

Below are digested responses from my SCCLL-SIS question posted on December 5, 2007:
“The perennial issue - law library funding. Beyond civil filing fees, has any law library tried other avenues for funding, for example, a portion of the attorney registration fee, or other vehicle? I am interested whether or not the attempt was successful.”

Thank you for your assistance and continuing interest in this topic.

- Jean Wenger
Government Documents/Foreign & International Law Librarian
Cook County Law Library, Chicago, IL

I. Checklist of Possible Funding Sources

- fee for service program
- filing/court fees including district court, criminal, civil, small claims, traffic, probate
- mandatory annual law library attorney registration fee for all attorneys with an active state license who have their office in the county
- membership or subscription program
- law library fee from designated offenses and fines, including natural resources, traffic and truck/common carrier violations
- miscellaneous monies from copy/fax/printing services, room rentals

II. Digested Responses:

1) Our public law library provides copiers and faxing services, and also has a fee for service program in which patrons (normally firms) may join Interlibrary Loan Retrieval Service on a sliding scale, depending on the number of attorneys in the local office of the firm. For the fee, they may call us and ask for materials to be pulled from the shelves and prepared for messenger pick-up. There are some other services as well. For firms with 9 or less attorneys, we provide the services for free. This nets us about \$85,000-\$90,000 a year - not major considering all our expenses but every little bit helps.

Our public law library was created by state law that provided not only for filing fees as the funding mechanism but also required the city and county to provide quarters, salaries and benefits for three positions, utilities and some miscellaneous expenses, so we have an appropriation for those each year.

We have not tried to get either local bar or state bar voluntary contribution check-offs on their fee statements because there are so many other interests within those organizations that need and want voluntary contributions that we do not want to be competing for their dollars and probably wouldn't be included if we asked.

2) In our state, county law libraries can receive up to from \$7 to \$10 from just about every filing/court fee paid including district court, criminal, civil, small claims, traffic, probate etc. Our county also has a mandatory \$75 annual law library attorney registration fee for all attorneys with an active state license who have their office in the county or who reside in the

county and practice in another state. The clerk of court, under statutory authority, won't file pleadings of attorneys who are not registered so we get good compliance. We get our list of attorneys from the clerk of the supreme court. This year our county also got additional fee authority to receive up to \$4 more per case with a filing fee surcharge but our county hasn't asked for the extra funding yet.

3) By statute, all of the attorney's registration fees go to the library fund. Unfortunately, we're stuck at \$10 per year per attorney and my trustees won't let me raise that. (The statutes let us go up to \$75 per year.) For years they hardly spent any money and we have an extremely capable court clerk who invests the money wisely. That's given us a surplus that the trustees use as an excuse to not raise the attorney's fees. I know we could have worse problems but it's more than a matter of bringing in money. I think if attorneys paid more for the library they would value - and use - it more.

4) Some county law libraries charge an annual borrower's fee. We charge an annual membership fee to attorneys who use our resources. The public can enter for free with referrals from the public library, the federal and court libraries and from any public service agency. So, we feel that we are still providing equal access to justice for them. This way, only those who have a legitimate legal research need visit. We charge \$5/day for members of the general public who are not attorneys but let them know when they enter that they can go to these organizations for a referral.

5) Many county libraries in our state use attorney appearance fees for part of their funding. We also get forfeited bonds and get money from the county in supplement to our filing fees and bond forfeitures.

6) The Membership Subscription Law Librarians Round Table is a group of public and bar association law library directors, most of whom use some sort of user fee as part of their financing.

7) We as of yet have not gone the Bar Association fee route, though it is mighty tempting. I'm holding out until we desperately need an influx. To help boost the civil filing fees we have created other service based revenue streams. Our County Board saw the need / wisdom in immediately increasing the fee to the [statutory] maximum \$13 per civil filing when the legislation passed.

We have a few other miscellaneous revenue streams. We usually gather 10%-15% of our overall revenue in this piecemeal fashion.

8) Our filing fees are on district and circuit court cases whether they are filed in a civil or criminal court. Fees are collected and deposited by the clerk's office directly into our account so there isn't a collection problem.

9) When I was on the County Law Library Task Force in 2005, the major issue was funding. The report identified the possibility of charging attorneys' bar membership fee to fund the law library. I kept on reminding our lobbyist in Sacramento to follow up but it has not happened.

10) Right now, our state funds its law libraries out of a portion of its traffic fines and has done so since at least 1953. We get part of traffic citations (on designated sections) written by the State Highway Patrol (SHP) and any citations written under certain state code sections. This means some libraries get a great deal of money and others get shorted. Counties that have a lot of interstates that are under the jurisdiction of the SHP and counties that don't have cities with ordinances get a pretty good return. Counties that have big cities lose out, because the cities cite under their own ordinances and the law libraries get none of that revenue.

11) Our state has a county law library statute, which allows collection from criminal and petty misdemeanor fines. In some cases, this fine is waived (public defender client, or judge decides at sentencing not to impose), but our law library receives the bulk of its income (over 70%) from a criminal law library fine/fee, not civil fees. The fine/fee amounts for both civil and criminal matters are established by the Board of Trustees of the law library and approved by the County Board of Commissioners.

[Some court districts, for example, provide for a \$10.00 or \$15.00 law library fee from designated offenses and fines, including natural resources, traffic and truck/common carrier violations.]

12) I have tried to push for: 1) attorney registration fee portion directed toward library, 2) paid Westlaw access and 3) asking the local bar to make an annual contribution in exchanges for some additional services or discounts. #1 was never implemented although everyone was approving of the idea. #2 did not work so we offer Westlaw for free for now. #3 did not even go pass the court's executive committee. We offer paid fax service (using court administration fax) but it doesn't generate any significant amount of money.

III. Publications Mentioned in Responses:

Funding Sources for Law Libraries Serving Local Jurisdictions (SCCLL website):
<http://www.aallnet.org/sis/sccll/toolkit/FundingSources.doc>

Sourcebook for Law Library Governing Boards and Committees

Written and compiled by the Trustees Development Committee, State, Court, and County Law Libraries Special Interest Section, American Association of Law, Littleton, Colo.: F.B. Rothman, 1994.

[H]as a chapter on the statutes used to create law libraries in each state and part of that analysis includes the different types of funding and governance.

California County Law Library Task Force Report: <http://www.cccll.org/>
Scroll down to report in HTML or PDF.

Alternative Funding Sources, considered by the Task Force, that were not approved as viable options. (See Appendix, page 1.)

- Assessment of a portion of court sanctions

- Assessment of a portion of traffic fines
- Secretary of State corporate filing fee surcharge
- Fictitious name filing fee surcharge
- Marriage license fee surcharge
- Recorded documents fee surcharge
- Vehicle registration surcharge
- Driver's license surcharge
- Other DMV fee surcharges

IV. FYI: Examples of going rates for charges and fees

These figures represent selected public law library fees and charges listed over the last two years in listserv discussions and on library websites.

Membership libraries

Attorneys: \$45.00 yearly membership + \$50.00 deposit

Attorney : \$55.00 for each attorney in county

Individual: \$50.00/year + \$125.00 security deposit

Firm: \$50 x total county-based attorneys in the firm.

Corporate: \$200.00/year + \$400.00 security deposit

Non-attorneys: \$10.00 yearly membership + \$50.00 deposit

Non-attorney: \$40.00/item limit of 2 items & 2 transactions/yr.

Non-attorney: \$55.00/yr. for county resident

Photocopying (self-serv) charges

Range: between \$.10 and \$.25/page.

Overdue fines

Range: \$ 1.00/day/piece to \$ 5.00/day/piece

Special Loan: \$ 25.00 /day/piece

Other fine charges:

If not replaced: \$150.00 per title

Processing Charges: \$ 70.00 per title

Binding charge (if applicable) \$ 25.00 /vol.

Faxing and computer network printing charges:

Network printing: \$.20/page to \$.25/page

Faxes (Transmitted or Received) \$1.00 per page

Copy and Fax: \$5.00/cite + \$1.00/pg

Copy Requests: \$.15/printed page, \$.30/microform page, transaction charge: \$8.00

Photocopies by mail: \$.25/page

Photocopies by fax: \$1.25/page

Disk purchase: \$1

Email service: \$3 per cite

Room rental fees

\$40.00 half day/\$60.00 full day

\$15.00/hr.

State-of-the-art computer-training center: 1/2 day (4 hours) \$300 -- Full day \$500

Meeting room: \$10 per hour