

The Washington State Legislative story

For the 2005 Legislative session, the Washington Association of County Law Libraries [WACLL] worked on three different legislative initiatives. We had a stand-alone bill, SB 5890, to create a surcharge on the filing fee dedicated to county law libraries. This effort began in 1998. We also worked on an omnibus bill, SB 5454 that included increases in the existing statutory filing fee minimums and maximums that had last been changed in 1992. A broad coalition worked to put together the pieces of SB 5454 and WACLL worked first to be included in what we came to call “THE BIG BILL.” After the bill was introduced, WACLL worked to have District Court fees increased –something the bill drafters had omitted. Finally we worked hard to keep one bill, SB 5301, from coming before the judiciary committee for a hearing. SB 5301 if adopted, would have prohibited libraries with more than one operation from having books in their branch libraries. Only electronic and web resources would be allowed.

The scorecard at the end of the session: SB 5890 had hearings in both houses, passed to the Rules Committee in the House and passed to Rules Committee in the Senate with substitute language that high jacked our original intent. Neither version went beyond their respective Rules committees. We were successful in getting an increase in the District Court fee section of SB 5454. That bill was enacted on the very last day of the session and signed by the Governor on May 13 in a ceremony I attended. We were successful in educating Senate Judiciary committee members by letter and individual meetings and kept SB 5301 from coming before the committee for a hearing.

Jean Holcomb
King County Law Library

King County Law Library

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A General Profile of the King County Law Library

Mission and Governance:

- King County Law Libraries, as a public law library, serves the legal and law related information needs of our county's residents, including members of the general public, judges, county officials, lawyers and the business community. Our Law Library provides services from two locations in downtown Seattle and from the Regional Justice Center in Kent.

Who uses the Law Library?

- In addition to attorneys and citizens, a large part of the County Law Library's patron base are government accounts such as the prosecutors, judges and court employees, defender organizations, and county employees.
- Our Law Library provides the resources to support the County's ability to offer law library service to the jail population.
- Our Law Library's reference statistics track service interactions on a daily basis. Other than telephone questions and basic directional questions, more County Law Library staff time is spent assisting members of the public with their research than with service to any other group of patrons. Over 70% of the questions answered in the Kent Law Library come from members of the general public while that figure in Seattle is 54%.
- In an average year over 100,000 users visit the two King County Law Library locations. Over 25,000 books are borrowed from the Library's collection.

What information do Law Library users hope to find?

- Because the Library's resources cover legal topics from A to Z -- from adoption to zoning—a visit to the Library services as a starting point for anyone with a law related question
- Users hope to find answers to questions about a wide range of family law topics including dissolution, child custody, child support, parenting plans, domestic violence, protection orders, and adoption.
- Many are looking for specific court forms to help this respond to litigation that's already underway or to initiate an action before courts at all levels from municipal court to federal court.
- Employment law questions such as issues about workmen's compensation, unemployment benefits, wrongful termination or discrimination bring people to the library.
- Landlords and tenants turn to the law library for help.
- Individuals with traffic infractions come to determine their rights and responsibilities.
- Family members of individuals charged with crimes want to know about sentencing guidelines and strategies for defending against criminal charges.
- Members of the legal profession including judges, prosecutors and private attorneys use the Library in the course of their daily activities to prepare rulings, file charges, or advise clients.

How do we help?

- The Library's trained staff assists users in identifying resources that help answer their questions.
- The Library provides materials in a variety of formats including books, periodicals, online subscriptions to legal databases, and Internet resources. Our www.kcll.org web site provides research guides, email and chat reference service, and the library's catalog.
- We offer computer terminals for users to search the web, to research using online subscriptions, to create documents and court forms, and to attend training session taught by staff.

Letter to President of King County Bar Association

Washington Association of County Law Libraries

TO: xx, President: King County Bar Association
xx, Chair: King County Association Legislative Committee

FROM: Jean M. Holcomb, WACLL Chair
King County Law Library, Seattle

RE: County Law Library Legislative Agenda

DATE: January 11, 2005

General Summary: For the past six Legislative Sessions, WACLL has supported the adoption of legislation to create a mechanism for securing, with the approval of the local legislative body, a surcharge on the civil filing fee in district and superior court for the purpose of funding the county law library. This is a practical solution to a discrete problem. Legislatures across the county in jurisdictions such as Maryland, Minnesota, and California, for example, have amended their state county law library statutes to create local option funding sources for county law library systems. The KCBA and WSBA Board of Governors has supported this bill in the 1999, 2000, 2001, 2002, 2003, and 2004 sessions. This proposed amendment to RCW 27.24.070 benefits everyone by improving the access of all participants in the justice system to free, quality legal research materials. We hope the KCBA will join the WSBA this year in continuing its support in the 2005 session when the local option fee bill will be reintroduced.

Background Information: A General Profile of Washington's County Law Libraries

Mission and Governance: Washington County Law Libraries, as public law libraries, serve the legal and law related information needs of their counties, including judges, county officials, members of the bar, and county residents. The County Law Libraries cooperate with their communities to enhance knowledge of the law and to facilitate access to the justice system. County Law Libraries are established under RCW 27.24 and are governed by a Board of Trustees.

Funding: The primary source of revenue for all Washington County Law Libraries is a share of the civil filing fee collected in District and Superior court. Many County Law Libraries receive annual appropriations from their county's general or current expense funds to help underwrite operating costs. In addition, many receive funding from members of the practicing bar either in the form of a contribution from the Bar Associations in their counties or from contributions from individual attorney users of law library services. Most County Law Libraries collect revenues from such traditional library services as copy machine operation, fees and fines.

Patrons: In addition to attorneys and citizens, a large part of the County Law Library's patron base are government accounts such as the prosecutors, judges and court employees, defender organizations, and county employees. In some counties, the Law Library provides the resources to support the county's ability to offer law library service to the jail population. The County Law Library's reference statistics track service interactions on a daily basis. Other than telephone questions and basic directional questions, more County Law Library staff time is spent assisting members of the public with their research than with service to any other group of patrons.

Critical Issues: Several factors have contributed to the financial crisis which faces Washington's County Law Libraries. The law library filing fee funding mechanism uses a fixed fee formula which can only be increased by state legislative action. The statutory revenue stream was last increased in 1992 and has failed to grow at a pace to support law library operations. Without a diversified statutory revenue stream, few avenues exist for developing additional stable sources of revenue to match the growth in demand for service driven by such factors as the increased need for services tied to the criminal justice system's share of court business. Keeping the law library's collection current is the County Law Library's single largest operational expense. Since 1996 the legal publishing industry has experienced an unprecedented series of publisher mergers and acquisitions followed by dramatic price

increases. The rate of these price increases far outstrip any library's ability to generate revenue under the existing statutory scheme. While the Internet and other forms of electronic publishing have expanded library collection resources, they have not replaced the book as a primary source of legal research material.

Letter to Senate Judiciary Chair from Law Library Board Chair

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February 22, 2005

Senate Judiciary Committee
Olympia, WA 98504-0466

RE: support for SB 5890

Dear Judiciary Committee members:

This letter is to explain why the Board of Trustees of the King County Law Library strongly supports SB 5890. As you know, this legislation would amend RCW 27.24.070 to establish a local option civil filing fee surcharge for the purpose of contributing to the funding of the county law library.

The mission of our library is to provide access to legal information for the residents of our county including the judges, prosecutors, government officials, lawyers and citizens. In King County, 54% of the users of the Seattle courthouse law library's services and 70% of the Kent Regional Justice Center's law library services are non-lawyer members of the general public. We believe that public law libraries such as ours play a fundamental role in preserving access to justice for all residents of our county by making the law accessible.

Current funding for county law libraries comes primarily from civil filing fees in District and Superior courts. The statutory revenue stream was last increased in 1992 and has failed to grow at a pace to support law library operations. Our ability to fulfill our mission is threatened by a lack of adequate funding.

SB 5890 proposes a practical solution to a discrete problem. The law library board of trustees in each county will be charged with presenting their county governing body with evidence of the need of additional funding before a surcharge may be authorized by the county governing body. The county would decide for itself whether or not any such surcharge should be imposed. The amount of the surcharge a county could authorize is quite small.

We urge you to support the adoption of SB 5890. Thank you for your consideration.

Sincerely,

xx, President for the members of the King County Law Library Board of Trustees:

Letter of Support to Senate Judiciary Chair

**Washington Defender Association
Washington Association of Criminal Defense Lawyers**

February 11, 2005

Senate Judiciary Committee
House Judiciary Committee
Washington State Legislature
Olympia, WA 98504

Dear Senators and Representatives,

We are writing on behalf of the Washington Defender Association and the Washington Association of Criminal Defense Lawyers to express our support for HB 1597 and SB 5890. These bills would allow counties to impose a filing fee surcharge to fund county law libraries.

County law libraries play a vital role in the criminal and civil justice systems. Law libraries are used by both lawyers and pro se litigants, and are an important resource for those who do not have access to expensive computer resources. For smaller offices and attorneys just establishing their practices, the use of a county law library can be critical to their ability to provide effective representation. For a person who cannot afford an attorney, the law library may be his or her only resource.

Please support these bills. Thank you for your consideration.

Sincerely,

xx
Executive Director, WDA

xx
Executive Director, WACDL

Thank you letter to Chief Justice:

Washington Association of County Law Libraries

May 9, 2005

Chief Justice xx, Board for Judicial Administration Co-chair
Judge xx, Board for Judicial Administration Co-chair

RE: County Law Library funding increases in E2SSB 5454

Dear Justice xx and Judge xx:

On behalf of the Washington Association of County Law Libraries, I'm writing to express our appreciation for your support for increased funding for County Law Libraries through the Justice in Jeopardy effort that led to the passage of E2SSB 5454 during the 2005 Legislative session.

I urge you to publicly take credit for including our Law Libraries in your Legislative efforts and for making it possible for County Law Libraries to continue to provide access to legal information to all who live and work in our state.

Section 16 of E2SSB 5454 provides for increases in the County Law Libraries' share of the civil filing fees in both District and Superior Courts, our first funding increase since 1992. The revenue generated by the Law Library's share of the filing fee had not kept pace with the cost of providing the service. The efforts of the Washington Association of County Law Libraries over the past seven years to bring about increases in the statewide filing fees for County Law Libraries have failed.

By including County Law Libraries as a part of your Justice in Jeopardy package, you have succeeded in ensuring the continued viability of the mission of our Libraries to provide access to legal information for the judges, prosecutors, county officials, attorneys, and citizens of their counties. County Law Libraries play a vital role in both the civil and criminal justice systems. For those in our state who cannot afford representation, their County Law Library may be their only resource for legal information. Access to law library services and legal information promotes public trust and confidence in our justice system.

We are all excited about the opportunities that additional funding will provide to expand resources and services. Thank you again for your support of adequate funding for Washington's County Law Libraries.

Sincerely,

Jean Holcomb, Chair: Washington Association of County Law Libraries

Letter from Library Board Chair to Senate Judiciary Chair

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TO: Senator xx
FROM: Judge xx, President, King County Law Library Board of Trustees
RE: SB 5301
DATE: February 2, 2005

I'm writing to you today to express the King County Law Library Board's strong opposition to SB 5301 and explain why we are so opposed to this bill.

As I know you are aware, the King County Law Library provides public access to legal information to our county's residents from locations in the downtown Seattle County Courthouse and the Kent Regional Justice Center. We serve over 100,000 Library users during an average year. Our Libraries provide access to legal materials in a wide variety of formats, including print. The majority of our users are non-lawyer members of the general public. In Kent over 70% of our users are non-lawyers.

This bill, however, targets counties with more than one library such as King County and prohibits the use of any printed material in more than one library location. (In fact, it is so broadly worded that it would appear to bar any but one county funded "library facility" in any county, potentially sweeping in the libraries maintained by prosecutor's offices, public defenders, and other county offices.) In King County, if enacted, this legislation would severely compromise our ability to provide services from our Kent library because any printed legal research materials, including books, would be prohibited there.

Our Library strives to provide the very best materials in a format which enhances use. Were our collection choices restricted as SB 5301 requires, our patrons would lose the benefit of a collection built for their needs. Nor is it clear what we would be required to do with the valuable print legal research collection which we currently maintain in Kent.

One of the greatest flaws in this bill is its assumption that all legal materials are available online. To the contrary, the Law Library's best legal resources are often secondary materials that are generally available only in print. To document this, I've attached a two-page listing of Washington-specific treatise materials which are important to this Library's collection, but are only available in print form.

Moreover, the bill's further assumption that online resources can replace print materials in a county library facility is erroneous, for all of the following reasons:

1. Only one person can work at a computer station at a time. Thus, an electronic Revised Code of Washington or set of court rules serves only the person at the computer, while the print set can serve many.
2. Online books cannot be checked out and taken home for study
3. Online access is less dependable than print. A broken computer or server can take a whole library down with it. The public law library should be a place where the law is *always* available to be read.

4. Online resources require much more staff time than do print resources. Increased staff time translates into higher personnel costs.
5. Online materials that are accurate, authoritative, and reliable are more expensive than their print counterparts. Network licenses are hugely expensive.
6. Online materials require the patron to be not only literate, but electronically sophisticated. But access to legal information should not depend on a person's understanding of computers.
7. Explanatory books are not available online. I have attached a listing of Washington State materials which are available only in print.
8. Legal forms are not available online. The only forms available online are AOC forms and those provided by legal societies like NW Justice

Another very disturbing feature of SB 5301 is that it assumes a law library facility can operate without a librarian. The bill's first line states that *all of the services of any law library may be delivered in online or electronic format*. Although Law Librarians are vital to the operation of a law library, especially for non-lawyer users, this legislation fails to recognize or provide for their service.

Without the law librarian and staff, patrons would have no idea whether to look for a WAC, an RCW, a court decision or a court rule. And professional staff is even more necessary when patrons are accessing materials electronically, because patron training is paramount to successful research. Every step in the research project requires staff input, from selecting the appropriate database, to constructing and entering a query, to interpreting the output. This is not a short process. Moreover, most lay persons who are representing themselves in court will find they need to finish their research by consulting a printed book.

In short, if this legislation is aimed at eliminating the library staff, its effect will be to also eliminate the value of the law library. Whether the resources provided are printed or electronic, patrons will not be successful researchers without the librarian.

Paragraph 3 of the bill usurps local county control over their local library services. It divests the county of its prerogative to decide the library services it needs. County law libraries provide a multitude of services for their counties. Each county should decide for itself on those services.

Paragraph 3 also contravenes RCW 27.24.030, which vests the control over the law library collection, its board of trustees. Under RCW 27.34.030, it is the library board that is to determine how funds should be spent and its collection resources allocated. This bill would usurp the authority of the library board by determining what a library can and cannot purchase for its collection.

As noted earlier, Paragraph 3 has the potential to limit other county departments from purchasing legal reference materials. Because this paragraph restricts the county to one library facility, it has the potential to restrict other departments from maintaining a legal collection such as the prosecutors, courts, and other agencies do.

In short, SB 5301 would deeply damage the King County Law Library, and every other county law library system. It is based on profoundly flawed, inaccurate assumptions. It would usurp local control, contravene existing law, and likely hamper the proper functioning of other county agencies such as prosecutors. It is for these reasons that we are greatly concerned about and greatly opposed to this bill.

**Washington State Legal Materials, Print Format
Not Available Online**

2003 Employment Law Handbook
Annotated Comprehensive General Liability Insurance Policy: Wash. Cases, with Commentary, 3rd
Complete Guide to Washington Real Estate Practices
Construction Contracts Law 2005
Construction Lien Law 2005
Construction Lien Practice and Procedure Manual for the State of Wash., 3d
Criminal Case Law Notebook 2002
Defending DUI's in Washington
Employment in Washington: A Guide to Employment Laws Regulations, and Practices
Employment law Handbook
Family Law in Washington State
History of the Supreme Court of the Territory and State of Washington
An Introduction to Washington Water Law
Juvenile Criminal Law in Washington: A Practical Guide
King County Probate Policy and Procedure Manual
Law of Evidence in Washington
Pierce County Guardian Ad Litem Training Manual for Guardianships
Primary Law Appendix for Employment in Washington
Search & Seizure
Sentencing in Washington
Shoreline Public Access Handbook
Tom Chambers' Trial Notebook
Training for Guardian ad Litem and Parenting Investigations
Tribal Court Family Law Handbook
Tribal Court Handbook for the 26 Federally Recognized Tribes in Washington State
UCC Revised Article 9 Deskbook
Washington Administrative Law Practice Manual
Washington Automobile Accident Deskbook
Washington Automobile Accident Insurance Deskbook
Washington Automobile Accident Litigation Deskbook
Washington Building Contracts and Construction Law
Washington Civil Practice Deskbook
Washington Closing Officer's Guide
Washington Corporate Forms
Washington Corporation Law & Practice
Washington Criminal Practice in Courts of Limited Jurisdiction
Washington Employment Law Deskbook
Washington Environmental Law Handbook, 3rd
Washington Environmental Regulations and Liability
Washington Guardianship Law Administration and Litigation
Washington Insurance Law
Washington Land Use and Environmental Law and Practice
Washington Law of Wills and Intestate Succession
Washington Municipal Financing Deskbook
Washington Objections at Trial
Washington, Oregon and Alaska Limited Liability Company
Washington Probate Practice, Procedure and Tax Manual Forms and Practice Manual
Washington Search & Seizure Quarterly
Washington Secured Transactions Under Revised Article 9 of the UCC
Washington State Environmental Policy Act: A Legal and Policy Analysis
Washington State Environmental Reporter

Washington State Guardian Manual 2002 ed.
Washington State Wetlands Identification and Delineation Manual
Washington Statutory Time Limitations, 2d
Washington Wills and Trust Forms
Wrongful Discharge under Washington Law
WSTLA Automobile Accident Deskbook