

Standards for Appellate Court Libraries and State Law Libraries*

American Association of Law Libraries
State, Court and County Law Libraries Special Interest Section**
Approved by AALL Executive Board, July 2005***

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 Special Interest 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 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 library director should meet on a regular basis with his or her superiors to discuss and determine policy directions.

* © American Association of Law Libraries, 2006.

** Developed by the Standards Committee of the State, Court and County Law Libraries Special Interest Section of the American Association of Law Libraries, 2002–05. Committee members were Joan Bellistri (02–03), Martha Campbell (04–05), Jane Colwin (04–05), Fran Jones (03–04), Catherine Lemann (02–03), Timothy Lewis (02–03), Randy Mafit (02–03), Mike Miller (04–05), Anne Morrison (02–03), Pat Parker (03–04), Marjorie Price (02–03), Joe Stephens (02–03, 04–05), Maryruth Storer (04–05), and David Voisinnet (02–03, 03–04).

*** Am. Ass'n of Law Libraries, Minutes of the AALL Executive Board, July 14–15, 2005, at 3370 (on file at AALL Headquarters, Chicago).

- C. The library director should prepare the law library's annual report and submit it to the governing authority.
- D. The library director should initiate or be involved in planning and implementation of decisions that affect the law library, including but not limited to:
 - 1. development and administration of the law library budget;
 - 2. development of the collection, including bibliographic and physical control for facilitating access;
 - 3. contracting for or participation in library or other information networks or services;
 - 4. participation in local and/or statewide court electronic networks;
 - 5. recruitment, hiring, supervision, and training of personnel to assist users and perform all administrative functions required of the law library;
 - 6. development and staffing of branch libraries and chambers collections where appropriate;
 - 7. maintenance of the physical facilities, including providing significant input when planning for capital improvements or new construction; and
 - 8. management of 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. However, 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 library director should be part of the management team for the governing authority. The 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 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, nonprint, 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, nonprint, 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. professional development, including staff training, professional memberships, and travel; and
 7. such other categories as may be defined by law or practice.
- D. The library director should prepare, justify, and manage the law library budget. The law library budget should be given equal priority with other services in the budgetary process of the governing authority. The law library's budget request should be defended vigorously by the governing authority.

Comment

The budget of the law library 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.

III. Personnel

- A. At a minimum, the law library should be staffed during all hours of court 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 professional skills necessary to meet the goals of the library's mission. The Competencies of Law Librarianship¹ established by AALL may be used as an additional guideline. Sufficient information technology and technical, clerical, and administrative support should be made available to the law library to support these functions.
- B. The salaries of the library director and all other library staff should be commensurate with their education, training, responsibilities, and experience. At a minimum, the library director's salary should be comparable with the governing authority's other senior management positions.
- C. The library director should hire all library staff and evaluate their performance. All other human resources policies should be in compliance with the governing authority's personnel policies and guidelines.
- 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

1. Am. Ass'n of Law Libraries, *Competencies of Law Librarianship* (Mar. 2001), *reprinted in* AALL DIRECTORY & HANDBOOK 2005–2006, at 417 (45th ed. 2005), *available at* <http://www.aallnet.org/prodev/competencies.asp>.

participate in conferences and online discussion groups as part of an ongoing program of professional development and education.

- 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.

Comment

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

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

IV. Physical Plant and Facilities

- A. The law library should be conveniently located in or adjacent to the appellate courts complex. 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 should be arranged in a manner that allows for easy access to the collection. Sufficient shelving and adequate growth space should be determined according to accepted standards in the library profession.
- C. Space and facilities should be provided for the use and storage of nonprint 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 controls, including heating, ventilation, air conditioning, and humidity, 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, fax machines, sufficient electrical outlets, and sufficient data lines and networking capability for computer use and Internet access should be provided in the law library. Public computers with printers should be available to access commercial online and electronic services, including the Internet.

- G. Directories, library guides, and other signage to assist users should be provided.
- H. The law library must meet the requirements of the Americans with Disabilities Act of 1990 as amended.

Comment

The appellate court library or state law library should be housed in the same complex or in close proximity to regular library customers: the courts, legislative and executive branches of state government, members of the bar, and the general public.

Today's law libraries should be equipped with a variety of equipment, hardware, and software needed to enhance library services. A crucial component of providing access to electronic information is the baseline need for coordinated connectivity to reliable electronic networks. These network connections, in most circumstances, should be provided and supported by the library's governing authority.

V. Information Services

- A. The law library's mission and goals statement should identify its user groups and the levels of information service provided to 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 ask for assistance in person, as well as by telephone, mail, fax, or e-mail.
- C. 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 Web site 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.

Comment

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 or 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.

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.

VI. 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 library director in consultation with staff and users, and approved by the library's governing authority.
2. The library director should have the ultimate responsibility for the selection, acquisition, and disposal of materials in accordance with the collection development policy.
3. All 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 as such.
4. The library should attempt to collect and retain a complete historical collection of its state's primary law—constitutions, charters, statutes, ordinances, administrative regulations, court rules, and case law—as well as appropriate secondary sources.
5. 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 print (including microforms) and online sources.
6. The library director should have the authority to negotiate vendor contracts and to join library or other information networks in order to facilitate acquiring, sharing, and providing access to a variety of information services.

Comment

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, and collection maintenance. 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 pro-se 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. The policy should be reviewed periodically and revised as needed.

As a comprehensive legal research facility, the library should retain all superseded primary law and secondary sources of the home jurisdiction because, for many jurisdictions, this may be the collection of "last resort." The library should ensure that it maintains the equipment and technology necessary to store, retrieve, access, and print any nonprint collections.

B. Cataloging

1. The entire collection, including nonprint 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 on the records in 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 library director should have the authority to oversee the planning, funding, and implementation of in-house 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.

The use of cooperative cataloging products and services simplifies and speeds up the cataloging process while keeping its costs down.

C. Collection Maintenance

1. The library's collections should be maintained in good physical condition. The library should establish preservation and disaster control programs.
2. Loose issues of serial publications, except those of temporary value, should be bound for permanency or stored in a durable and accessible nonprint format on an ongoing basis.

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.

Preservation has three aspects. The first is stopping damage before it starts. The second is the repair of damage already done to prevent further harm and to make the material 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.

An essential element of a disaster control program 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.

VII. Collection

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 constitution
 - 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
 - Municipal and county codes plus all superseded editions
2. Administrative
 - Attorney general opinions
 - State administrative code plus all superseded versions
 - Complete set of administrative registers (if applicable)
 - State agency decisions when available
3. Judicial
 - All published and unpublished (if applicable) appellate court decisions
 - Appellate court records and briefs
 - Current court rules and all superseded editions
 - Annual reports of the state court administrator
 - Judicial Council reports
 - Judicial Conference reports
 - Judicial directories
 - Benchbooks and manuals for court personnel
4. Finding aids and other secondary resources
 - At least one state case law digest
 - State legal encyclopedia, if available
 - State print citator or electronic equivalent
 - Complete set of Bluebooks (if applicable)
 - Significant treatises, form books, and practice books plus all superseded editions

- State and local bar associations' publications and reports
- Legal periodicals and newspapers

B. Federal Resources

1. Legislative

- *Statutes at Large* and current session laws
- Current *United States Code* and all previous editions; at least one commercially published annotated version
- 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

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
- 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*
- Print citator for reports and codes, or electronic equivalent

C. National Publications

1. Legislative

- Current annotated statutory compilation for each state (if more than one available, preference should be given to the official set)
- Current constitution for each state

2. Administrative

- Selected administrative publications for other states
- Attorney general opinions for selected states

3. Judicial

- Complete National Reporter System
- Any published decisions from the state courts of last resort prior to the National Reporter System
- Current court rules for each state

4. Finding aids and other secondary resources

- American Digest System
- *American Law Reports*
- Print citators for all units of the National Reporter System, or equivalent electronic access
- *Words and Phrases*
- *American Jurisprudence, 2d* and/or *Corpus Juris Secundum*
- *Restatements of the Law*, all editions
- *Uniform Laws Annotated*, all editions
- Broad selection of law reviews, legal periodicals, and newspapers
- *Current Law Index* and/or *Index to Legal Periodicals*, or equivalent electronic access to at least one
- Basic collection of current legal texts, treatises, and loose-leaf services
- Legal reference tools, including dictionaries, thesauri, compilations of legal abbreviations and legal quotations, and *Martindale-Hubbell Law Directory*
- General reference tools, including unabridged dictionary, atlases, almanacs, and the *Statistical Abstract of the United States*

Comment

These materials are recommended as the core of a strong appellate court library or state law library print collection. The list may be used as a checklist for collection evaluation purposes, but should not be used to limit the scope or development of a collection that meets or exceeds the standards. When selecting materials from other states, emphasis should be given to those from surrounding states.

Maintaining cooperative resource sharing agreements with libraries 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.

It is critically important that both print and electronic resources be available in public appellate court libraries and state law libraries. While it is generally conceded that online technology will anchor the research capabilities of future libraries, the shape of that technology remains unknown, and issues concerning the digital preservation of materials are just beginning to be addressed. Print collections will continue to be an important part of library resources for the foreseeable future, and they must be retained, in view of the many uncertainties of the electronic future.