

## **Advocating to preserve law library space allocation**

### **Original Question:**

Located in [state], we are a 500+ lawyers county law library that receives considerable funding from the county but the employees are hired by the local bar association. We are hearing rumors of having our space allocation slashed in half due to less and less available space in our too small courthouse

I'm looking for tips and tricks - ways to validate our continued space allocation - articles to read, etc. from anyone who has experienced this situation or has insight into this problem. Of course we are searching our minds for issue to present including the number of users each day and the phone calls we take. [I] want to make sure I am covering all my bases.

### **List Responses:**

The only way to save yourself and your library is to get the strongest possible support from the bar association and most importantly, the power and support from your President Judge.

We are moving to smaller space to make room for an eight judge and our budget is cut back every year (with the exception of union personnel salaries. We only exist as we do now because of the strong support of our President Judge.

The [Name Deleted] Library is embarking on an ambitious plan whereby we hope to develop a joint parking garage and main law library facility, with the receipts from the garage paying for the lease. We are planning on using a 25-year lease/purchase. The financing is tricky, and the viability of the project is dependent on local conditions. Downtown is woefully short on parking. Nevertheless, it is worth looking into because, even if you could not finance the whole of your cost through such a device, you might reduce it substantially enough that you could raise the rest.

In our situation, we are reducing an estimated \$41 million project to one wherein we will need about \$3-5 million. I have a probable big donor, so that amount does not scare me. If we didn't, we could reduce the size of the library portion and make the thing work without any charitable or governmental contribution. The other nice thing is that, if this all comes to pass, the parking revenue will increase over time, providing us a source for a future building or operational endowment.

We are not the first to think of this. [Name Deleted] Library did this about fifty years ago.

My pie in the sky dream takes this basic plan and adds one little bit. I would have a parking garage for the underground part and the Law Library for the upper floors, but the sidewalk level, and maybe one or two floors above would be office space. Some suites and some individual offices. Thus there are two income streams, parking and office rent. Also, the Law Library Board and staff would have reserved parking. Of course, with the downturn in income such plans are not just pie in the sky but pie in geosynchronous orbit.

The SCCLL Board is having a teleconference meeting this afternoon and hopefully we will have enough time (have a long agenda) to brainstorm an answer for you. I can provide the observation that here in [state] more than a few of the county law libraries have fallen prey to being "subdivided" to make way for additional courtrooms and judicial chambers. I guess this is an "occupational hazard" being experienced nationwide by county law libraries - there is just so much space in old courthouse complexes. Maybe you can convince the State/taxpayers/chief judge to plan the construction of a new annex?? How about moving the law library, lock, stock & barrel into the local public library? There is a growing trend in various parts of the country where the court /bar assn. and public library have partnered to accomplish this physical transfer.

## SCCLL Law Library Space Issues

<http://www.aallnet.org/sis/sccll/toolbox/spacing.htm>

Good luck with this! We have been in the same space for about 40 years. The collection grows - the space does not! Worse yet, the Capitol Building is undergoing a multi-year, multi-million dollar renovation, fire suppression upgrade, etc. When we were moved out of our quarters in 1997, they took walls down to the outside walls - and built them back taking away about 6 inches all around. So, previously custom fit shelving had to be retrofitted! Over the years, I have compensated by seriously weeding the collection, converting to CD-ROM, utilizing on-line tools, etc. None of these "tricks" are a surprise to you, no doubt. But I thought you might wish to know your circumstances are not unique anymore.

Sounds like a tough situation. I was headed toward a something similar (on a smaller scale) like that here in [Name Deleted] County. Although it was an area about 30' x 30', not half the library. We fall under the Court system here, so it's a different situation than yours. To make a long story short about 6 years ago a remodeling project took place on our floor of the courthouse annex. Space was shuffled among three of the departments to make room for more probation officers. It was like a domino effect & space was taken from the Law Library on one end of our "L" shaped room, with the promise that we would acquire the same amount of space at the other end of the "L". But 6 years went by & I never got the space that I had been promised to replace what was taken away.

Finally rumors were circulating that it might be given to another department and thankfully our Ct. Admin. and Pres. Judge made an effort to get it for the library. We had been totally out of shelf space here for several years, with books arranged on the floor and in storage. So all turned out well & we were able to add more shelves and a small meeting room. It wasn't a huge amount of space, but just enough to make a difference. It was unreasonable to think with all other departments growing because of increased amount of litigation, more attorneys using the library than ever, that we could afford to lose space.

The original Law Library was moved out of the Courthouse about 35 years ago, when the Annex (attached to the courthouse) was built. The Law Library is located in the annex across a short indoor walkway from the second floor of the Courthouse. Looking back on things, I did myself a great disservice by not making more of a fuss about things years earlier, but I just believed people when they made their promises. It sounds like your best bet is to have your Bar start making some noise-it's tough though when they're running out of room at the Courthouse. Any talk of adding an annex or moving to nearby location?

What you are experiencing has happened all over. What I would suggest (for what it's worth) is to rally your local bar association. Encourage attorneys who utilize your facility to speak up for the library and tell those who are considering changing your space allocation just how important the library is to them. If you have allies on the bench, talk to them, etc.

It just happened that the AALL press release arrived at almost the same time your message did. Under the heading of "Governance" is a very good policy statement which includes a good discussion of why it is a good idea to maintain full print collections. Electronic versions are not always available nor are they always accurate.

You might also want to let the powers that be know the rate at which your library is growing. One of our biggest problems is a lack of growth space. Off the top of my head I cannot give you the additional shelf space that was needed during the past few years, but the volume count is rising more rapidly each year, it seems.

You might want to emphasize that older volumes, although not used as often, are essential when one needs to know how the law read at the time of an incident / event involved in a lawsuit. Today's law might not, and in many cases is not, the same as it was several years ago - when the incident or circumstance occurred.

One of the intangible, "non-quantifiable" reasons that librarians use to justify keeping library space is that it is often the only space in the firm available to senior lawyers who need to mentor younger associates. The library is also a non-threatening haven away from the phones (or a demanding senior partner) where a lawyer can get substantive work done. In your case, I'm sure there are many solo practitioners who use your library to talk with other solo practitioners about cases they are working on or their practice. There are also judicial clerks or law students who can learn from practicing lawyers who may be using the library at the same time. In essence, you provide a resource to the county that encourages mentoring and the sharing of legal expertise among the lawyers and other legal personnel in the community. Hope this helps!

My personal feeling is that a well organized physical collection of books enhances the Public respect for the law. If we are a nation founded upon the rule of law and if we as a collective people have submitted ourselves to the rule of law, the way you prevent the "feeling left out" from "being left out" is to prominently display the books that contain the very law. The common law was developed from the "cases in the books" and new law will be made using "the cases in the books". Very recently, a Superior Court judge asked me if ALR had anything on "extinguishment of a prescriptive easement by non-use." LEXIS-NEXIS gave me the answer, but the judge didn't want to look at a screen (it was a 200 page Annotation), he wanted a BOOK! Right now the DA wants a case holding it to be OK for the People to bring a comatose young child, the victim, to court and present the child himself as evidence over a Defense objection of unduly prejudicial.

[W]e experienced the same type of rumors. The County Commissioners were the ones initiating the shrinkage. I circulated a petition (with the approval from my board) to my Library Members and the Bar Association outlining the problems and loss of services if the library was shrunk. It worked for us?

### **Discussion Wrap Up**

#### *Response from Original Post*

Thanks everyone for your immediate replies. I got a lot of great ideas which I either using or passing along to the powers to be. Already there seems to be a backing off of the plan to cut us in half for a more moderate scheme that was originally presented to us mid-summer that we felt would work.

#### *Follow Up*

I am hearing different rumors now about alternative space which might be more accommodating for us. We were moved out of our old space in 1994 with a small reduction of space from about 2500 sq. feet to 2200 sq. feet and we accommodated it by weeding and reducing equipment etc. Also we went to 8 ft. stacks from 6 ft. and bought a lot of step stools. Then earlier this year the powers to be wanted to move us because of shrinking courthouse space for row offices and courtrooms to an alternative site that formerly had another office unrelated to the operation of the courts. It was also a paring down from our 2200 sq. feet but we knew we could accommodate again with electronic format, reduction in duplicated less used equipment, smaller offices, and fewer carrels as we don't have as many visitors as we used to. Then the local D.A. decided he wanted ALL the space and went to the President Judge and made a proposal based upon telling the powers to be that the "library wasn't used by anyone anymore." It amused me as one of the DA's uses the library and a carrel every single day as his office. This would have cut us more than in half and that is finally when I said no more.

We are getting pushed around to just accommodate the needs of others without real consideration for what we need. I realize there is a crunch for space but this is not the place to look for it. It may be true that the DA hardly uses it and the same for the judges as they are all doing their own thing and have never sat down to discuss the repetition of research services that

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goes on in our courthouse between the DA, the courts and the Law Library. I have suggested a number of times that we examine this but haven't made any headway and I trust no one wants to give up their turf. I think I will still follow-up on this concept more heavily.

So I got more active and started keeping records of the number of users as we also cater to the county row offices, the public defender, the private attorneys and the public. Also our phone calls. It has been great as a measurement and surprised a few people on actually how many users per day or week that we have. I also gotten in touch with the Bar Association to gain more of their support and they are fully behind me. We are moving forward cautiously so as to not offend the powers to be before anything is finally settled. The Bar has discussed and supported an effort to petition all members for support but we are waiting on that till we have something more definitive and know where we are actually being moved to.

Rumor now has we will be moved to space occupied by another different row offices that is vacating and we may be getting a more realistic allocation of space comparable to what we have now but that is hardly definite. I continue to work hard at enraging every attorney or user who uses the library, one by one, without naming names but telling them there is a strong rumor that we may be cut in half and they in turn are taking that back to their offices so perhaps the grapevine will work well in this instance. I know it is spreading. I am also working to gather more work for my office and staff such as handling our local bar web page and court opinions to ensure we still have jobs. We are willing to be chameleons. If worse comes to worse I'll hire an attorney and get injunctive relief or get a book mobile and we'll travel from office to office. My staff could have some pretty nice lunches on the way. Gotta keep a sense of humor, I've been told.