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**Model Trial Court/County Law Library Code
 Draft #5**

June 1, 2002

Introductory Comment:

The concept of a model trial court/county law library code began in 1999 when Shirley David was chair of the AALL State, Court, and County Law Library Special Interest Section. In working on a strategic plan for the SCCLL, the SCCLL Board had received feedback that many county law libraries were struggling to survive. Ms. David appointed a working group, chaired by Michael Miller, Director of the Maryland State Law Library, to do a national survey of the organization and funding of county law libraries and to determine the need for a model code. If a model code were recommended, the working group was also charged with developing a plan that would address the issues that would make up the subject matter of any proposed code.

After completing a national survey and studying existing court/county law library statutes, the first Working Group on a Model County Law Library Code recommended in May 2000 that a model county law library code be drafted as an official project of SCCLL. It further recommended that a new Working Group be formed to draft the model code. The Group also recommended that as a part of this project, the existing SCCLL Standards for County Law Libraries be examined and updated. It was proposed that a first draft of the model code be presented to the SCCLL Board of Directors at the 2001 AALL Annual Meeting, that comments be received and analyses be made in 2001-2002, and that a meeting to discuss the model code be held at the 2002 AALL Annual Meeting.

The Final Report of the First Working Group, Draft #5 of the Model Code, and the Final Draft of the County Law Library Standards are available on the SCCLL web site (www.aallnet.org/sis/sccll).

*The second Working Group has spent the past two years drafting the Model Code. The text of Draft #5 follows, with committee comments. **The rationale behind the Model Code is not to persuade jurisdictions to adopt it if they are satisfied with their current channels of delivering law library services. The idea is to have a resource available, recommended by law librarians, for the consideration of legislatures that are pursuing changes in their state's statutes relating to law libraries.***

Chapter (Section) _____

Law Libraries

Section 1. System of Law Libraries

- A. There shall be a system of law libraries within the state to provide access to legal information to all users of the trial courts and to the general public.
- B. The system of law libraries shall be under the supervision of the Trial Court Law Library Board of Directors.
- C. Law libraries shall be established in every jurisdiction where sessions of court are required to be held by law.
- D. The law libraries shall be located in the same building where sessions of court are held or within close proximity. Space for the law libraries shall be provided in the same manner in which courtroom space is allocated and maintained. The space occupied by the law libraries shall meet the standards and guidelines established by the Trial Court Law Library Board of Directors.
- E. The law libraries shall be open to the public.
- F. The law libraries shall be arranged in a tier system according to the extent of potential use (or population served.) The tiers shall be designated by the Trial Court Law Library Board of Directors. The Board shall establish guidelines for the resources and services of each tier in accordance with the Court and County Law Library Standards approved by the State, Court and County Law Libraries Special Interest Section of the American Association of Law Libraries. The guidelines shall be published in _____.

Comment:

Access to legal information is a component of access to justice, the provision of which is a duty of the courts. There is a nationwide movement toward unification of the trial courts at the state level. Court-related services, such as law libraries, stand to benefit from a statewide, coordinated approach to technology and service to the public.

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Section 2. Trial Court Law Library Board of Directors

- A. There shall be a Trial Court Law Library Board of Directors, consisting of nine voting members, three of whom must be members of the judiciary, three of whom must be attorneys actively engaged in the practice of law in this state and three of whom must be members of the public. The members of the Board shall be appointed by the Chief Justice of the Supreme Court for a term commencing on the date of their appointment and expiring three years after the July 1st following their appointment.
- B. The Chief Justice shall designate from among the members of the Board a chairperson and a vice chairperson who shall act in the absence of the chairperson, each for terms of one year, commencing July 1.
- C. The State Law Librarian and the State Court Administrator shall be ex-officio non-voting members.
- D. A quorum shall consist of five of the voting members.
- E. The Board shall meet at least once a year.
- F. The Board shall govern the law library system. It shall formulate policy and may delegate administrative policy.

Comment:

A Board of Directors provides an ongoing vehicle at the state level for maintaining contact with the primary user groups of local law libraries.

Section 3. Management of funds

- A. The law library system shall be funded as a part of the trial court system's budget.
- B. All funds provided in the statutes (appropriated by the legislature) for the use and benefit of any and all existing county law libraries in the state organized pursuant to _____ after _____ shall be paid to the State Court Administrator (State Law Library or State Library) and shall be disbursed by that office under the direction of the Trial Court Law Library Board of Directors for personnel, the purchase of legal resources and equipment, and administrative costs, including travel. The Board shall negotiate statewide contracts wherever appropriate for both print and electronic resources for all law libraries. The Board shall allocate a specific amount of any revenues (appropriation) for each tier, and each library within a specific tier must receive an equal share of that amount.

Comment:

This provision allows for the continuation of existing statutory sources of funding and for supplemental funding through appropriation.

Section 4. Personnel

- A. The State Court Administrator (or State Law Librarian or State Librarian) shall employ, subject to the approval of the Trial Court Law Library Board of Directors, and shall supervise, a professionally trained law librarian, who shall be designated the Trial Court Law Library Coordinator. The Coordinator shall have general supervision of the professional functions of all law libraries in the system, visit the law libraries as needed, meet with local law library committees, coordinate activities with the court administrators' offices, and carry out additional duties assigned by the Trial Court Law Library Board of Directors.
- B. Law libraries shall be staffed in accordance with the guidelines established by the Trial Court Law Library Board of Directors.
- C. Libraries in locations without staff shall be maintained by the office of the court administrator of the county (district). The State Court Administrator, in consultation with the Trial Court Law Library Board of Directors, shall specify the duties of each local administrator's office.

Comment:

The Committee felt the Coordinator position should be specified in the statute to ensure professional involvement in the planning and development of resources, services, and staffing. The reporting structure for the Coordinator will vary from state to state. The language relating to staffing of local law libraries is intentionally vague, leaving open the possibility of contracting for services.

Section 5. Local law library committees

- A. A local law library committee may be established in any jurisdiction in which a

law library is located.

- B. The local law library committee may provide recommendations on the law library's collection, services, and policies to the Trial Court Law Library Board of Directors and may seek added funding sources to supplement the law library's state appropriation. The committee shall exercise supervision over the expenditure of private and local funds, including endowments, and may use those funds for the benefit of its law library, in accordance with the policies and guidelines established by the Trial Court Law Library Board of Directors.
- C. The receipt of private and local government funding shall not reduce the state appropriation a law library is accorded under the tier structure established by the Trial Court Law Library Board of Directors.

Comment:

This provision allows local law libraries to pursue additional funding from local governments, the bar, or other organizations. These libraries will not lose state funding due to these supplemental revenue sources.

Section 6. Cooperative agreements

- A. The Trial Court Law Library Board of Directors may, upon recommendation of a local law library committee or, in jurisdictions where no such committee exists, upon the recommendation of the local trial court administrator, contract with a local public or academic library to house or manage the trial court law library collection or a portion thereof, and to provide services to users.
- B. The funds allocated to the law library must be used in accordance with Section 3. The director of the public or academic library shall annually file with the Trial Court Law Library Advisory Board a statement of the funds received and expended for the law library it houses or manages.

Comment:

This provision allows local law libraries to partner with other types of libraries, depending on the location, resources, and staffing of these libraries. Court funding would still be provided as described in Section 3.