**Comments on Recommendations from Task Force Members**

 **(Compiled 1/11/13 – JGW)**

Support from Sarah and Pam. Diana, Martha, and Kelly had comments. Holly contributed comments from Laura Orr as I requested. LaJean had text edits. MaryKay and Cathryn are listed as advisors given their positions. I added a few of mine.

**Main Points to Discuss**

* Agree to disagree. It is okay to send in a report that says that we are not in complete agreement. How do we state this?
* Total amount. $7.1 million as currently funded or $6.95 as in the draft
* Recommendation 1: Include print? Percentage of total or $$$? Feedback and advice on selection?
* Recommendation 2: Include in Recommendation 4 as part of the statewide program?
* Recommendation 3: How to define a functional county law library? Is there a population cut off that is appropriate (50,000, 75,000, 100,000)? Can the details be worked out in Administrative Rules rather than statute?
* Recommendation 4: Add other uses of the funds?
* Recommendation 5: How to appease possible partners?

**Kudos:**

This Report in its current iteration (dated 1/4/13) represents an excellent summary of a solution to a difficult problem. OLA Task Force members should be commended for accomplishing so much in so little time and for grasping the complex world of Oregon county law libraries and the far-reaching range of services they provide. Thank you! (Laura Orr)

Good job. To me, it covers all bases, with options and funding. (Sarah)

Excellent work! (Pam)

I thought the report was excellent! (Kelly)

**The estimated cost of the recommendations is $3,475,000 annually.**

Regarding the appropriation request, I recommend asking for a minimum of $7.1 million, our current actual revenue.  "Building on the system's strengths" has a cost. (Martha)

I continue to believe that we need to propose a lesser amount to show that we are working in good faith Every state agency budget is under high scrutiny and all have taken cuts. We would be naïve to think that the Legislature will continue to fund at current levels even with the historic source of the funds. (Janet)

1. **Secure statewide access to appropriate and relevant electronic legal resources**

Should we be quantifying the savings from centralized database licensing when the first RFP hasn't even been drafted?  Instead, the State of Oregon Law Library can report the savings in 2015.  I recommend that the actual expenses for licenses and for administering those licenses should come out of the total appropriation.    I don't recommend asking for a specific dollar amount.   We could recommend a cap, however.  This could be expressed as a dollar amount or as a percentage of the total appropriation. I recommend there be an advisory board composed of stakeholders to assist the State of Oregon Law Library. (Martha)

I like Martha’s suggestion of breaking out the funding by percentages rather than dollar amounts.

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R-1: Laura’s Comments: Centralized purchasing of selected print publications could also result in cost-savings, not just centralized purchasing of electronic resources..

Justification: E.g. I work with a local attorney and get a deep discount on the cost of Kurzban (Immigration Sourcebook) for county law libraries. Also, some resources are still not online, or are too expensive online, or the online version is not cost-effective in the long run (e.g. if the subscription is cancelled, the library is left with nothing, whereas a cancellation of the print resource allows the library to retain at least a partial collection as is the case with court reports and some legal treatises and legal monographs.) (Laura)

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I would like to know what the existing "L-net" service would need before I can support allocating $125,000 to it.  Perhaps, we should measure the actual impact on L-net first. (Martha)

This could be rolled into Recommendation 4 as part of the program and not called out separately. (Janet)

The State Library is taking hard look at virtual reference service and may make some changes and creating some new partnerships but right now it is fully funded with LSTA funds and we contract with Multnomah County Library.  We currently spend about $375,000 a year on L-net, I think that $125,000 would be a reasonable amount to provide legal reference service to most of the state. (MaryKay)

R-2: Laura’s Comments: I’d like to see a more detailed budget before deciding if this amount is more or less than what is necessary. [The budget development would be done with L-net management staff members, Caleb and Emily.]

Re capacity and expertise and cost: Significant legal research and legal practice training of non-law librarians will be necessary prior to reaching this Recommendation’s goal. If experienced L-net law librarians are tapped for teaching new L-net librarians, training costs will include travel or long-distance online training costs (and possibly hardware and software), temp staff (to staff the law libraries of the law librarians who are providing the training), and post-training oversight of new L-net librarians to make sure their answers are accurate and fully compliant with unauthorized practice of law (UPL) rules and virtual legal reference best practices guidelines.

Justification: I’m fully in support of this idea - and have recommended this to OCCLL members for many years. Currently, only 3 professional law librarians answer L-net legal reference questions, due primarily to two factors. The ability to answer legal reference questions correctly and effectively requires 1) a significant level of training, expertise, and experience and 2) uninterrupted time so the librarian can answer the L-net questions without distraction. The latter is extremely important due to unauthorized practice of law concerns. Responses must be written with great care. (Aside: The 3 law librarians who current provide service would enthusiastically embrace a training program for public librarians who want to acquire legal research expertise and learn how to answer legal reference questions safely.) (Laura)3. Dedicate funds to counties willing to operate functional county law libraries.

Which amount ($3.4 or $3.5 million) is being proposed for this recommendation? Is this enough to meet the stated expectation? There are currently four counties (Deschutes, Douglas, Linn, & Yamhill) with a population of over 100,000 that only receive enough funding to staff their libraries on a part-time basis. Would these counties receive additional funding to raise their staffing level to the “expectation?” Is the “expectation” just a suggestion of staffing level?

Suggested wording change:

Dedicate funds to counties currently operating functional county law libraries.

Funds would be directly allocated to those counties to operate a functional county law library with appropriately trained staff and reasonable operating hours.

It could be just left like that. How would the funds be allocated? The counties could be allotted funds similar to the formula now in place & make use of those funds for staff & materials as best fits the county’s needs & the budget available. If you think a population threshold would garner more support, make the cut off point as counties with a population of at least 75,000 with a minimum of a part-time (20 hr) staff person. Obviously the counties that have dedicated staff & open hours to the public feel a commitment, desire, & obligation to provide law library services to the best of their financial ability. (Diana)

The criteria is difficult to implement because it's subjective.  As written, I don't know how many or which counties will operate a county law library, however, the proposed funding appears to be set at $2.5 M per year.   This is a problem as it probably would not be enough.   I recommend an objective criteria, such as population.  If you recall, at our final task force meeting we looked at the list of counties by revenue and staffing. All of the counties on the front side of the spreadsheet we considered funding, mostly because they had dedicated staff (Laura Orr's model).  The counties on the back side of the sheet, would be managed and serviced by the State of Oregon Law Library.  The dividing line between front and back is approximately 35,000 people.  We might consider a  higher population figure (50,000?) in order to capture a few more counties on the cusp.

Recommendation 3 does not address how the appropriation will be allocated.  If the funds are to be distributed by formula, as has happened in the past, it needs to be stated.  If it isn't stated, it appears as if the State Court Administrator will be making the allocations based on criteria unknown at this time.   This missing piece is crucial.  If the state is taking over responsibility for the county law libraries, this raises legal issues, for example, what happens to current county law library staff?    (see ORS 236.605 to 236.640 which addresses the transfer of public employees).  (Martha)

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The only question that I have concerns the print collections for the libraries.  Will there be any funding for that? (Kelly)

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R-3: Laura’s Comments: Law libraries receiving funding should have staff members who participate on statewide legal research listserves, websites, and blogs and are qualified to answer L-net questions. Levels of participation will vary depending on staffing and hours and law library service and programming demands made on the law library staff. Currently, many county law libraries need to close or cut hours when the sole law library employee uses vacation or sick time or attends training or county-mandated meetings. These libraries may need funding for hiring and training temporary staff.

Justification: Many pro se litigants and lawyers have questions that are specific to the practices and procedures in a particular circuit or local court. Law library employees in those counties need to be able to ask or answer those types of questions via L-net, or other virtual reference method of communication, and know how to refer to local sources of the information requested.

1) Currently, county law librarians share legal research and local services information across county lines and statewide via 2 county law library listserves. One professional county law librarian and a law library support staff member manage those 2 listserves.

2) Currently there is a statewide legal research website and blog, managed by professional law librarians at 2 county law libraries. (Laura)

$2.5 million will not fund the current system. I think we are trying to give counties the option to opt out of providing local services but also to opt in if they are really willing to commit. This may mean that there would be a redistribution of funds. The tough piece here is how to describe what is functional and what does this cost? (Janet)

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The services provided to the counties with populations less than 35,000 would be paid for with those counties' share of the appropriation. This assumes the appropriation will be allocated by formula.  I recall the task force discussed formulas based on circuit court activity (filing fees), population, or a combination. (Martha)

R-4: Laura’s Comments: 1) Perhaps insert the word “statewide” to the statement, “Funds would be needed for training of local [and statewide] providers, and 2) insert the words “grant research and writing, websites, listserves, etc.” to parenthetical “… (digitization of unique collections, shared cataloging of local collections, etc.).

Justification: Legislators, county and state administrators, and others may not be aware of the full range of multi-county or statewide collaborative services currently provided by the county law libraries. These services benefit lawyers and litigants (and librarians and the public) across the state, and include digitization projects, virtual reference service, listserves, and websites (see R. 3, above), and the OLA Legal Reference Roundtable.

Another example of cross-library collaboration is the HeinOnline database collaboration between the Washington County Law Library and the Washington County Cooperative Library Services (WCCLS) program. The Law Library negotiates and pays for the HeinOnline subscription and WCCLS hosts the database gateway on the WCCLS website to allow full and free remote access by all WCCLS (public library) card-holders.

A statewide example is the digitization of the superseded ORS taking place at the

Washington County Law Library. The images are given to Legislative Counsel, which uploads them to the Legislature’s website. Previously, only 2 repositories had complete sets of the superseded ORS. (Other entities had incomplete print sets or none at all.)

These specific examples may be useful to those who draft the final legislation to make sure that unique and valuable services currently provided by county law libraries are not written out of legislative intent or, more to the point, the legislation itself. (Laura)

I agree with Laura about making sure we emphasis statewide. (Janet)

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Lane County folks seem to be concerned about Recommendation 5.  They have been diverting much of their law library revenue to their family mediation program, and now they are upset because this recommendation would take away the funding for the family mediation program.  Unfortunately (or perhaps fortunately), I was not at the Lane County Law Library Advisory Committee meeting yesterday when Alex (Cuyler) discussed this; otherwise, I might have explained that the purpose of the taskforce is to support access to legal information, and using library funds to support a program that is completely unrelated to legal information is the type of activity that many on the taskforce (and law librarians generally) want to prevent.  (From Kelly)

R-5: Laura’s Comments: I support dedicated funding.

Justification:

1) I have never understood why these two programs (law libraries and mediation/conciliation) are attached at the proverbial legislative-appropriation hip (or have been since 2011).

2) The only thing they have in common is that they are county services formerly funded, with several other services and programs, by county Circuit Court litigant filing fee add-ons or surcharges. The 2 programs are in different parts of the county budget and have distinct and separate department directors who share no services, staff, or missions.

3) Linking law libraries and mediation/conciliation programs seems as logical as linking county law library funding with the county Jail Assessment fee or the Court Security fund, both also formerly funded via a filing fee add-on. Each program should be evaluated on its own merits, in its respective county. County Commissioners and Administrators should retain the authority to continue, or not, each program.

4) Dedicated funding would give full-service county law library managers and county administrators the ability to budget and plan for maximum cost & service efficiency. Contracts for professional services and equipment purchases, staffing, program development, and other law library public services can be negotiated with significant cost savings if future funding is relatively predictable.

5) Last, but certainly not least, Oregon county law libraries will not attract the best law librarians and support staff if the positions are temporary, or viewed as such. The best public law librarians in other states know to ask potential employers (and incumbent law librarians) about funding and local and legislative support before applying for and especially before accepting employment as an Oregon public law librarian. (Laura)

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