

**AALL CASE STUDY:
CALIFORNIA COUNTY LAW LIBRARIANS FEND OFF COURTS' PROPOSAL
TO SWEEP LAW LIBRARY FUNDS**

By Anne Bernardo, Chair, CCCLL Legislative Committee
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The Challenge

In February 2010, the [Council of California County Law Librarians](#) ("CCCLL") sent a letter to the [Judicial Council of California-Administrative Office of the Courts](#) ("AOC") requesting a meeting to discuss issues of mutual concern, including the moratorium on the uniform civil fee ending January 1, 2012. The last [filing fee increase](#) allowed for county law libraries (California Business & Professions Code sections 6300 et seq.) was January 2007.

In April 2010, the CCCLL president, members of the Legislative Committee, and the CCCLL lobbyist met with the director and assistant director of the [AOC Office of Governmental Affairs](#) ("OGA") – the office responsible for advocating before and providing assistance to the Legislature and Governor on legislative matters affecting the courts and the judicial branch budget. CCCLL highlighted the myriad of services and legal resources the county law libraries provide that help the courts, especially those programs that assist the self-represented litigants.

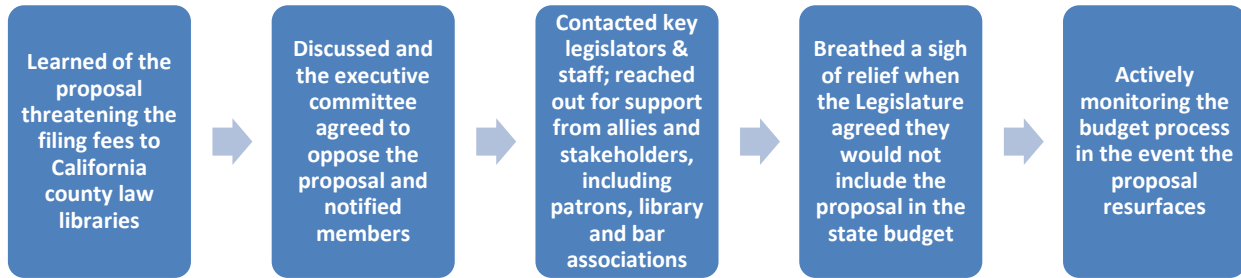
In that meeting the OGA outlined a proposal by the AOC ("proposal") to sweep county law library filing fees to help bridge the Courts' \$360 million shortfall in State general funds. (Several days before, the OGA had contacted CCCLL's lobbyist informing him they would be bringing this proposal to the meeting.) Saying the law libraries needed to "share the pain," the AOC estimated they would be taking \$3.67 million each year from the law libraries, and they proposed to

- Limit each county law library to the total filing fee amount it received in fiscal year 2007-08. Fees exceeding the FY07-08 level would be redirected to the Trial Courts;
- Distribute to each law library one-twelfth of its FY07-08 total each month for the first eleven months; in the twelfth month, the library would receive either an equal payment or an adjustment downward if paid filings were lower for the year;
- Include this plan in a trailer bill to the FY10-11 State Budget effective July 1, 2010.

CCCLL recommended alternative proposals and options to mitigate the proposal's impact on the law libraries. The OGA agreed to limit the redirection to three years (until 2013) and would include provisions allowing for an adjustment in the amount redirected when economic conditions improved.

Due to the devastating impact it would have on the resources and services of the county law libraries and the dangerous precedent it would set, CCCLL's executive committee agreed to Strongly Oppose the proposal. This case study looks at the actions CCCLL took to oppose and stop this proposal in the Legislature.

The Response



Reviewed the draft legislation and agreed to Oppose

CCCLL received the AOC's draft legislation on April 27. After reviewing the language, the legislative committee found its only viable options were to derail the entire proposal, and, if not, it would need to mitigate the proposal in negotiations. It was necessary for CCCLL to respond to the proposed legislation, still keeping in mind we wanted negotiations to remain open with the AOC. Because the proposal would be included in the State budget beginning July 1, all options had to be put into play due to the short time frame. The legislative committee recommended to the executive committee that CCCLL take a Strongly Oppose position on the proposal. The executive committee agreed. On May 5, CCCLL President, Larry Meyer, notified the members via the listserv and members were asked to contact their local legislators to alert them to the proposal and our opposition to the plan.

CCCLL's lobbyist was directed to contact the legislators and others in Sacramento on our opposition to this developing proposal and to build support for our position. Our lobbyist also provided continuing strategy and advice on negotiating the State budget process. On May 10, CCCLL's letter objecting to the proposal was sent to the Governor, legislative leadership, and the budget committees urging them to abandon the proposal.

Contacted legislators and reached out to allies and stakeholders

On May 11, CCCLL legislative committee chair, Anne Bernardo, contacted the Government Relations Committees of Northern California Association of Law Libraries (NOCALL), Southern California Association of Law Libraries (SCALL), San Diego Area Law Libraries (SANDALL), AALL, and the California Library Association requesting their support in opposing the proposal.

The legislative committee developed a fact sheet and talking points were tailored to point out CCCLL's many concerns with the proposal. CCCLL members posted sample letters and there was active listserv discussion. Members were quick to notify their trustees, send letters and *personally* visit their local legislators, alerted their customers, decision makers, local bar associations, and posted open letters and messages on listservs and articles in online newsletters.

After the Governor released his Budget Revision by May 14, the Legislature's budget subcommittees pretty much moved at warp speed to finalize their actions prior to sending it to its full committee in each house. On May 13, CCCLL learned the Speaker of the Assembly fully

supported the judicial branch's proposal to take law library funds, but was interested in mitigation on a library-by-library basis. On May 18, the Senate president pro tempore said they would also support the proposal in "some" manner and would consider mitigation on a library-by-library basis. Any negotiation for CCCLL to mitigate the proposal would now occur with the Legislature.

CCCLL and its lobbyist kept up its pressure on key legislators and their staff. On May 21, the California Library Association agreed to support CCCLL's opposition to the proposal, and their lobbyists were directed to assist in the efforts to defeat the proposed budget shift.

On May 22, Senate leadership notified CCCLL they would no longer support the proposal. Reportedly, a key senator raised her objections to the proposal with the Senate president pro Tem. On May 25, CCCLL was notified that the Assembly would follow the Senate and no longer supported the proposal. We understand the strong efforts from those supporting the law libraries convinced the legislative leaders that given the small amount of funds that would be captured "the effort was not worth the fight." By the end of the week, the subcommittees and full budget committees had met, and neither the Senate nor Assembly version included the proposed sweep. In 5 weeks from start to finish, the proposal to take county law library filing fees was over.

Current status

Until the [State budget](#) is adopted by early fall, CCCLL will keep an alert eye out for this proposal resurfacing. Though the Legislature has failed to pass a budget by the June 15 deadline twenty-three times in the last 24 years, the budget process still moves forward. It's not over till it's over.

County law library filing fees have never been a State budget issue before, and CCCLL responded by enlisting a broad based approach that required decisiveness, speed, and flexibility. With the speed the proposal grew legs, it was a challenge for CCCLL members to keep up with the developing actions being taken. Timing was everything and the varied, but consistent messages resonated with the decision makers and stakeholders. In one legislator's response to a county law librarian, he said, "County law libraries provide a service to all Californians who are attempting to access the judicial system, and I support the services they continue to provide, even under the most difficult fiscal circumstances." In Governor Arnold Schwarzenegger's letter to NOCALL informing them the proposal was not included in the final trailer bill package, he said, "[O]ur county law libraries can be an effective tool in helping to provide all Californians equal access to justice through their legal information resources and services."

It was an amazing demonstration of support for the county law libraries in the face of California's projected \$19.1 billion budget deficit. Keeping the proposal out of the State budget would not have been possible without the leadership of CCCLL, its members and trustees, state and local library and bar associations, and the many library users who spoke out about what their county public law libraries mean to them. CCCLL is deeply grateful to each and every one.