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Mr. Dillard S. Gardner, Marshal
Supreme Court Library
Raleigh, North Carolina

Dear Dillard:

In submitting my reactions to local law libraries to you, as Chairman of the Committee on Law Libraries and Publications, I shall take the liberty to use an outline form.

I. Method of Financing.

A. Source of Funds

(1) As a part of court costs:
There are some who think, no doubt, that the funds for a Law Library should be raised by adding an additional cost item to the already illogical system of court costs. I am opposed to raising all or any portion of the funds for a law library by this means. It seems to me that this method has many faults and defects, and would bring a great deal of criticism upon the Bar, whose actions to a large extent are not understood by the layman at present and to many remain a deep mystery. If this method of raising funds is employed, the question then comes as to whether or not the tax should be added to civil court costs, or to criminal court costs, or to both. There is one school of opinion that believes the money should be raised by adding a small fee to the criminal court costs. If lawyers are to be supplied with the tools with which to do their work from court costs, I see no reason why the costs should not be distributed between criminal and civil courts. It strikes me that it is not strictly honest, and certainly no mark of dignity, for the profession to endeavor to obtain the tools of its industry from litigants they represent. As I understand those who favor raising funds for the law library by this means, they justify it by saying to themselves that the county, therefore the people at large, will benefit from the law library, as it
will be there for the disposal of the resident judge and the solicitor of the county. This, of course, is true, and would be a justification for the county paying some of the expenses of the library, as I will set forth later on, in such items as furnishing a location, rent free, to the library association.

(2) Special bar assessments:
I do not think it will be entirely satisfactory to attempt to raise the funds for the library by adding special assessment to bar dues. It is not wise to have any item of compulsion connected with financing a law library. In all large bar associations there will be a strong minority opposed to paying special assessments and establishing and maintaining something for which they themselves have no need and will not use.

(3) Prorating the costs:
It strikes me that prorating the cost among the members who will use the library is the most practical, and perhaps the best, manner of raising funds. From the remarks above, you can see that I am in favor of establishing law libraries through associations separate from the existing bar associations. The library association of any community should not function as a committee of the bar association of the city or county, but should be a separate entity entirely. The law library association should, in my opinion, be composed only of those who are interested in establishing, maintaining and using the law library. Of course the association should, and perhaps would, solicit donations and contributions from those who are financially able, but do not desire to personally use the library facilities. The funds should be raised by a special committee of the library association, and perhaps there should be a distinction in the dues charged old lawyers and young lawyers. The American Bar Association, and some other associations, have higher dues for lawyers who have been at the Bar for a substantial period of time, basing this differential of fees, no doubt, upon the fact that, theoretically at least, those who have been practicing law for eight or ten years are supposed to be financially able to contribute larger dues than the younger members of the profession. Just where this line should be drawn, if at all, is a matter for committee discussion and determination.
II. Method of Housing.

A. Private Office Space
It does not strike me that it would be practical in many cases to have the library located in private office space. In communities of any size, the desirable office space would entail prohibitive rent. And then too, if the library was located in private office space, it would be difficult to decide upon the place which would be most convenient to all lawyers. It seems to me that in cases, except those where the law library association would be heavily endowed, private office space is out of the question, if any other location is available.

B. Space in the Court House
The most logical place to have a law library is in the court house. Here we run into the difficulty that the court house may not have sufficient space to segregate enough room for the library. The advantage of having the library located in the court house is that the association could obtain rent free on the grounds that the library is of a great public advantage to the county. The library should be available for the resident judge and for the solicitor. It would aid the solicitor in preparing his case better and thereby protect the public interest in criminal matters, and would be invaluable to the resident or presiding judge in passing judgment on civil matters involving complicated issues of law. It seems to me that the value to the county in this respect might even exceed a fair rental, and that the county commissioners could in justice appropriate a fixed annual sum out of the general county fund for the support and maintenance of such a library.

III. Administration.

A. Librarian

(1) It strikes me that the most practical thing to do in this respect is to employ locally, certainly in towns of twenty thousand or more, a full-time librarian to devote her time to keeping track of the books and other matter in the library. Unless a full-time librarian of some type is obtained,
there will be no way to keep track of books which the lawyers, in spite of everything that can be done, will take out of the library from time to time. Then too, it will be absolutely necessary in a number of cases to carry books to the court room for argument on pressing points of law before the judge. The library would lose a great deal of its utility if the library function was restricted in this manner.

(2) It may be possible in towns and communities that can not afford to employ full-time librarians to have a combination stenographer-librarian, the stenographer receiving part of her salary from reasonable fees collected for doing work on behalf of young lawyers. It was my experience, and I believe the experience of many young lawyers will bear me out, that in the beginning it is extremely difficult for a young lawyer to employ a stenographer who is capable of doing legal work; however from time to time he will have occasion to have some legal work done. It may be that reasonable fees collected from young lawyers for this part-time work would pay all, or a greater part, of the librarian's salary.

B. General Administration
The general administration of a law library should not, for the reasons stated above, be placed in the hands of a bar committee, or in the hands of the young lawyers in any community. Such a committee might administer the functions of a law library if it were deemed advisable to have the library function as a part of the bar association, but, as stated above, I do not believe this plan should be followed where another could be adopted. The library should be run by a separate association known as the Library Association, and should have its own by-laws or constitution. If the library association is incorporated, as would probably be the procedure followed in most cases, the charter would set out the purposes of the association and might deal with certain administrative functions.

IV. General Comments.

A. Return Books
Special attention should be devoted to rules governing taking books out of the library. It strikes me that there should be an absolute rule that books should not be
removed from the library, except to take to court rooms for trial purposes, and that a heavy fine should be placed on the individual who removes books from the library in violation of the above rule.

B. Purchase of Books
The purchase of new books, selling and replacing old books, should be left in the hands of a special committee appointed by the library association. This committee should be required, perhaps, to make its report to the full association and obtain the approval of the full association in meeting before spending money on books selected by it.

C. Funds
The collection and disbursement of funds should be placed in the hands of one individual who should bear the title of secretary-treasurer of the library association. If necessary, this individual could be the librarian, in cases where his duties did not require his full time. For this work, any individual should be compensated, and it may be a means of paying part of the salary of the librarian.

D. "Good Standing" List
In every law library there should, in my opinion, be a "good standing list." This would be a list of all the members who have paid their dues, and should be posted in a conspicuous place, a copy of which should be made available to the librarian and should be on the librarian's desk at all times. There should be strict rules governing the use of the library by any whose name does not appear on the "good standing list." The reverse of this method might be employed by having a "bad standing list." This list, of course, would be shorter than the "good standing list", but would not let the librarian know who are entitled to use the library in a large community where members would not in the first instance belong to the association.

I hope this information will be of some assistance to you in compiling your report.

With kindest personal regards,

Yours very truly,

Norman Block

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