

Marin County Law Library

Annual Report

FY 2018/2019

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.

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 60.8% women, 62.5% white, 27% retired, and 73.6% have incomes of \$3,000 or less per month.

Profile

The Law Library is one of the oldest in the state, celebrating 128 years in 2019 as a resource for our legal community and the county's residents. It is funded as a 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.

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The Law Library is a primary source of legal information and assistance to the County's 259,666 residents. It serves 12 Superior Court Judges, 1 Court Commissioner, 1 Referee, and 2,350 Marin County attorneys.

The Law Library is 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 is closed weekends.

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. 1, 2019 – Jan. 31, 2020	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.	Apr. 24, 2017 – Apr. 23, 2020	Delegate of the Court
Emily Vance, Esq.	Apr. 24, 2017 – Apr. 23, 2020	Delegate of the Court
Kristine Fowler Cirby, Esq.	Nov. 21, 2017 – Nov. 20, 2020	Delegate of the Court

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.

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.

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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 of the 4,067 patrons who visited the Law Library between July 1, 2018 and June 30, 2019, 1,951 or 48% were nonlawyers.

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 501 nonlawyer patron visits to the Law Library in Fiscal Year 2018/2019 and has been so successful that hopeful program participants often had to be turned away when capacity was reached for the evening. As noted above, demographics from the program show that approximately 60.8% are women, 62.5% are white, 27% are retired and 73.6% 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, criminal, small claims and various civil matters. As of Fall 2019, a Spanish-speaking attorney will be available to meet with patrons at each of the twice monthly Lawyers in the Library program dates.

Library Collection

The Law Library maintains a collection of 19,723 print publications, including reporters, treatises, practice manuals, law reviews and journals, periodicals, and other printed materials. The Library spent \$91,020 updating its publications and received 21 donated used books during the 2018/2019 Fiscal Year.

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 are being kept current as funding for the Law Library has not kept pace with the rate of inflation. This year 42% 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.

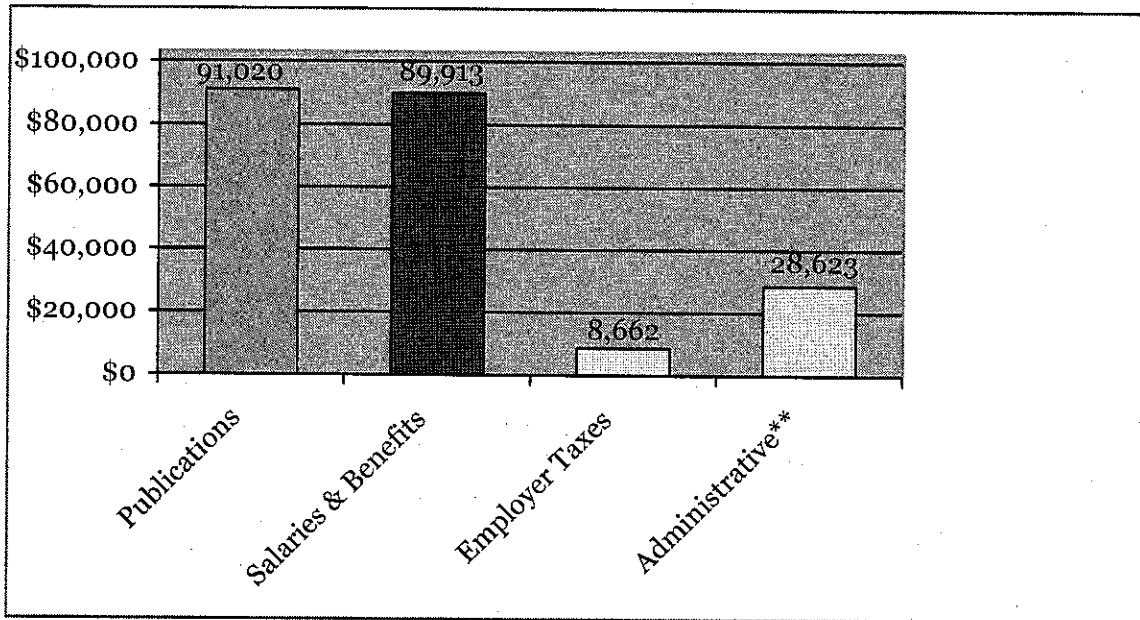


Fig. 1

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.

KeyCite, Westlaw's legal citator, is critical for checking the currency of legal authorities cited in pleadings and briefs filed with the Court. In August 2019, 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.

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.

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.

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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 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.

Financial Report

The Closing Financial Statement for Fiscal Year 2018/2019, showing all income and expenditures, is attached hereto.

The Law Library had a net positive budget balance for 2018/2019 of \$43,614.57; however, that balance is attributable in great part to a one-time \$78,109 funding allocation received from the 2018 California State Budget Act in October 2018. This funding resulted from persistent and extensive efforts by county law librarians advocating for stable and reliable funding for county law libraries from the California State Legislature. County Law Librarians were supported in these efforts by their respective boards of trustees, law library staff and attorney and non-attorney patrons. Both of Marin County's State Legislators, Senator Mike McGuire and Assemblymember Marc Levine, have consistently supported state funding for county law libraries.

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

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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. This means that in FY 2019/2020 the Law Library will have at a minimum 25% less revenue in its budget than it had in FY 2018/2019.

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%.

Figure 2 shows the 35% decline in the Law Library's filing fee income from FY 2010/2011 to FY 2018/2019.

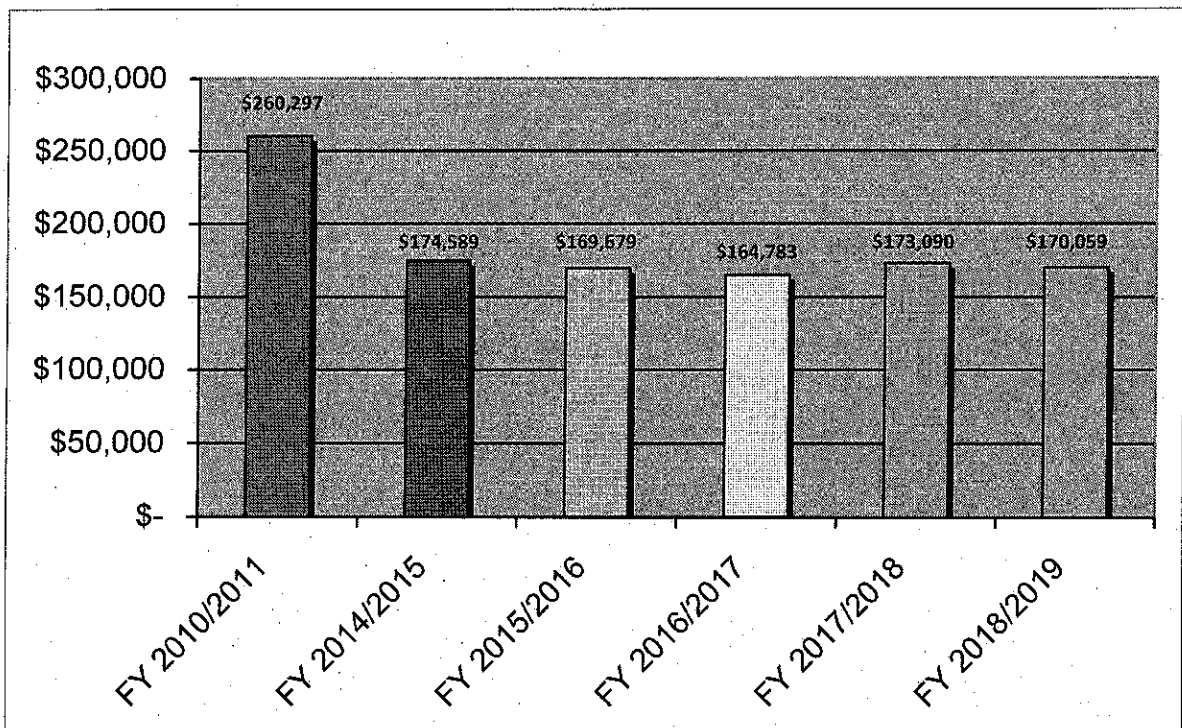


Fig. 2

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Income Streams and Reserves

Filing Fee Income

In Fiscal Year 2018/2019 the Law Library received \$170,059 in filing fees, a slight decrease from the previous year.

Self-generated Revenue

The Law Library raised \$11,538.18 in self-generated revenue. 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 4% of our total revenue, down 3% from the previous fiscal year.

Reserve Funds

As of June 30, 2019, the Law Library had an Unrestricted Fund Balance of \$113,414.95. The Law Library also has \$10,000 in reserve funds at the present time.

Funding from the 2018 California State Budget Act

The Law Library benefited from \$78,109 in one-time funding from the 2018 California State Budget Act, which the Governor signed in late June 2018 and which the Law Library received in October 2018. The Law Library used this money to purchase additional research materials for both the legal professional and the self-represented patrons and to fund much-delayed improvements in health benefits and salary for the only full-time employee of the Law Library, the Director.

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 is a daily occurrence at the Law Library.

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Fundraising Possibilities

Although the Law Library may receive tax deductible donations, last year 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. 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

2018-2019 FISCAL YEAR

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

SUMMARY

Actual Receipts: \$261,832.60

Actual Expenses: - \$218,218.03

Actual Balance: + \$ 43,614.57

County MUNIS Code	Account Description	2018-2019 Actual*
<u>INCOME</u>		
451970	Court Filing Fees	\$ 170,059.22
441115	Interest	2,126.25
462650	Copy Cards	\$ 4,658.00
470410	Book Sales	895.00
470330	Donations	\$ -
462610	Proctoring	\$ 2,016.80
470110	Fax & Paper Sales	\$ 37.00
441215	Conference Room	\$ 2,905.00
461810	Other Income	\$ 79,135.33
Total Income/Revenue		\$ 261,832.60
<u>DEBITS/EXPENSES</u>		
<u>Staff Expenses</u>		
511110	Library Director	\$ 53,722.07
511220	Library Staff	\$ 27,931.86
515110	Social Security	\$ 5,160.45
515115	Medicare	\$ 1,206.90
513215	Health Benefits	\$ 8,259.16
514110	Workers Compensation	\$ 712.78
515120	Unemployment	\$ 1,581.86
Subtotal:		\$ 98,575.08
<u>Admin Expenses</u>		
521610	Insurance	\$ 4,206.46
522410	Office Supplies	\$ 6,101.41
522410	Projects	\$ -
522930	Copy Machines	\$ 7,966.47
521310	Telephone & Internet	\$ 10,348.22
Subtotal:		\$ 28,622.56
<u>Legal Publications Collection</u>		
522930	Upkeep	\$ 91,020.39
522410	Book Binding	\$ -
Subtotal:		\$ 91,020.39
Total Debits/Expenses		\$ 218,218.03

* Deficit, if any, to be paid from unrestricted fund balance.