

Marin County Law Library

Annual Report

FY 2019/2020

Mission Statement

The Marin County Law Library serves the public by providing access to legal resources, research assistance, and technologies.

Vision Statement

Bringing Justice to Marin Through Information.

Overview and History of the Law Library

Law Libraries in the State of California were first established and maintained as a resource for lawyers. In the last decade or so, however, that demographic has changed dramatically such that about half of the patrons of the Marin County Law Library have no formal legal training. At the same time, the primary and traditional funding source for the Law Library – a percentage of first appearance filing fees received by the Courts – has decreased substantially because county law libraries are no longer able to seek limited annual increases to the percentage of the filing fee designated for county law libraries and because the overall number of filings with the Court has declined. There are several reasons for this downward trend in court filings; the increasing use of alternative dispute resolution, the increasing number of litigants who qualify for fee waivers, changes to jurisdictional limits and new exemptions adopted into law.

In addition, FY 2019-2020 has been severely and negatively impacted by the coronavirus pandemic with the Law Library abruptly closing to the public on March 17, 2020 and remaining closed through June 30, 2020. That period of time comprises more than one quarter of the fiscal year during which the Law Library received little to no income at all from filing fees because the local court was also closed during most of that time (the courts reopened with severe restrictions to in-person appearances beginning June 1, 2020).

What the Demographic Shift Means

People with little access to and little understanding of the legal system need additional attention and place a greater demand on Library Staff because of the time required to assist them. Such individuals are often in a fragile situation, feeling beset with the effects of adversity. Library Staff must explain to them the various legal resources and how to use those resources to prepare their case.

The demographics of participants in the Lawyers in the Library program reflect that self-represented patrons are approximately 61% women, 62.4% white, 27.6% retired, and 74.6% have incomes of \$3,000 or less per month.

Profile

The Law Library is one of the oldest in the state, celebrating 129 years in 2020 as a resource for our legal community and the county's residents. It is funded as a

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governmental special district established under California Business and Professions Code sections 6300 through 6364. It is governed by a seven-member Board of Trustees comprised of five delegates appointed by the Judges of the Superior Court, who serve for three-year terms, and two delegates appointed by the Marin County Board of Supervisors who serve for one-year terms.

The Law Library is a primary source of legal information and assistance to the County's 258,826 residents. It serves 12 Superior Court Judges, 1 Court Commissioner, 1 Referee, and 2,350 Marin County attorneys.

Prior to the Coronavirus pandemic, the Law Library was open 45.5 hours per week, from 8:30 a.m. until 7:00 p.m. Monday through Thursday; and 8:30 a.m. to 12:00 Noon on Fridays; it was and is closed on weekends. From March 17, 2020 through June 30, 2020, the Law Library was closed to the public with staff working remotely from home. As of May 1, 2020, the Law Library's two part-time staff were furloughed and worked intermittent hours remotely. Only the Law Library Director remained on the payroll as the sole full-time employee.

Board of Trustees

The Law Library is fortunate to have both long-standing and new members on its Board. Their expertise, experience, and leadership across a broad spectrum of community service areas helps keep the library in touch with the needs of the community. In addition, they provide valuable advice and counsel to the Law Library Director.

Jonathan Frieman, J.D.	Feb. 4, 2020 – Jan. 31, 2021	President/Delegate of the Board of Supervisors
Sam Ware, Esq.	June 20, 2018 – June 19, 2021	Vice President/Delegate of the Court
Denise Bashline	June 20, 2018 – June 19, 2021	Delegate of the Court
Tracy Barrett, Esq.	Feb. 1, 2019 – Jan. 31, 2020	Delegate of the Board of Supervisors
Donald Drummond, Esq.	June 17, 2020 – June 16, 2023	Delegate of the Court
Emily Vance, Esq. Position Vacant as of 4/24/20	Apr. 24, 2017 – Apr. 23, 2020	Delegate of the Court
Kristine Fowler Cirby, Esq.	Nov. 21, 2017 – Nov. 20, 2020	Delegate of the Court

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Services of the Law Library

Law Library Staff provide assistance regarding the spectrum of legal source materials available, how to use them, and how to conduct legal database searches as well as internet searches for information, laws and forms that may be difficult to locate. Staff do not, however, provide legal advice, although we refer patrons to other legal service providers and programs where patrons might receive legal advice.

The kinds of assistance untrained patrons might receive include explanations of the:

- 1) entire spectrum of legal source materials;
- 2) differences between primary authority and secondary authority;
- 3) differences between statutory law and case law; and
- 4) instruction in the use of Westlaw, Google Scholar, and CEB OnLAW.

The success of a patron's visit may very well depend on the law librarian's availability and ability to be a patient and effective instructor, as well as offering support to individuals who are usually under a lot of stress. The Law Library recruits for good librarians.

Library Staff track patron demographics, which reflect that 49% of the patrons who visited the Law Library between July 1, 2019 and June 30, 2020, were nonlawyers.

The Law Library will begin offering Passport Renewal Services in late 2020 and a credit card payment option for library services when the Law Library reopens in the Fall of 2020.

In 2019, the Law Library launched a new program called "First Thursdays at the Law Library". Its purpose is to provide an informal opportunity for various local service agencies and County departments and programs to present information about the services they offer to the public and in turn broaden the public's awareness of the legal resources and services offered by the Law Library. Initially, the meetings were held at the Law Library and then transitioned to the Zoom platform after the Stay Home Orders were issued due to the COVID-19 Pandemic.

Lawyers in the Library is a community service program offered at the Law Library that was created in collaboration with the Marin County Bar Association in the Fall of 2016. Attorney volunteers meet with members of the public for 20 minutes on the second and fourth Thursday of every month on a first come, first served basis to provide legal information, guidance, and direction. This program accounted for 316 nonlawyer patron visits to the Law Library in Fiscal Year 2019/2020 and has been so successful that hopeful program participants were sometimes turned away when capacity was reached for the evening. As noted above, demographics from the program show that approximately 61% are women, 62.4% are white, 27.6% are retired and 74.6% have incomes of \$3,000 or less per month. Attorney volunteers typically see patrons with issues in the areas of family and housing law, trust and probate matters, debt management and repair, foreclosures,

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criminal, small claims, and various civil matters. During the Fall of 2019, a Spanish-speaking attorney was available to meet with patrons at each of the twice monthly Lawyers in the Library program dates.

Unfortunately, the Lawyers in the Library program had to be suspended when the Law Library closed on March 17, 2020 by Order of the Marin County Public Health Officer and the Governor of California to control the spread of the coronavirus. Soon thereafter, the Law Library provided on its website an expanded selection of legal resources and information specifically relating to the impacts of COVID-19 that the public could access for free. Many of these resources were previously available only within the Law Library. While that is helpful, it does not provide the guidance and direction that a consultation with an attorney affords. The director set about adapting the Lawyers in the Library program to an online platform, which has proven to be a long process. The bandwidth available in the Law Library's existing internet service plan was insufficient to support an online platform for the program, so that had to be updated to a faster plan with more bandwidth before the program could be adapted. While the Law Library was unable to do that prior to June 30, 2020, efforts are underway to complete the transition of Lawyers in the Library to an online platform by October 2020.

Library Collection

The Law Library maintains a collection of 19,683 print publications, including reporters, treatises, practice manuals, law reviews and journals, periodicals, and other printed materials. The Law Library spent \$59,809 updating its publications; we acquired 263 new volumes, discarded 303 outdated volumes, and received 43 donated used books during the 2019/2020 Fiscal Year. These figures reflect that the Law Library was closed for 3-1/2 months during the fiscal year and the updates that were received simply accumulated in the Law Library without being processed due to the stay-at-home orders.

Studies show that, for more in-depth study, written publications are better comprehended than electronic materials.

Because the cost of legal materials has been increasing at about 15% per year, not all sets of publications are being kept current as funding for the Law Library has not kept pace with the rate of inflation. This year 35% of all expenditures were on research and reference materials (see "Publications" on Fiscal Statement), which includes both computer databases and print materials. Figure 1 shows the relationship between the amount spent on materials and our total expenditures.

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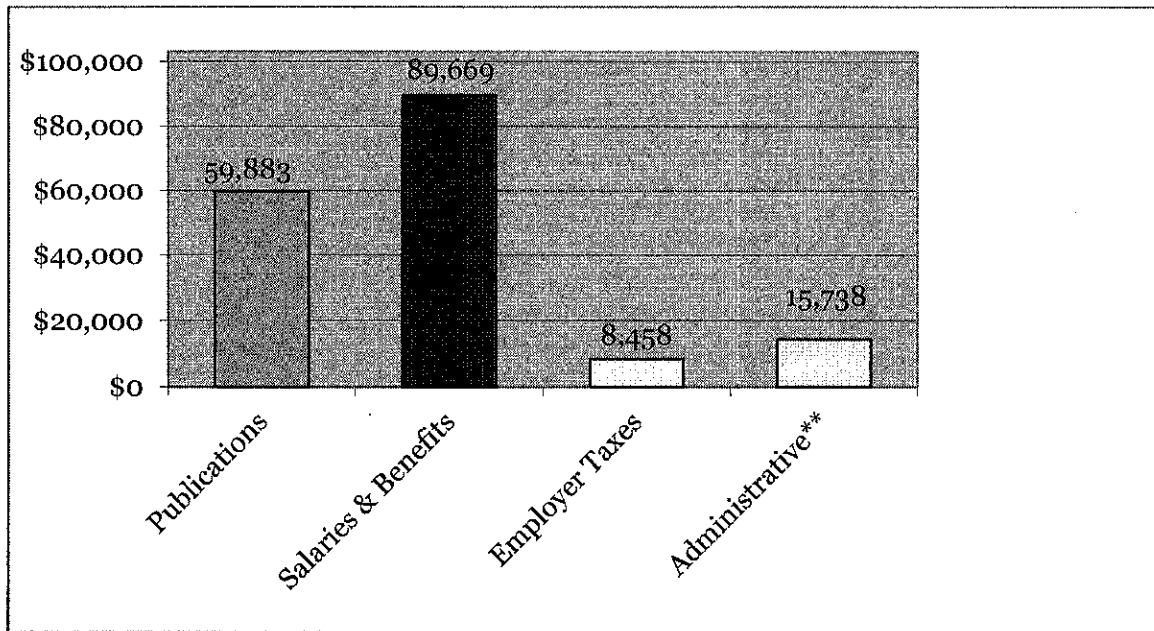


Fig. 1

Electronic Resources

The Law Library acquired a Westlaw subscription during Fiscal Year 2013/2014. The subscription includes cases and statutes for all federal circuits, an extensive California database, and a wide selection of secondary materials. Westlaw is an attractive service to attorneys and is also used regularly by self-represented patrons doing legal research. During the pandemic stay-at-home orders, the Law Library Director has worked with Westlaw to secure free public access to the Westlaw Edge online database from a link on the Law Library's website.

KeyCite, Westlaw's legal citator, is critical for checking the currency of legal authorities cited in pleadings and briefs filed with the Court. In June 2020, the Board approved renewal of the Law Library's subscription to CEB OnLAW, a database of CEB's entire set of California practice and procedure publications. During the pandemic stay-at-home orders, CEB has granted permission to the Law Library to offer free public access to the CEB Pro database from a link on the Law Library's website.

Infrastructure and Other Resources

The Law Library has six computer workstations (four available to the public), three printers, two photocopiers and one multifunction printer/copier/scanner/fax machine. All the workstations provide access to legal resources on the Internet. The four public access computers are available for general and legal research, downloading of forms, and legal word processing tasks at no cost to the public.

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The remaining two computer stations are for Staff use only, as are one printer and a combined fax/scanner/copier/printer. The Staff facsimile/scanning machine is used to provide fee-based scanning and fax services to Law Library patrons, with fees based on a per-page usage. Wireless internet service is also available to Law Library patrons.

The Library has a collection of 75 compact discs with downloadable forms for print publications by Nolo, CEB, James, Lexis and West; some of the newer edition Nolo print publications provide forms which are downloadable from the Internet.

The Law Library also has an electric typewriter available for public use. Public Librarians throughout Marin County routinely send individuals to the Law Library for that specific purpose.

The Law Library Website

The Law Library website seeks to inform and engage the public. It provides information about services offered by the Law Library, including the Lawyers in the Library program, conference room rentals, exam proctoring, and research assistance, as well as links to the Law Library's catalog of publications and many legal resources. In addition, board meeting agendas, minutes, financial reports, projected budgets, annual reports, trustee information, and the Law Library's bylaws and patron rules of conduct are posted on the website for easy access by the public.

The Law Library receives numerous inquiries and requests for information about its services from the email link on its website. To meet the demands of an increasing number of self-represented litigants, the Law Library maintains electronic links to legal resources on its website. These resource links were greatly expanded following the Stay-at-Home Orders that were issued due to the Coronavirus pandemic. The Law Librarian worked with several legal publishers to facilitate free access to the Westlaw Edge and CEB Pro legal databases as well as to relevant publications of the National Consumer Law Center, including protection from judgment creditors, consumer debt advice, newly implemented consumer protections in response to COVID-19, enforcing the CARES Act credit reporting protections, summary of foreclosure alternatives with COVID-19 hardships and mortgage relief for homeowners affected by COVID-19. In addition, the Law Library added links to resources regarding tenant relief and protection from eviction due to the impacts of COVID-19.

Financial Report

The Closing Financial Statement for Fiscal Year 2019/2020, showing all income and expenditures, is attached hereto.

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The Law Library had a net positive budget balance for 2019/2020 of \$228. This is attributable in part to an old fund liability that was retired in FY 2019/2020. The Law Library's fund balance as of June 30, 2020 was \$105,296.

Library Funding

In addition to ensuring excellent service for its patrons, the second most pressing issue for the Law Library – and for law libraries across the state – is stable and consistent adequate funding. Historically, the Law Library has derived 90% or more of its annual operating funds from a fixed share of designated civil filing fees: \$32 from fees paid for every first-appearance paper filed with the Marin County Superior Court. That \$32 figure has not changed since 2006, while the number of first appearance papers filed with the Court has declined 40% since FY 2009/2010. The one-time funding allocation that the Law Library received from the 2018 California State Budget Act significantly increased the Law Library's operating funds in FY 2018/2019. Unfortunately, the Legislature did not reallocate any funding for County Law Libraries in the 2019 State Budget.

The Law Library suffered a severe blow to its financial health when the Coronavirus pandemic hit in March 2020 and resulted in the closure of the Law Library for the last 3-1/2 months of FY 2019/2020 due to state and local stay-at-home orders. Fortunately, the State Legislature supported, and Governor Newsom signed, a FY 2020 State Budget that includes \$7 million in funding for California's County Law Libraries. These funds are intended to backfill at least part of the filing fee revenue that County Law Libraries would have received during the last quarter of FY 2019/2020 had the statewide shutdown not closed the courts as well. The Law Library expects to receive their share of those funds in the Fall of 2020.

In addition to the steady annual decrease in the number of cases filed with the courts, the Law Library's sole means of keeping up with inflation was removed when the Uniform Civil Fee and Standard Fees Schedule Act of 2005 was established for the trial courts statewide effective January 1, 2006. Prior to that time each county had the authority to adjust filing fees and to approve limited annual increases of up to \$3 per filing to the portion of those filing fees that was allotted to Law Libraries. The set portion of each civil filing fee that is distributed to the Law Library has not increased since 2008, while the cost of legal publications, the Law Library's main resource, has been increasing annually at the rate of approximately 15%. Consequently, the Law Library has experienced a 40.5% decline in filing fee income from FY 2010/2011 to FY 2019/2020.

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Income Streams and Reserves

Filing Fee Income

In Fiscal Year 2019/2020 the Law Library received \$154,597 in filing fees, a significant 9% decrease from the previous year. This was due in part to the impacts of the stay-at-home orders to combat the spread of the coronavirus pandemic in our community and the closure of the courts from March 17, 2020 – May 31, 2020.

Self-generated Revenue

The Law Library raised \$9,843 in self-generated revenue, down 14.7% from the previous year. That sum came from charges for photocopies, document faxes and scans, proctoring services, conference room rentals, and book sales, as well as income from donations. The self-generated revenue comprised 5.6% of our total revenue, up 1.6% from the previous fiscal year. This was due in part to a reduction in the Law Library's expenses when staff were placed on furlough on May 1, 2020. The Law Library also received \$9,527 in miscellaneous revenue from the release of a previous liability, for total revenue other than filing fees in the amount of \$19,370.

Reserve Funds

The Law Library has \$10,000 in reserve funds at the present time.

Effect of Decreasing Budget

Due to the funding decline since FY 2010/2011 the Law Library has been forced to cancel many legal publications, cut back its operating hours and reduce its Staff. In an effort to maintain a reasonably up-to-date collection of important publications, the Law Library has partnered with larger, better-funded County Law Libraries to receive their discarded year-old updates.

As one can surmise, the Marin County residents most in need of access to the law bear the heaviest burden of these cuts because access to justice has become more restricted with the steady loss of funding. The Law Library Staff consistently see an increasing number of non-professionals seeking such items as legal forms and assistance with such matters as landlord-tenant issues, foreclosure proceedings, criminal proceedings and divorce and child custody procedures. Providing the most basic assistance has been a daily occurrence at the Law Library.

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Fundraising Possibilities

Although the Law Library may receive tax deductible donations, in FY 2017/2018 a separate 501(c)(3) nonprofit Friends of the Marin County Law Library was created to focus fundraising efforts on the services that the Law Library provides to non-attorneys. However, realizing results from these funding streams will take time because the Law Library is essentially a new entity in the fundraising field.

The Marin County Board of Supervisors may also at any time exercise its authority under California Business and Professions Code Section 6324, which allows them to “appropriate from the county treasury for law library purposes such sums as may in their discretion appear proper”. Given the Trustees’ commitment to helping self-represented patrons because there is such a large unmet need in Marin for these services, it is hoped that the County would recognize that a small investment to support the Law Library’s effort could reap great rewards.

Conclusion

The Trustees of the Marin County Law Library remain committed to providing access to legal resources for all the residents of Marin. In light of the Coronavirus Pandemic, providing these resources will increasingly rely on a robust internet service plan with the bandwidth to support online access to the Law Library’s programs and services for the public. In addition, it will require staff who are technologically savvy and skilled at developing and maintaining the online services and supporting the public’s use of those services. Recognizing that the Law Library is the safety net for the entire county in terms of access to justice, staff and board regularly attend monthly meetings of a Legal Services Network to stay informed about legal issues in the community. The connections with this Network, comprised of agencies such as Legal Aid of Marin, the Family and Children’s Law Center, Canal Alliance, the Self-Help Legal Center, Fair Housing Advocates of Northern California, and the Public Defender, help the Law Library better coordinate and provide much-needed services.

MARIN COUNTY LAW LIBRARY INCOME AND EXPENSE STATEMENT

2019 - 2020 FISCAL YEAR

MUNIS Fund No.: 3400 Department: 701 Organization Code: 34017961

SUMMARY

Actual Receipts:		\$173,976.00
Actual Expenses:	-	\$173,748.00
Actual Balance:	+ \$	228.00

County MUNIS Code	Account Description	2018-2019 Actual*
<u>INCOME</u>		
451970	Court Filing Fees	\$ 154,597.00
441115	Interest	1,773.00
462650	Copy Cards	\$ 2,624.00
470410	Book Sales	1,009.00
470330	Donations	\$ -
462610	Proctoring	\$ 1,139.00
470110	Fax & Paper Sales	\$ 100.00
441215	Conference Room	\$ 1,270.00
461810	Other Income	\$ 11,455.00
Total Income/Revenue		\$ 173,967.00
<u>DEBITS/EXPENSES</u>		
<u>Staff Expenses</u>		
511110	Library Director	\$ 56,633.00
511220	Library Staff	\$ 22,495.00
515110	Social Security	\$ 4,737.00
515115	Medicare	\$ 1,109.00
513215	Health Benefits	\$ 10,541.00
514110	Workers Compensation	\$ 1,265.00
515120	Unemployment	\$ 1,347.00
Subtotal:		\$ 98,127.00
<u>Admin Expenses</u>		
521610	Insurance	\$ 4,545.00
522210	Memberships	\$ 883.00
522410	Office Supplies	\$ 1,731.00
522310	Projects (FUTA Taxes)	\$ 121.00
522930	Copy Machines	\$ 1,112.00
521310	Telephone & Internet	\$ 7,346.00
Subtotal:		\$ 15,738.00
<u>Legal Publications Collection</u>		
522815	Upkeep	\$ 59,883.00
522410	Book Binding	\$ -
Subtotal:		\$ 59,883.00
Total Debits/Expenses		\$ 173,748.00