



Maryland Circuit Court Libraries Study Committee

**Report to the Hon. Robert M. Bell
Chief Judge
Maryland Court of Appeals**

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February 15, 2001



February 8, 2001

Hon. Robert M. Bell, Chief Judge
Court of Appeals of Maryland
Robert C. Murphy Courts of Appeal Bldg.
361 Rowe Blvd.
Annapolis, MD 21401

Dear Chief Judge Bell:

On behalf of the Maryland Circuit Court Library Study Committee, we are honored to present the Final Report of the Committee. As co-chairs of this study group we would like to extend to you our thanks for providing us the opportunity to begin re-examining the various issues surrounding the organization, funding and information service roles of circuit court law libraries in the administration of justice in our State. It immediately became apparent to the Study Committee that a myriad of important issues face court libraries today, too many, in fact, to adequately address within the time frame given. The Committee chose to focus on three main concerns identified in your charge in creating the task force - funding, standards and technology. The specific recommendations incorporated in the Report offer the beginnings of an action plan to help resurrect court libraries as legitimate stakeholders in providing access to legal information for Maryland's judiciary, attorneys and citizens.

The members of the Study Committee, broken into subcommittees, were vigilant in their resolve to offer solutions in these three focus areas. Members representing a broad spectrum of backgrounds and court-related institutions participated both at full Committee meetings, five in all, and numerous workgroup sessions, offering their time and expertise to complete this undertaking. We thank them for their tireless efforts.

Sincerely,

Hon. Theodore Eschenburg, Co-chair

Michael S. Miller, Co-chair

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A. BACKGROUND

Each of the twenty-three counties in Maryland has been served for well over one hundred years by a county law library located, with one exception, in the circuit courthouse in each county seat. No enabling legislation exists for these libraries with the exception of one, the Baltimore Bar Library. Statutory schemes for funding the libraries appear in the Annotated Code of Maryland, Courts & Judicial Proceedings Article § 7-204 (Appearance Fees) and Art. 38 § 5 (Portion of Fines & Forfeitures). In addition to the county law libraries, the Baltimore Bar Library, an incorporated, non-profit organization, besides being a membership institution, functions as the legal research center for the Baltimore City Circuit Court.

Today, most of the law libraries are referred to as circuit court libraries and bar libraries, though there is no clear delineation of organizational structure to suggest that these libraries are, in fact, primarily part of the judicial branch of government. Herein lies one of this State's most persistent quandaries - in whose organization chart does the county/court law library fit? All but four of the libraries are open to the public, although over half are un-staffed and for all practical purposes offer no reference assistance to a user population. Roughly 50% of these libraries also have responsibility for maintaining circuit court judges' chambers' collections. Ten of the twenty four libraries operating budgets fall between \$10,000 - \$25,000 per year. Issues that have been identified as problem areas for these libraries include: funding, location/space, ownership, public access, staffing and services, customer base, standards, accountability, technology and judges' chambers' collections.

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There have been periodic attempts to address some of the issues referenced above. In 1978 and again in 1989, the Maryland State Bar Association created special committees to address deficiencies of the “bar libraries” in the State of Maryland. The 1978 effort had the most positive impact by adopting a series of standards for collection content and suggesting the adoption of the name “circuit court libraries” to replace “bar libraries”. The 1989 effort conducted surveys of users, administrative judges and librarians. While the committee report was able to identify problems and concerns dealing with court libraries, unfortunately, none of its recommendations were implemented. In March, 2000 the Chief Judge of the Court of Appeals established a Court Libraries Study Committee composed of Circuit and District court judges, attorneys, a court clerk, court administrator, and law librarians to address major problem areas and file this report.

A few important facts - Maryland’s public law libraries:

- serve over 1,300 customers daily;
- serve over 320,000 users each year;
- utilize information technology to deliver legal information wherever financially feasible and acceptable to users;
- provide adequate and timely legal information to the judiciary, government (state & local), members of the bar and citizens of each county in the form most comprehensible to every type of user - bearing in mind that ready and convenient access to such information is vital to the justice system of a democratic society;
- have user populations consisting of approximately 42% who are non-lawyers;
- 58% have stated that adequate funding is their most critical problem;

- 81% exist on total operating budgets under \$100,000/year;
- 46% have experienced significant decreases in fine/appearance fee income over the past seven years totaling over \$300,000.00;
- have experienced tremendous increases in the cost of maintaining basic law publications of over 100% over this same seven year period.

B. COMMITTEE'S MISSION

As reflected in the charge to the Study Committee from Judge Bell, the group examined a number of critical issues affecting local law libraries in Maryland for the purpose of conducting fact finding as well as developing recommendations and possible implementation strategies. Though initially, issue review included areas covering funding, structure, governance, operation, public access, staffing, space, networking and new information technologies, the limited time line for reporting caused the Committee to focus on three major topics - standards, technology and funding.

It was recommended that in examining these issues, the Committee remain cognizant of existing nationwide standards for county law libraries, and any successful models already serving the information needs of the courts, bar and the public.

Other questions raised for Committee consideration:

- Can/should we expect equitable public law library services from all 23 counties and Baltimore City?
- What alternatives exist, or can be planned for, that will improve the role of the library in the provision of legal information assistance for all constituents?

- What is the role, if any, for the Maryland Legal Assistance Network, public libraries?
- What is the role of technology in equalizing access to the law?
- Is there a possible role for the State Law Library in providing an outreach service to the county law libraries, especially smaller libraries without full time staff?

C. COMMITTEE'S ORGANIZATION & MEETINGS

The Court Library Study Committee was initially formed by the Hon. Robert M. Bell, Chief Judge of the Court of Appeals of Maryland on March 9, 2000. The impetus for the creation of this study group came after the State Law Librarian, at the request of the State Court Administrator, briefed the Conference of Circuit Court Judges on November 15, 1999 on the status of county law libraries and recommended to that body the creation of a task force to study numerous issues confronting these libraries. Named as Co-chairs were the Hon. Theodore R. Eschenburg, Administrative Judge of the Worcester County Circuit Court and Michael S. Miller, Director of the Maryland State Law Library. The full Committee totaled seventeen (17) members representing a cross section of the judicial branch of government (see membership list on p. *i*) and held five public meetings and a number of subcommittee meetings between April 28th and November 17, 2000.

The minutes of each full Committee meeting are attached as Appendix - A. At the Committee's first meeting on April 28, 2000 it was agreed to sub-divide the group into three focus areas, to more efficiently address the various charges/issues presented by Judge Bell to the Committee at its creation. The findings of the three subcommittees, Standards, Technology and Funding, follow.

D. SUBCOMMITTEE FINDINGS

1. Minimum Standards for County Public Law Libraries in Maryland

The Standards Subcommittee, chaired by Joan M. Bellistri, Librarian of the Anne Arundel County Circuit Court Library, and ably assisted by Betsy Sandison, Lillie Himmelheber, Cathy Mazzola, Molly Ruhl and Judge Ted Oshrine, met five times and reviewed existing guidelines and developed proposed minimum standards for county law libraries covering governance, budget, personnel, physical plant, information and technical services, library collection, chambers collections and classification of the counties.

The findings of this subcommittee focus on:

- the importance of establishing a set of minimum standards for all county public law libraries in the State to aspire to. When implemented, these standards will help to fulfill both the vision, mission and core goals of any court library dedicated to having a positive impact on improving access to justice and improving trust and confidence in our courts.
- the benefits of standardization, such as the provision of consistent information services to all citizens, the fact that it is not necessary for each library to replicate the other. Appropriate standardization makes rational decision making easier and library operations more efficient.
- standards that will promote a common philosophy of purpose and service, and facilitates resource sharing, electronic networking and automation, cooperative negotiations for commercial online/web-based services, staff development and training.
- the realization that, overtime, standardization will reduce discrepancies among the court libraries, but that in the end, based on the county's population, there will always be larger and smaller libraries providing various levels of resources and services.

A few of the existing work products studied by this focus group included:

- **American Association of Law Libraries County Law Library Standards (1996).**
- **American Association of Law Libraries 2000-2005 Strategic Plan.**
- **Draft of Core Competencies for Law Librarians - 2000.** American Association of Law Libraries.
- **Law Library Handbook** (Jan. 1996). New York State Uniform Court System.
- **1984 Suggested Minimum Standards - Law Collection - Maryland Circuit Court Libraries.**
- **Strategic Plan for the Connecticut Judicial Branch Law Library System** (Feb. 2000).

The end by-product of this subcommittee's efforts was submitted to the full Committee at its meeting on October 13, 2000. The final full Committee vote on its revised work came on November 17, 2000 and are included in the Recommendations section of this report.

2. Technology's Impact On The County Public Law Libraries Mission In Maryland

The Technology Subcommittee was a collaborative effort of two, Pamela Gregory from the Prince George's County Circuit Court Library chaired and Kai-Yun Chiu, from the Baltimore Bar Library assisted with this effort.

The Subcommittee met on numerous occasions. It reported on the current state of technology in our county law libraries, the courts they serve and the roles law librarians can play in providing prompt and professional guidance and access

to reliable and comprehensive information to users who research or pursue legal rights and remedies. It is an understatement that these goals can be more effectively accomplished by using the latest technologies and maintaining up-to-date collections of appropriate materials sufficient to address the needs of customers.

Findings of the subcommittee summarized -

- many of the State's county law libraries have made some progress in the last decade in implementing various forms of technology.
- libraries and librarians have long played central roles in society as providers of information resources, as points of access to information and as human interfaces with the end user.
- today's legal researcher must be ready to explore resources in a variety of formats - written, oral, interactive, digital, visual and electronic - in a multitude of places - archives, libraries, courthouses, computer networks.
- computers are now available in 52% of the libraries, some of these offer public access to the Internet, web-based commercial legal services, and legal CD ROM products.
- library websites are under development. Only 19% have online catalogs or full text electronic resources and numerous links to other Maryland legal websites.
- contracts providing statewide judiciary access to Lexis legal databases have been extended to many court libraries.
- the process of providing access to computer assisted legal research which began in law libraries in the early 1980's has been expanded, re-engineered and re-configured to meet the needs of ever changing technologies.

- CD ROM, the prevalent 1990's technology, today is taking on the role of a storage medium. Legal publishing trends point toward the web as the main electronic access point to their products, with the end user bar, public, judge, librarian having the flexibility of reaching these Internet services from the courtroom, chambers, workplace or home.
- technology continues to evolve at a rapid pace, with the lifetime of most computers being very short lived.
- law librarians are integral stakeholders in helping to develop the content and intuitive interfaces of customized legal digital libraries for judges and courts, always keeping in mind that well designed technology should conform to people, rather than people having to conform to technology.
- the law library must be provided with the proper electronic infrastructure and IS support if a successful electronic library environment is to be realized.
- in this electronic environment the librarian is the provider and trainer - the court's best resource for access to the law.
- it is of critical importance that a mix of print and electronic resources be maintained in courthouse law libraries. While online technology will provide a fundamental baseline for the research platforms of future court libraries, books will always be needed and always be a part of such collections.
- as we begin our journey into the 21st Century, we must not forget to use the most valuable of all "personal computers" - the human mind!

Some of the resources reviewed by this subcommittee during their deliberations were:

Courting the Virtual, Federal Courts in an Age of Complete Interconnectedness. by Gordon Bermant. The Justice Web Collaboratory. 1999.

A Digital Library for Judges. by Joyce Cook et. al. Sixth National Court Technology Conference. 1999.

Guidelines and Recommendations Relating to Computer Support for Judges. American Bar Association Judicial Division 1998. (See Appendix E)

Survey Results for Maryland County Law Libraries. 2000. State Court County Law Library SIS of the American Association of Law Libraries, Model County Law Working Group. (See Appendix B).

Technology in Maryland's Circuit Court Libraries: Briefing Paper. by Pamela Gregory. Oct. 2000.

Use of Computer Technology by Judges. by Essom V. Ricks, Jr. 2000.

3. Funding Mechanisms For County Public Law Libraries In Maryland

The Funding Subcommittee, which met on four occasions, was chaired by Mike Miller with the Hon. Ted Eschenburg, John Buchanan, Robert Wallace and Karen Smith providing valuable input and background information in this effort. As a result of the discussions, research, interviews and resources studied concerning this financial resources issue, the focus group reports that:

- adequate, predictable and stable levels of funding are keys to successful court library operations. Talk of standards and technology prove to be empty promises and aberrations, so long as income to support these libraries decrease, or fail to keep pace with inflationary prices of legal information.

- communities to be served by these libraries range in population from 19,000 to 855,000 and experience tremendous fluctuations in financial resources needed to support these libraries, whose role is to provide access to current and well organized legal information necessary for quality legal representation and judicial and local government decision making.
- today, 58% of these libraries lack the financial support to maintain even a bare minimum legal collection, let alone provide any appreciable information services to its customer base of judges, attorneys, government officials and the public - 70% of the court libraries remain un-staffed [see: APPENDIX B, **Survey Results...** appearing at the end of this Report]
- to say that some counties are operating their law libraries on a shoestring would not be an exaggeration - many are barely surviving. [See: APPENDIX G, **Circuit Court Library Revenues...**, appearing at the end of this Report]
- **It is estimated, based upon the proposed minimum standards for collection content, that the cost of maintaining a core law collection for a level 1 law library in 2001 is \$55,000/year. This figure does not include any other peripheral costs of supporting the library.**
- there appears to be no “model” funding scheme in use anywhere in the United States. Many states for years have financed their county law libraries via portions of civil and sometime criminal filing fees and fines. Increasing fees usually requires legislation, which often receives negative reaction from “anti-tax” legislators, the defense bar and advocates for improving access to the courts.
- Maryland’s funding schemes rely on a combination of a bewildering compilation of statutory provisions covering appearance fees (Courts Art. § 7-204) and fines (Art. 38 § 5). In addition, a few local jurisdictions provide very minimal levels of tax-based support. It is noteworthy that Maryland’s appearance fee statute has been amended

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34 times since 1974, with very few of those amendments actually

raising the fee itself. [See: APPENDIX F, **Current Code Language**..., appearing at the end of this Report]

- reasons for fluctuations and decreases in funding levels based on these fees and fines:
 - ✓ fees are often waived by the court in various jurisdictions.
 - ✓ periodic reduction of civil filings in some circuit courts.
 - ✓ periodic waiver of fines.
 - ✓ inability to collect fines.
 - ✓ decreases in number of cases where fines can be imposed.
 - ✓ diversion of fees/fines meant for the library for other court purposes.
 - ✓ increased costs of maintaining chambers collections of circuit court judges.
 - ✓ prayers for jury trial being substantially reduced in those jurisdictions having “same day jury trials” - with results that fines formerly going to Circuit Court remain in District Court.
 - ✓ The statutory level of the appearance fee itself is rarely, if ever, increased to keep pace with inflation.
 - decreasing revenue flow coupled with skyrocketing increases in cost of keeping law publications/services up to date means the law library experiences an exacerbated shortfall. Abnormal cost increases come from:
 - ✓ increased issuance of supplements, case law and statutory supplements by legal publishers.
- 11.**
- ✓ continuous double-digit price increases in cost of law publications, significantly outpacing inflation.

- ✓ increase of “legal continuations”; they rose an astounding 1006% between 1973-1974 and 1994, that is an average increase of 30% a year!

A few of the existing resources reviewed and relied upon by this Subcommittee’s fact finding effort included:

- **County Law Library Survey Results - Maryland.** SCCLL Model County Law Library Code Working Group. May, 2000. (See Appendix B)
- **Draft Report and Recommendations of the Maryland Circuit Court Library Study Committee - Funding Subcommittee.** Prepared by Michael S. Miller. November 8, 2000.
- **Funding of Law Libraries. A Briefing Paper.** by Hon. Theodore R. Eschenburg. October, 2000.
- **The Legal Information Buyer’s Guide and Reference Manual 2000.** by Kendall F. Svengalis. 2000.
- **The Need for Permanent Increased Funding for Public law Libraries.** by Charles R. Dyer. San Diego County Public Law Library. March 7, 2000.
- **Organization and Management of Judicial Branch Law Libraries.** by Samuel D. Conti. *State Court Journal* (Winter 1993).
- **Proposed Standards for Maryland County Public law Libraries 2000.** (See Appendix C)
- **Sourcebook for Law Library Governing Boards and Committees.** by the Trustees Development Committee, State, Court and County Law Libraries Special Interest Section. AALL. 1994.

12.

- **A Unified Court Library System: Is this Model Appropriate for Your State?** by Ruth Fraley et. al. *The Court Manager* (Fall, 1993).

RECOMMENDATIONS OF THE FULL COMMITTEE

A. The **Standards Subcommittee** studied numerous specific subject areas of issues that may be addressed in proposed minimum standards language. At the full Study Committee's last meeting, on November 17, 2000 the following recommendations received unanimous approval.

1. Because of a great misunderstanding among the legal community, state and local government, and the public concerning the structure, support, role and mission of circuit court libraries in our State, it is recommended that all of these "court libraries" **shall now be known as and referred to as "county public law libraries"** and not "circuit court libraries" or "bar libraries". (e.g. Anne Arundel County Circuit Court Library will become Anne Arundel County Public Law Library.) This action will not initially affect the Baltimore Bar Library, as that organization is an incorporated, non-profit membership institution.
2. The Maryland County Public Law Library minimum standards draft were approved as presented to the Study Committee on November 17, 2000. This document attached as Appendix C, addresses both proposed minimum standards for county public law libraries, as well as suggested core collections for Circuit and District Court judges chambers and courtrooms.

***Note:** The proposed standards for core collection content continues to be a work in progress. The State Law Library will be posting detailed titles in compliance with numbers 9, 11 (Md. Collection), numbers 10, 11 (Federal law publications) and numbers 10, 11, 16 (General U.S. publications) in the near future.*

13.

E. The **Technology Subcommittee's** work concentrates in broad terms on the technology environment required to best serve the legal information needs

of judges, attorneys and the public - the infrastructure as well as the importance of the role of the law librarian in coordinating, providing and training users in accessing the various formats of digital information.

The following recommendations received unanimous approval:

1. Every county public law library shall have at least two (2) networked public computer workstations with reliable connectivity to access some form of public or commercial electronic legal research service and the Internet.
2. Every courtroom and chambers in all levels of the state court system should have the ability to access, via desktop or laptop, some form of public or commercial computer-assisted legal research network and the Internet.
3. A networked statewide digitized library of commonly used legal resources such as the **Maryland Trial Judges Benchbook, Sentencing Guidelines, Judicial Ethics Handbook, Uniform Traffic Citation Manual** is encouraged for use by all judges.
4. Consider the possibility of establishing the creation of a statewide consortium of county public law libraries, including the Maryland State Law Library, similar to the existing **Maryland Digital Library Program**, which incorporates college and university libraries in the State. This existing consortium seeks to provide commonly negotiated site license agreements and seamless access to major commercial digital databases via the Web for students and faculty.
5. Though there is much discussion about future “virtual” libraries, technology will never fully replace the need for various print formats - books, microforms and audiovisuals. Our public law libraries must remain as fully functional collections of both print and electronic media.

14.

- C. The **Funding Subcommittee’s** proposed recommendations are divided into short term, stop gap measures to address current serious funding shortfalls of county public law libraries, as well as a few long term, more

comprehensive suggestions for addressing ways of improving the financial resources that would assure adequate, predictable levels for the foreseeable future.

1. Short-term Recommendations:

- (a.) Amend the current appearance fee statute (Courts Art. § 7-204) to:
 - increase the appearance fee amount for every jurisdiction.
 - expand the appearance fee library charge language to encompass all local jurisdictions.
 - add, “the Court of Special Appeals” in § 7-204(a)(iii) and other sections.
- (b.) Amend the current fines/forfeitures statute (art. 38 § 5) to:
 - expand coverage of receipt of a percentage of these fines for law library use to all jurisdictions.
 - perhaps increase the fine percentage earmarked for the county public law library.
 - provide a mechanism for enforcement of this fine in every jurisdiction.
- (c.) Explore the possibility of having the State assume the cost of maintaining every county public law library’s Maryland law collection. (current cost is approximately \$13,000/yr.).

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Funding this assumption would be covered by adding a \$2.00 filing fee to every contract / tort action filed in the Md. District Court. (204,000 filings in F.Y. 2000). This fee amendment

could possibly be carried out by Administrative action of the Chief Judge of the District Court.

- (d.) Initiate a continuing education effort among circuit court judges concerning their potential roles in affecting funding levels for the county public law library.
- (e.) Where appropriate, encourage / lobby for increased levels of contributions, via appropriations, from local government entities. Some smaller jurisdictions currently provide anywhere from \$1,500 to \$3,000/yr.
- (f.) Though not a direct funding proposal, but an “in kind” contribution, have the State Law Library create an “Outreach Librarian” position to provide consulting assistance and technical support for each county public law library, especially in jurisdictions having no full or part-time staff.

2. Long Term Recommendations:

- (a.) Encourage court managers who may plan for piecemeal state reimbursement of local circuit court costs to include the county public law library as a court function qualifying as a reimbursable activity.
- (b.) Consider the drafting of an entirely new county public law library enabling statute which addresses all aspects of law library organization, service and governance, funding, management and networking. Special attention should be given to the output of the AALL Model County Law Library Code Working Group efforts in drafting a model code for such libraries nationwide.