

NEVADA COUNTY LAW LIBRARY

REASON FOR INVESTIGATION

The Civil Grand Jury received a complaint regarding the operation and oversight of the Nevada County Law Library. The complainant alleged that the Board of Trustees' duties set forth in the California Business and Professions Code Sections 6300 through 6365 for law libraries were not being observed. The complaint stated that an increase in funding would bring the library closer in line with law libraries in other counties and provide revenue for improved services.

PROCEDURE FOLLOWED

Members of the Grand Jury visited the Nevada County Law Library. The Grand Jury interviewed the judicial vice chairperson of the library trustees, two members of the library Board of Trustees, the acting librarian and two attorneys who were using the library at the time. The complainant was also interviewed. Revenue and expense data for a period of 10 years was collected along with court filing fee information for the 1996-1997 fiscal year.

FINDINGS

1. California Business and Professions Code Sections 6300 through 6365 require a free law library for each county. The purpose is to provide legal material for professionals and the public. Funding is provided from fees on cases filed in the county. All county judges are members of the library Board of Trustees and the chairperson of the Board of Supervisors acts as an ex-officio member. Pertinent sections of the code define budget oversight, preparation and dissemination of financial reports, publishing of meeting minutes, public announcements of meetings and preparation of an annual report to the Board of Supervisors and the county auditor.
2. The Board of Supervisors sets the portion of filing fees that are allocated to the law library. In Nevada County these allocations are: \$16 each filing for civil and for family law, \$15 for each answer or response to a civil or family law petition, \$10 in matters pertaining to probate, \$16 for a small claims appeal and \$11 for municipal court filings. During the 1996-1997 fiscal year there were 1,984 filings of various kinds, with 17 percent of those waived due to declaration of poverty. According to the statistics provided to the Grand Jury for the fiscal year, 1996-1997, fee collections totaled \$25,054 resulting in an average of \$13.60 per filing. The fees allocated for the law library are less than those allocated by other counties. The Board of Trustees petitioned for a fee increase in 1996, but the petition was denied by the Board of Supervisors.
3. There are approximately 135 practicing attorneys in Nevada County. Use of the library is estimated at 65 percent by attorneys and 35 percent by the public. Nevada County residents in Truckee must come to Nevada City for law library research.
4. The current law library is located in cramped quarters, 945 square feet, on the second floor of the courthouse. A retired judicial secretary volunteers one day a week to maintain the California law part of

the collection. The federal part of the collection is not maintained due to cost of the service and infrequent use. Access is uncontrolled and security does not exist. There is one copy machine available and receipts for use are on an honor system. The library is in process of being moved to an expanded space of 1,484 square feet on the first floor of the courthouse. A suggestion to move the law library to the Madelyn Helling Library building has been made by members of the Board of Supervisors. However, there are several reasons why this is unworkable and impractical. The self-help legal material such as Nolo Press, a respected and relatively inexpensive California authority on "do it yourself" law for public use, could be placed in the Helling library when funds are available.

5. There is little prior evidence of annual budget planning, providing for library service, security, publishing of meeting minutes, posting of meeting notices or preparing and presenting an annual report as required to the Board of Supervisors. The complainant had taken an active role in seeking the assistance of members of the Board of Trustees to provide improved management of the library. The complainant's efforts and the active participation by the current Board of Trustees had resulted in taking an accurate inventory of the collection, preparation of a past due report for fiscal year 1996-1997, posting of meeting times, publishing of minutes and cancellation of unneeded subscriptions.

6. The Grand Jury found no evidence of any specific long-term planning for the future development of the law library. However, the trustees are discussing the installation of a specialized computer system for law research which is the same design that is currently used by the District Attorney's Office.

CONCLUSIONS

1. The Grand Jury concludes that relocation of the law library to the first floor location of the courthouse and the determined effort undertaken by the complainant and current trustees has created a heightened interest in management of the library.

2. The Grand Jury concludes from meeting with members of the Board of Trustees that the planned move and related short-term plans will upgrade security and access to the library.

3. The fees allocated for the law library do not raise enough funds for the trustees to develop any improvements except those that can be achieved with little or no cost.

RECOMMENDATIONS

1. The Grand Jury recommends that the Nevada County Law Library Board of Trustees take whatever action is necessary to ensure continued compliance with the requirements of the Business and Professions Code Sections 6300 through 6365.
2. The Grand Jury recommends that the trustees develop a technology plan that can support users of the library. This plan should be based on existing computer capability serving the district attorney and court personnel.
3. The Grand Jury concurs with the Board of Trustees' plan to request more active participation from the Nevada County Bar Association, explore use of pro bono library support and evaluate possible attorney user fees when expanded computer service is made available.

REQUIRED RESPONSES

Board of Trustees (Chairperson)
Due September 30, 1998