

FINAL REPORT OF THE TASK FORCE ON LAW LIBRARY ASSOCIATIONS

I. Background

Am. Sub. H.G. 66 (the biennial budget bill) made significant changes to R.C. 3375.48 thru 3375.56 regarding the financial obligations of the county commissioners for the operation of law libraries. As governed by R.C. 3375.50 thru 3375.53 law libraries receive operating funds based on a portion of fines and penalties collected by the municipal court as well as specific payments from the court of common pleas. These provisions were not changed.

The major changes were to R.C. 3375.48 (Compensation of law librarians) and R.C. 3375.49 (county commissioners' responsibility to provide space, shelving and utilities for the law library). Prior to Am.Sub. H.B. 66 a librarian and two assistant librarians were paid "from the county treasury." R.C. 3375.48. In addition the county commissioners were required to provide ". . . suitable rooms with sufficient and suitable bookcases in the county courthouse or, if there are no suitable rooms in the courthouse, any other suitable rooms at the county seat with sufficient and suitable bookcases. (text omitted) The board of county commissioners shall heat and light any such rooms." R.C. 3375.49.

Initially, these sections were amended to require the board of trustees of a law library association to share in the salary of the librarian and two assistants, as well as the cost of the space and utilities. Effective in calendar year 2007 the law library association would be responsible for twenty per cent of the librarians and space/utilities. Each year that amount would increase by twenty per cent until 2011 at which time the law library association would have total responsibility for the compensation as well as the space.

A thirteen member Task Force on Law Library Associations (Task Force) was created and charged with the following:

1. Gather information on and study the current state of the law library associations in this state covered by sections 3375.48 to 3375.56 of the Revised Code, with particular emphasis on the structure, funding and administration of law libraries, and on the effect of technology on, and access to, their law libraries;
2. Make recommendations on the structure, funding and administration of these law libraries presently and over the next five calendar years;
3. Make recommendations as to how to ensure that these law libraries remain open and may be made available to members of the public.

Members of the Task Force were appointed by the Speaker and Minority Leader of the House (one each); the President and Minority Leader of the Senate (one each); three appointments by the Ohio Judicial Conference (two of whom shall be judges and one law librarian); three appointments by the County Commissioners Association; and three appointments by the Ohio State Bar Association (two attorneys and one law librarian). A list of appointments is attached.

A preliminary, as required by H.B. 66, was made to both the House of Representative and the Senate by the October 31, 2006 deadline. A copy of the same is attached.

II. Summary of Final Report

The recommendations proposed by the Task Force will dramatically change the way in which county libraries will operate. The law libraries at the county level will continue to exist and serve county offices, the courts, the private bar and the public. Local control over library operations will continue.

Tremendous cost savings are anticipated as a result of the pooling of resources among several agencies and users in the county. The counties will continue to provide for basic operations but will see less duplication in county offices.

The new structure will also enable cost savings through statewide negotiation and purchase of library resources. The voluntary statewide consortium will ensure uniformity of resources statewide and will foster collaboration and cooperation.

III. County Law Library Boards

Structure:

At the county level, a new County Law Library Board will be established as a public entity to administer the functions/funds set forth in sections 3375.48 to 3375.56 of the Revised Code currently being performed by private associations. The new Board will be governed by representatives of agencies to be served by the law library. One appointment will be made by the judges of the common pleas court, one by the judges of the municipal/county court and one by the county prosecuting attorney. The county commissioners will have two appointments, one of which shall be based on a recommendation by the private bar. Such other non-voting members shall be appointed by the voting members to encourage a broad base of representation of the users of the library.

The County Law Library Board will be subject to Ohio's open records and meeting requirements.

Purpose:

The County Law Library Board will be responsible for coordinating legal research and reference material for to county offices, courts and departments as well as the operation of the county law library.

The County Law Library Boards will have the ability and authority to collaborate and contract with other County Law Library Boards and with the associations that formerly operated the law library. New County Law Library Boards will also be given the authority to merge operations to the extent that one or more entities believe such merger would enhance the services for which they are responsible.

The County Law Library Board shall be responsible for determining the salary and benefits for its employees, including but not limited to the law librarian.

Funding:

The current funding streams shall remain unchanged. The funds will be collected at the county level and maintained in a rotary fund. Disbursements from the rotary fund shall be made to support the purpose for which the County Law Library Board was created. Further, disbursements/transfers from the rotary fund shall only be made when recommended by the County Law Library Board. Deposits in the rotary fund shall also be used to pay for membership dues in the Consortium of County Law Library Boards, discussed in Section IV below.

The refund provisions of R.C. 3375.56 shall be eliminated. It is the intention of the Task Force that the County Law Library Board is allowed to carry forward all funds received from one year to the next, so as to make use of the same as the Board thinks best for the operation of the library.

IV. Consortium of County Law Library Boards

Structure:

At the state level, a Consortium of Law Library Boards shall be created as a public entity comprised of County Law Library Boards. Membership in the Consortium will be voluntary.

The Consortium will be governed by a representative appointed by each of the following organizations: the Ohio judicial Conference, the County Commissioners Association of Ohio, the Ohio Prosecuting Attorneys Association, the Ohio Public Defender and the Ohio State Bar Association.

One non voting member shall also be appointed by the state Law Librarians Association and one by the Supreme Court of Ohio.

The Consortium will be subject to Ohio's open records and meeting requirements.

Purpose:

The Consortium shall be responsible for negotiating purchase contracts that County Law Library Boards may use when purchasing resource material for its local library and other county offices. (This will resemble the state purchasing contracts that local governments now use.) In addition the Consortium shall catalogue existing resources held by County Law Library Boards who are members of the Consortium and to facilitate the sharing of the same. Finally, to the extent that funds are available the Consortium shall have the ability to provide grants, based on need and purpose, to members of the Consortium to assist in the operation of the library.

Funding:

Funding will be from dues paid by members. Each member County Law Library Board shall pay 2% of its receipts from the immediately preceding year from R.C. 3375.50 thru 3375.53. Receipts from these funds for the year 2007 shall govern the dues to be paid for 2008, the first year of the Consortium.

The amount of the dues may be changed if approved by a majority of the County Law Library Boards that are members of the Consortium.

V. Effect of H.B. 66 and H.B. 363

If a County Law Library Board joins the Consortium, the county will continue to pay, other than from the rotary fund, the salary and benefits of one librarian and the space/shelving/utility obligations in effect prior to H.B. 66.

If a County Law Library Board chooses not to join the Consortium, the county is relieved of any obligation to pay for the salary and benefits of a law librarian or the obligation to provide space, utilities and shelving effective calendar year 2008.

The incremental formula contained in H.B. 66 and modified in H.B. 363 will no longer be applicable. If the County Law Library Board joins the Consortium the county will pay for the librarian and the space/shelving/utilities. If the County Law Library Board chooses not to join the Consortium, the county shall have no further obligations to the library other than the distribution of the statutory revenue discussed above.

VI. Miscellaneous Provisions

The County may, at its discretion pay the compensation of additional library staff beyond the law librarian, which shall be the county's obligation if the County Law Library Board is a member of the Consortium.

All employees of the County Law Library Board shall be public employees. If the County Law Library Board chooses to hire an existing employee of the current Association, the county shall be responsible for all accrued benefits of all such employee as of January 1, 2008.

Current Law Library Associations shall transfer to the new County Law Library Board all retained funds and assets purchased with receipts from R.C. 3375.50 thru R.C. 3375.53.

Current Law Library Associations, at their discretion may continue to exist and to manage all private funds and assets purchased with funds other than those received from R.C. 3375.50 thru R.C. 3375.53. The private associations may continue to operate for any legal purpose, including but not limited to, for the benefit of the County Law Library Board and its operation including the payment of accrued benefits of current employees.

The Consortium shall be housed at an existing centrally located government facility such as the Ohio Judicial Center.

The effective date for the appointment of the new County Law Library Board shall be September 1, 2007. The new County Law Library Board shall take over the operation of the functions and funds set forth in sections 3375.48 to 3375.56 of the Revised Code effective January 1, 2008.

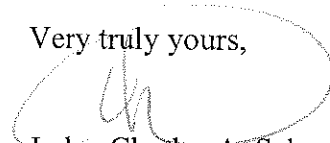
VII. Task Force

The Task Force should continue to exist until December 31, 2008 to help educate and facilitate the implementation of the foregoing recommendations, including the orderly transfer from existing associations to new Boards.

A final report of the Task Force should be filed with both the House of Representatives and the Senate by January 15, 2009.

All members of the Task Force have approved this final report. A copy has been forwarded to all appointing entities. I am available to make such presentations or answer questions as may be requested.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'CS', enclosed within a hand-drawn oval.

Judge Charles A. Schneider

TASK FORCE ON COUNTY LAW LIBRARY ASSOCIATIONS

Legislature

1. Representative Mark Wagoner
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Ohio State Bar Association – 3 appointments; 2 Ohio lawyers and 1 law librarian

1. Anita Shew
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2. Judge Charles A. Schneider
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3. Judge Susan J. Fornof-Lippencott
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LSC Staff Person

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3. Sumner (Sam) Walters, Esq.
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County Commissioners Association of Ohio – 3 appointments (no restrictions)

1. John Leutz
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2. Marilyn J. Reid, Esq.
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- Replaced by: Mary Walker
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 County Commissioner
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 Batavia, OH 45103
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3. Mark A. Thomas, Esq.
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Ohio Judicial Conference – 3 appointments; 2 judges and 1 law librarian

1. David Whelan
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GENERAL BACKGROUND

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A thirteen member Task Force on Law Library Associations (Task Force) was created and charged with the following:

1. Gather information on and study the current state of the law library associations in this state covered by sections 3375.48 to 3375.56 of the Revised Code, with particular emphasis on the structure, funding, and administration of their law libraries, and on the effect of technology on, and access to, their law libraries;
2. Make recommendations on the structure, funding, and administration of these law libraries presently and over the next five calendar years;
3. Make recommendations as to how to ensure that these law libraries remain open and may be made available to members of the public.

A report was to be made to both the House of Representatives and the Senate by October 31, 2006. Members of Task Force were appointed by the Speaker and Minority Leader of the House (one each); the President and Minority Leader of the Senate (one each); three appointments by the Ohio Judicial Conference (two of whom shall be judges and

one law librarian); three appointments by the County Commissioners Association; and three appointments by the Ohio State Bar Association (two attorneys and one law librarian).

As Chair, I organized the Task Force into committees to address the legislative charge as set forth above. There were several committee meetings and a meeting of the entire Task Force. The following conclusions were reached:

1. It is impossible to generalize regarding law libraries in the State of Ohio as governed by R.C. 3375.48 thru 3375.56.
 - although each association has the same funding source, the amount of money that is actually available is very dependent upon the traffic fines that are generated which are a function of the highway system in that county.
 - there is no uniformity as to the size or make-up of the associations' boards of trustees.
 - not all libraries are located in the county courthouse, which dramatically impacts public access and security.
2. Given the current funding, no law library could continue to exist if it had to pay all salaries and space obligations.
3. The Task Force would not be able to provide meaningful suggestions to the legislature by the October 31, 2006 deadline.

With the complete cooperation of all members of the Task Force, the legislature was asked to extend the deadlines regarding the Task Force recommendations and the associations' obligations.

Substitute H.B. 363 was adopted which accomplished what the Task Force requested. Specifically, it provided the following:

1. The association's obligation to begin to pay a portion of the space and utilities costs does not begin until calendar year 2008.
2. The association's accelerated obligation regarding the space only happens if it expands or enlarges the space for the law library.
3. The report from the Task Force is due by October 31, 2007.

PRELIMINARY RECOMMENDATIONS OF THE TASK FORCE

The Task Force has agreed that the following will serve well as general guideline for our discussions in submitting our final recommendations. Representatives of the county commissioners and some legislative representatives have made it very clear that support for any single recommendation is conditioned upon a systemic reform of the structure of law libraries in the state of Ohio. With the foregoing limitations the following represents the current state of the Task Force's recommendations:

1. Law Library Associations rely on the existing funding sources as set forth in R.C. 3375.50 thru 3375.53 and not recommend any additional court costs or a share of other existing funding.
2. The provision of R.C. 3375.56 that requires an association to refund ninety per cent of the difference between receipts and disbursements for any calendar year be eliminated.
3. Each association be required to remit a portion of each statutory receipt each year to a state wide governing board operated under the auspices of the Supreme Court. The exact percentage has not been determined.
4. The Supreme Court redistribute the funds through an application process. Specific guidelines to be drafted to direct the redistribution with incentives to encourage economic efficiencies such as mergers or joint purchasing agreements or sharing of resources.
5. Law library associations be given the statutory right to voluntarily merge operations or enter into joint purchasing agreements.
6. Law library associations be given the statutory right to enter into statewide purchasing agreements.
7. Law library associations be designated as the county agents responsible for negotiating countywide legal research contracts.
8. The Supreme Court establish an objective formula (based on population, number of judges/lawyers, minimum core collection and staff etc.) for determining the appropriate size of law library.
9. The county commissioners be responsible for providing, in the courthouse, the space and utilities determined above. If the space cannot be provided in the courthouse, that such space be suitable to accommodate the public. (This recommendation was not unanimous. A minority recommended that the commissioners be responsible for

75% of the cost. This recommendation is very tentative and depends on the level of reform proposed.)

10. County law libraries be open to the public. This requirement may be avoided if another appropriate venue is available for the public. Not requiring public access, if not necessary, will reduce security concerns and therefore costs.
11. County law libraries be considered part of the judicial system. County commissioners do not accept this position. Probably not critical to other suggested recommendations.
12. County law libraries be subject to both public records requests and open meeting laws.
13. Each law library governing board have a seat for an appointment by the county commissioners.

This is a preliminary report of the Task Force. All members have approved it, as to form and content. A copy has been forwarded to all appointing entities. I am available to make such presentations or answer questions as may be requested.

The Task Force will continue to meet so as to prepare specific recommendations for consideration by the General Assembly.

Very truly yours,

Judge Charles A. Schneider
Chair