fundamental right of every citizen of the United States. Legal information is an essential element of this right. Law libraries are integral to the administration of justice as providers of legal resources. Each state law library and appellate court library holds its resources in public trust to ensure that legal information is available to all citizens. The members of the State, Court and County Law Library Section of the American Association of Law Libraries (AALL) offer these standards as guidelines for appellate courts or state administrative authorities to follow, to assure that their law libraries are of the highest quality in collection, personnel, and services.

I. Governance

A. The position of the law library within the structure of state government should be defined by law. In addition, the law library should have a written mission and goals statement. The statement should reflect the statutory mandate.

B. The head law librarian/library director should be recognized as a part of the management team of the library's governing authority and should participate in policy making that affects library operations. The head law librarian/library director should meet on a regular basis with his or her superiors to discuss and determine policy directions.

C. The head law librarian/library director should prepare the law library's annual report and submit it to the governing authority.

D. The head law librarian/library director should initiate or be involved in planning and implementation of decisions that affect the law library, including but not limited to:

- 1) Developing the vision, mission and goals of the law library;
- 2) Developing and administering the library budget;
- 3) Building a useful collection, considering both print and electronic resources;
- 4) Participating in library or related information networks;
- 5) Coordinating implementation and upgrades of the library computer network;

- 6) Hiring, or recommending for hire, personnel to assist customers, service the collection, and perform all administrative functions required of the law library;
- 7) Planning and staffing branch libraries, where appropriate;
- 8) Designing and maintaining the physical plant;
- 9) Coordinating outreach and partnerships within the organization and to the outside community;
- 10) Developing a succession plan for key personnel; and
- 11) Managing all other library operations.

COMMENT:

The law library should be recognized as a separate unit within state government. Unless there is a compelling reason to the contrary, the law library should be a part of the judicial branch. In those states where the law library is part of the State Library or is under the executive or legislative branch, the law library should be recognized under the law as a distinct unit within its governing authority

The head law librarian/library director should be part of the management team for the governing authority. The head law librarian/library director must be apprised and in turn advise the governing authority of the advantages and disadvantages, cost and benefits, of all decisions affecting the law library.

The head law librarian/library director should be deeply involved in the development and implementation of the law library's mission. The goals and mission should include outreach to partners and related entities. The law library should develop a succession plan for key personnel in order to provide continued quality service.

The law library's annual report of its activities should include information about fulfillment of its mission and its participation in the mission of the governing authority.

II. Budget

A. The budget of the law library should be separate and distinct from the budgets of other operations of its governing authority.*

B. The budget of the law library should be adequate to ensure a complete up-to-date collection, including print, non-print and electronic resources with provision for new acquisitions and sufficient qualified staff to maintain an acceptable level of library services described in the standards that follow.

C. The budget of the law library should include but not necessarily be limited to the following categories:

- 1) Personnel, including salaries, fringe benefits, recruitment and training;
- 2) Collection, including print, non-print and online services, with upkeep and subscriptions;
- 3) Supplies, binding, equipment and appropriate technologies;
- 4) Resource sharing, including online bibliographic utilities and other library networks;
- 5) Physical space and its maintenance;
- 6) Appropriate and meaningful professional development which may include webinars, memberships, meetings, workshops, and, when possible, professional association annual educational events; and
- 7) Other categories as may be defined by law or practice.

D. The budget of the law library, prepared by the head law librarian/library director, should be recognized as an integral part of its governing authority's overall budget process. The budget should accurately reflect all costs associated with the operation of the law library, including personnel, technological changes, and physical plant improvements. The law library's budget request should be defended vigorously by the governing authority.

COMMENT:

**Greater flexibility than the above guidelines is acceptable when the Law Library is part of a State Library with a lump sum budget.*

III. Personnel

A. At a minimum, the law library should be staffed during all hours of operations with professional personnel, qualified through education, training and experience. Staff should have expertise in administration, acquisitions, cataloging, systems management, reference, database and Internet searching, instruction, and any other necessary professional skills to meet the goals of the library's mission. The Competencies of Law Librarianship established by the American Association of Law Libraries may be used as an additional guideline. Sufficient support should be provided to the library by the governing authority for technology, facility maintenance, human resources, communications, security and administration.

B. The salaries of all library staff should be commensurate with their education, training, responsibilities and experience. The head law librarian/library director's salary should be comparable to the salaries of the governing authority's other senior management positions.

C. The head law librarian/library director should hire, or recommend for hire, all library staff. In addition, the head law librarian/library director should evaluate the performance of all library staff or, in the case of library staff directly supervised by

middle management, should review performance evaluations. All other human resources policies should be in compliance with the governing authority's personnel policies and guidelines, including non-discrimination, sexual harassment, and inclusive and diverse workplace policies.

All professionally classified law librarians should hold a graduate degree in library/information science. The head law librarian/library director, in addition, should bring to the position significant management experience in a law library environment. The combination of an MLS and a JD, MBA, MPA, or other relevant graduate degree may be considered a preferred educational qualification for the director's position, but the relevant administrative experience remains critical.

D. All library staff should be given the opportunity to pursue a program of professional development that is relevant to the interests of the law library. Such opportunity should include financial assistance. The library staff should participate in the activities of professional organizations, including online discussion groups, as part of an ongoing program of professional development and education.

The library and its users benefit when library staff members improve their skills by participating in workshops, conferences, post-graduate courses, online discussion groups, webinars, in-service training, and professional associations. Such continuing education is accepted in all professions and, in fact, is required in many jurisdictions.

E. The library staff should be encouraged to participate in relevant local, regional, and national professional associations. The law library's budget should make provision for such membership dues and other related staff development expenses.

IV. Physical Plant & Facilities

A. The appellate court library or state law library should be housed in the same complex or in close proximity to the courts, legislative and executive branches of state government, members of the bar, and the general public. Where appropriate, branch libraries should be considered at satellite appellate courthouses. For any materials stored at off-site locations, the library should provide regular and dependable means for retrieving requested items.

B. The law library's physical plant must meet various basic structural requirements necessary to adequately house and provide access to informational resources in a variety of formats. Attention should be given to existing building standards and floor load-bearing capacity. Shelving and collections should be arranged in a manner that allows for easy access to the collection, including by those with disabilities. Sufficient shelving and adequate growth space should be determined according to accepted standards of the library profession.

C. Space and facilities should be provided for the use and storage of non-print and all other fragile materials under environmentally sound conditions.

D. There should be suitable and adequate equipment, work space, and comfortable seating for the library staff and users. Proper lighting and temperature control including heating, ventilation, air conditioning, and humidity control also should be provided.

E. There should be suitable and adequate security for the protection of library staff, users, and the collection.

F. Conference areas, copiers, equipment for duplicating and transmitting documents, computers, telephones, sufficient electrical outlets and sufficient data lines and networking capability for computer use and Internet access should be provided in the law library.

G. Appellate court or state law libraries should be equipped with a variety of equipment/hardware/software to enhance library services. These network connections, in most circumstances, should be provided and supported by the library's governing authority. In addition, the library should provide or have access to an appropriately-sized computer training facility to allow computer-assisted legal research instruction to users.

H. Directories, library guides, and other signage to assist users should be provided in languages and formats most appropriate for the user population.

I. The law library must meet the requirements of the Americans with Disabilities Act of 1990 as amended or and may offer other reasonable accommodations to meet user needs.

COMMENT:

Appellate court libraries or state law libraries shall follow all federal and local laws pertaining to access by people with disabilities and employment of staff with disabilities. Furthermore, libraries are encouraged to adopt additional measures and equipment that enhance user access, but which may not be legally required of the library.

V. Access to Justice

A. The law library is in a unique and important position to identify the needs and abilities of those seeking redress before the courts.

B. The contribution of library professional staff should be included in any planning or programming that concerns citizens' access to justice.

C. The law library should network and partner with others for improved information delivery to self-represented litigants and the public. Such contacts may include:

- 1) Community legal services;
- 2) Public libraries;
- 3) Local and state bar associations and pro bono programs;
- 4) Law schools; and
- 5) Other law libraries.

VI. Information Services

A. The law library's mission and goals statement should identify its user groups and the levels of information service provided to each of them.

B. The library should provide personal reference and research assistance to its designated user groups in accordance with its written reference policies. Users should be able to request assistance in person, as well as by telephone, mail, email, and other standard means of communication and transmission of information appropriate for users.

The law library should provide access to legal information in a manner that is efficient, economical, reliable, and responsive to user needs. Although some appellate court libraries/state law libraries serve narrow constituencies, most libraries maintain collections that not only serve the court and its personnel, but also the legislative and executive branches of state and local governments, the staffs of prosecutor and public defender offices, state bar members, incarcerated populations, and the general public.

C. The library should develop and make available written policies to ensure that the levels and types of services provided to its users are clearly understood by both library staff and users. Policies should cover reference/research assistance, circulation, use of in-house computers and online services, and services to off-site users. Policies which set out the types and scope of specific services, including reference assistance and user access to materials, should be posted on the library's website and readily available to in-house users.

D. The library should maintain a web site that provides information about the library and its services. The web site should also provide access to the library's online catalog, maintain links to law-related sites, particularly for its own state or jurisdiction, and provide information on topics of frequent interest to users.

E. The library should provide Internet access for its in-house users and should publicly display its policies concerning appropriate use of library computers and online resources.

VII. Technical Services

A. Acquisitions

1. The library should have a written collection development policy that includes criteria for the selection and retention of materials and provides for the handling of gifts. This policy should be formulated by the head law librarian/library director in consultation with staff and users, and should be approved by the library's governing authority.

2. The library's collection development policy should provide for acquiring materials in a variety of formats to best balance the needs of legal research with the realities of space limitations, preservation requirements, and cost. Libraries must focus on providing access to legal information by utilizing both tangible and digital sources.

As a comprehensive legal research facility, the library should retain all superseded primary law and secondary sources of the home jurisdiction, because the collection may serve as a "last resort" for users seeking specific information. For all non-print collections, the library should ensure that it maintains the equipment and technology necessary to store, retrieve, access and print.

3. The head law librarian/library director should have the ultimate responsibility for the selection, acquisition and disposal of materials in accordance with the collection development policy.

The library's collection development policy should be based on the library's mission statement and should address the scope of the collection, appropriate formats, selection criteria, collection maintenance and deaccessioning. The library should keep in mind that its collection development policy is a document that is used not only to set out the parameters of the library's collection but also to justify the library's budget requests and space requirements. As such, the policy should address the needs of all of its user groups, including self-represented litigants and the general public, and should provide direction for acquiring and maintaining a balanced collection of print and online resources that respond to user needs. Consideration should be given to the acquisition of library materials in languages most suitable for the library's users. The policy should be reviewed periodically and revised as needed.

4. Materials should be kept current by the acquisition of supplements and new editions. The library should purchase multiple copies or provide alternative access methods for heavily used materials. Superseded materials should be clearly labeled.

5. The library should attempt to collect and retain a complete historical collection of its state's primary law, i.e., constitutions, charters, statutes, ordinances, administrative regulations, court rules, and case law, as well as appropriate secondary sources.

6. The head law librarian/library director should have the authority to negotiate, or participate in the negotiation of, vendor contracts and to join library or other information networks and consortia to facilitate acquiring, sharing, and providing access to legal information.

COMMENT:

Libraries should comply with all procurement policies and rules of their governing authority.

B. Cataloging

1. The entire collection, including non-print materials, should be cataloged and classified in a system that promotes quick, easy retrieval of materials by both users and library staff. National standards for bibliographic records should serve as guidelines for cataloging and organizing materials.

2. The library should join a computer-based library network for cataloging and other library services. Complete holdings information should be included in the records of the cataloging utility to facilitate the electronic exchange and sharing of information.

3. Library catalogs and other files should be generated in machine-readable formats based upon and compatible with national standards. Whenever possible, existing paper catalogs and files should be converted to web-based electronic ones.

4. The head law librarian/library director should have the authority to oversee the planning, funding and implementation of computer networks linking the library's online catalog, other library files, technical processing operations, community-based legal information sources and other online information sources available from remote locations into a single web-based electronic information resource. These needs and capabilities may be coordinated with an Information Technology department outside the library, but the library staff must have direct control of all library systems.

COMMENT:

Technology has changed the library catalog into a virtual bibliographic resource, allowing the library's staff and users to determine the availability of sources of information not only within the library but worldwide. Manual card catalogs and paper files no longer can be considered adequate systems to access legal information, given the sophisticated access potential of electronic systems.

C. Collection Maintenance and Preservation

1. The library's collections should be maintained in good physical condition. The library should establish preservation and disaster recovery programs, plans and policies.

2. Loose issues of serial publications, except those of temporary value, should be bound for permanency or stored in a durable and accessible non-print format on an ongoing basis.

3. Preservation has three aspects: The first is preventing damage from occurring. The second is the repair of damage already done to prevent further deterioration and to make the content available for future users. The third is the assurance of future availability of material for users. Consideration should be given to possible filming, scanning, or re-printing of important local resources.

4. The preservation of born-digital information should be a primary component of the library's mission.

COMMENT:

Library maintenance includes book cleaning, repair, and binding. Cleaning is a matter of periodically dusting and cleaning both books and shelves. A systematic screening of the collection will allow minor repairs to prevent major problems. Preventative maintenance includes attention to environmental aspects such as lighting, air pollution, temperature and humidity.

Library management should update disaster recovery plans regularly and train staff and building facilities managers in their use. An essential element of a disaster recovery plan is the requirement for frequent routine backup of all electronic system information, including the library's catalog. Copies of backups must be maintained in secure off-site locations.

VIII. Collection

These materials are recommended as the core of a strong appellate court library or state law library collection. Electronic resources may be substituted for print materials, provided the historical nature of the state's primary law is retained. The list may be used as a checklist for collection evaluation purposes.

When selecting materials from other states, emphasis should be given to those from surrounding states. Maintaining cooperative resource sharing agreements with libraries and other state agencies within a reasonable geographic area or providing electronic access to selected materials will satisfy the collection requirements if staff is available to assist users in effectively accessing any electronic or off-site resources.

A. Home State Resources

1. Legislative

- All editions of the state constitution;

- All constitutional convention proceedings and any related materials on the history and adoption of the state's constitutions;
- Current official statutes and all prior editions;
- Annotated statutes, if not the same as the official version, and all prior editions;
- Current and historical session laws;
- Complete set of House and Senate journals;
- All legislative manuals; and
- Municipal and county codes, plus all superseded editions, if available.

2. Administrative

- Attorney General opinions;
- State administrative code, plus all superseded versions;
- Complete set of administrative registers, if available; and
- State agency decisions when available.

3. Judicial

- All published and unpublished (if available) appellate court decisions;
- Appellate court briefs;
- Current court rules and all superseded editions;
- Annual reports of the state court administrator; and
- Other reports, directories and guides of a relevant judicial nature.

4. Finding aids and other secondary resources

- At least one state case law digest;
- State legal encyclopedia, if available;
- State citator;
- The State's Bluebook, if available;
- Significant treatises, form books, and practice books plus all superseded editions;
- State and local bar associations' publications; and
- Legal periodicals and newspapers.

B. Federal Resources

1. Legislative

- *Statutes at Large*;
- Current *United States Code* and all previous editions, plus at least one commercially published annotated version; and
- Materials for researching federal legislative history, such as *United States Code Congressional and Administrative News (USCCAN)*.

2. Administrative

- *Federal Register*;
- Current *Code of Federal Regulations* and all superseded editions;

- Opinions of the U.S. Attorney General;
- Selected federal agency decisions; and
- *United States Government Manual*.

3. Judicial

- Official *United States Reports* and at least one commercially published unofficial reporter of decisions of the United States Supreme Court;
- All published decisions of the U.S. District Courts, U.S. Courts of Appeal, and U.S. Bankruptcy Courts;
- At least one commercially published reporter of federal rules decisions; and
- At least one complete set of federal court rules for federal circuit and district courts of the home state jurisdiction.

4. Finding aids and other secondary resources

- At least one commercially published digest of U.S. Supreme Court opinions;
- *Federal Practice Digest*, all editions; and
- Citators for reports and codes.

5. Depository status

- The Federal Depository Library System provides access to many of the primary federal legal materials that should be collected, either tangible copies or by providing electronic access. The highest appellate court library in each state is eligible for depository membership, as are state libraries.
- Most state libraries also operate cooperative distribution systems that appellate court/state law libraries might be able to join.

C. National Publications

- Access to the legislative, administrative, and judicial information from other states, particularly those sharing the same legal history as the home state;
- Selected finding aids and other secondary resources, such as digests, legal encyclopedias, American Law Reports, citators, Restatements, and law reviews;
- Basic collection of current legal texts and treatises;
- Legal reference tools, including dictionaries, thesauri, compilations of legal abbreviations and legal quotations, and a law directory; and
- General reference tools, including an unabridged dictionary, atlases, almanacs, and the *Statistical Abstract of the United States*.