

# **CLARK COUNTY LAW LIBRARY**

## **Board of Trustees Annual Report**

**2006**

### **Introduction**

The Clark County Law Library Board of Trustees presents this 2006 Annual Report, as required by RCW 27.24. This Report is based on information supplied by Maria Sosnowski, Law Librarian. This Annual Report covers the period from January 1, 2006 through December 31, 2006.

The Clark County Law Library strives to provide access to legal information to all patrons who come through the door. The Library offers personal, professional assistance without any strings attached. Our mission is to ensure that the Clark County Law Library provides a community resource for access to justice for people of any age, income, or educational level.

We invite your comments and cooperation. Please feel free to contact members of the Board, or Law Librarian Maria Sosnowski, to share your thoughts about the Library.

### **Who the Library Serves**

The general public is the largest user group in the Law Library. During 2006, 83% of the reference questions answered in the Library came from members of the public. Two paralegal programs (Clark College and Everest College, formerly Western Business College) use the Library to teach their students legal research.

The Library also serves 9 Superior Court judges, 6 District Court judges, a magistrate, 4 court commissioners, 500 or more Clark County attorneys as well as attorneys from other counties and Oregon. The Library also provides reference services to inmates in the Clark County Jail and provides interlibrary loan services to other libraries on an as-needed basis.

### **Collection**

As of December 31, 2006, the Clark County Law Library had approximately 20,000

volumes, 1,000 supplements and advance sheets not attached to individual volumes, and 7,000 microfiche. The Library also has Washington State Supreme Court Briefs, individual local court rules, and the periodical Jury Verdicts Northwest.

The Law Library currently subscribes to Shepard's citations and Westlaw, two on-line legal databases. Westlaw has databases for cases and statutes from all states and federal circuits, numerous Washington materials, and various secondary source materials. Shepards offers the ability to check to see if a cited case is still good law.

Currently, 34 books are on the missing book list. This does not include missing books that have been replaced, or outdated items that would have been discarded due to age. The Library has been able to replace several missing items at no cost from various listserves that the Librarian belongs to.

## **Legislative Strategies**

This was the first full year that 2ESSB 5454 was in effect. That bill raised filing fees but less than expected. For more information see Financial Strategies below.

For 2006 the Washington Association of County Law Librarians met and decided not to proceed with any new legislation. Rather, we tried to stay on top of any new bills that would have a negative impact on the law libraries. The same strategy is expected for 2007 as well.

## **Financial Strategies**

Unlike many county law libraries in Washington, the Clark County Law Library is not in the county budget and does not receive direct funds from the county. The County does provide more indirect support than other counties, including payroll, computer, mail, and administrative services.

In 2006, the Law Library reviewed materials during the year to ensure that our expenses would not exceed our budget. Every item that comes into the library is evaluated in terms of cost, amount of use, viable alternatives, and potential benefit. Indexes are not updated automatically, but rather every few years.

In July of 2005, 2ESSB 5454 took effect. It increased our share of filing fees from \$15 to \$17 per filing in Superior Court and from \$6 to \$7 per filing in District Court. This bill on its face provided for a 16% increase in District Court filing fees and a 13% increase in Superior Court filing fees. This year was the first that the new filing fees were in effect for the entire year. However, filings have apparently been affected since passage of that bill. District Court revenues were 6.2% higher in 2006 over 2005, and Superior Court revenues were 9.7% higher in

2006 over 2005. In total, filing fees in 2005 were \$144,071 and in 2006 were \$156,936, or a total increase of 8.9%.

The Law Library continues to look for ways to increase our self-generated revenues. We sell three form kits, which raised \$9,533.10 in net revenues during the year for the Law Library. This is an increase in net revenues of 24% from 2005. The Library continues to charge attorneys for after hours access keycards, which raised \$4,845 during the year. This was a decrease of 12% from 2005. We raised another \$1,170 from our share of copier revenues, a decrease of 29% from 2005. Copier revenues are down in many law libraries around the state.

The Library has also taken advantage of opportunities to sell old volumes. Certain materials, which in the opinion of the Librarian would be likely to sell, are listed for bid. This allows the Library to raise a nominal amount of money from items that would otherwise be discarded. During the year, we raised an additional \$1,454.99 this way, an increase of 25% from 2005.

The Library's self-generated revenues dropped from about 10% of our total revenues for 2005 to 9.5% of our revenues for 2006. Given the increase in our filing fee revenue, this percentage drop was to be expected. As a dollar amount, self-generated revenues were somewhat higher in 2006 than 2005. As recently as 2001, our self-generated revenues were less than 1% and came only from copier revenues. While the Library is always considering additional ways to generate revenue, we are fairly limited in the options available by statute and by the legal requirement of open access.

## **Donations**

The Clark County Bar Association's Law Library Committee set up a sponsorship and donation program in 2003. Each year, a letter goes out to the membership in the CCBA newsletter, letting them know about our sponsorship program and asking for monetary donations. The Law Library also accepts book donations if they are materials that the Library can use or materials which are likely to sell.

During 2006, the Library received Psychological Experts in Divorce Actions and Estates and Trusts Forms Manual from Meredith McKell Graff, and Illustrated Medical Dictionary (with supplement) from Don Esau. University of Alabama at Little Rock Law Library donated Eyewitness Evidence: A Training Manual for Law Enforcement via a listserv.

The Law Library added two volumes to the collection in exchange for the Law Librarian agreeing to write reviews for them. Those were: Deposition Handbook and Intellectual Property Technology Transfer.

Missing volumes are also sometimes replaced via listserves, enabling the Library to

replace items at no cost.

## **Library Improvements – Books and Print Materials**

Due to the escalating costs of maintaining the sets that we have, the Library has been reluctant to make many new acquisitions unless they are low cost or from the Washington State Bar Association. And due to space restrictions, we cannot purchase items that need extensive shelf space. We have been purchasing some small specialized treatises to try to build up areas of the collection that are weak or in subjects that are popular.

The Library purchased the following new titles in 2006: Search and Seizure checklists; Electronic Discovery; Probate, Wills, Estate Planning, and Public Records deskbooks from WSBA; NCLC titles including Guide to Debt and Foreclosures of Real Property; Aspen Elder Law Portfolio; Human Resources Filing Cabinet; Washington Employment; Civil Actions Against the Government; Federal Civil Trials; Homeowners Associations; Money and Divorce; Kurzban Immigration Sourcebook; Bankruptcy Deadline Checklist; Fundamentals of Construction Law; McElhaney's Trial Notebook; School Violence; Mental and Emotional Injuries; Disability Discrimination and the Workplace; Trial Evidence, Is it Admissible?, Determining Economic Damages, Insurance Settlements, Litigating Employment Discrimination Cases, and Determination of Income for Child Support from James Publishing; Qualified Domestic Relations Orders; and Rights of Prisoners.

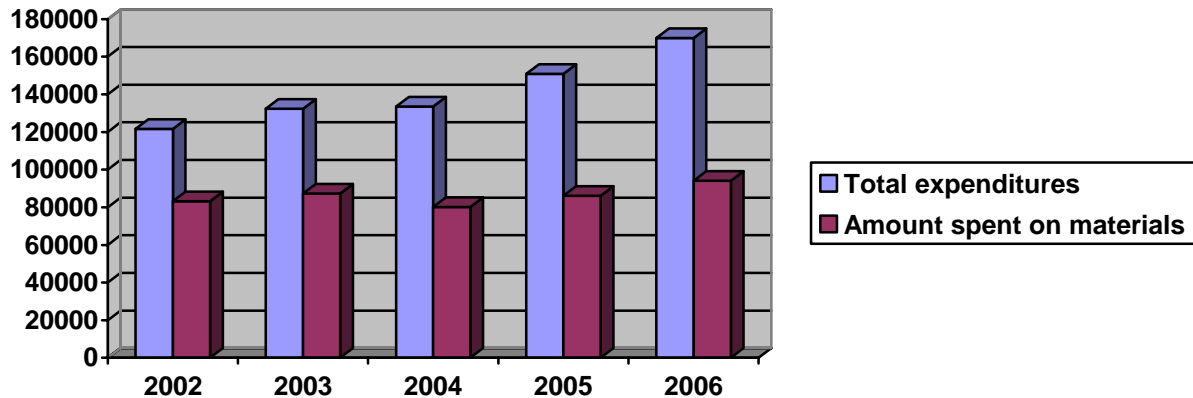
We bought this title to replace an existing but outdated copy: Benders on Discovery.

The Library also continues to purchase nearly all of the new Continuing Legal Education books from the state bar or the Washington State Trial Lawyers Association and all of the Washington State Bar Association Deskbooks. We added 47 CLEs from WSBA, 6 from WSTLA, 14 from Lorman, and 21 from NBI, for a total of 88 CLEs purchased during the year. We continue to receive free CLEs from the Clark County Bar Association.

The Library also continues to receive state Supreme Court briefs from the State Law Library, and Jury Verdicts Northwest/Northwest Arbitration from the Superior Court Administrator.

The Library has historically spent between 60 and 75% of its total annual expenses directly on materials. This compares favorably with other county law libraries, which generally spend a smaller percentage on materials as they are open more hours and have higher personnel costs. For example, in the last available annual reports, King County Law Library spent 38% of its annual expense on materials, Skagit County spent about 50%, and Snohomish County spent about 45%. Figure 1 on the next page shows the relationship between the amount spent on materials and our total budget.

**Figure 1: Total Revenue and Amount Spent on Materials 2002 - 2006**



This year 55% of our expenditures were on materials. However, counting the money set aside for deferred purchases brings that up to 68% of our expenditures. There are many titles that are due for updating in either 2007 or 2008. We are setting a higher percentage of our revenues aside into our reserve account so that when price increases again exceed our budget we will be able to absorb that for several years.

## **Library Improvements – Database and Computer**

The Library offers internet-based Shepards and internet-based Westlaw. The Westlaw subscription includes cases and statutes for all states and federal circuits, an extensive Washington database, and some secondary materials. This contract was renegotiated during 2006 and a new 3 year contract was signed. While the monthly cost is quite high, Westlaw offers a discount on various book titles along with the internet contract, which brings our monthly net cost to a range we can afford. Our average net monthly cost for Westlaw during 2006 was \$31. (this is so low because we were at the end of a three year contract and the book prices on which the discount is based rise so quickly) Westlaw is an attractive service to attorneys, is used regularly by pro se patrons doing legal research, and is also used by the Librarian to assist patrons.

The Library offers printing from the computers at 25 cents per page. This allows patrons to print materials they find on free websites as well as our paid subscription websites. Some of that material is not available in print in the Library.

## **Library Challenges - Space**

The Library has run out of space. All duplicative materials have been discarded. Every year the Librarian must make decisions about what materials must be discarded to make room

for newer or more popular materials. Patrons have asked about some of the missing materials and are disappointed that they are no longer available.

In addition, reporters are shelved on the very top shelf, which requires a ladder to reach. Some items are shelved where there is space, rather than where they should logically go, resulting in difficulty finding materials for those not very familiar with the collection.

The Library is now to the point of being forced to discard useful but lesser-used materials to make room for expanding reporter series. Space, as well as cost, is considered in deciding which items to add to or cut from the budget. At this point, we are unable to add any big sets due to lack of room. Sometimes this results in a lower-quality title being selected because it needs less shelf space.

The main holding of the Law Library is case reporters. These reporter series are vital resources for the Law Library that would cause great hardship to the community if they were discontinued. The Law Library simply must have more space. In order to continue these series, we will have to stop getting other items, or discard more materials that cost thousands of dollars to acquire in the first place.

## **Library Challenges - Finances**

The Library is still experiencing disproportionate inflation in subscription costs. Most of our materials come from two vendors, and due to a series of mergers and acquisitions, many of the smaller publishers have disappeared. West Publishing accounted for 70% of the materials budget during 2006, and has had increases in prices ranging from 10 – 20% most years. Due to selective returns during the year, the increase in filing fee revenue, and budgeting to spend less than our available revenues, the Library is able to avoid cuts to the 2007 budget.

Washington materials are all kept updated according to publisher's schedules. That is not true for many other materials. There are a number of sets in the Library which are no longer updated regularly, but instead are on a rotating 3 or 5 year cycle. There are also some sets that the Library maintains but due to the cost lack a current index. While this is not as desirable as having fully updated materials, it is one way the Library is trying to stretch our revenue and budget for the future.

While Library revenue has historically increased only about 3% per year, and due to the new filing fee bill increased 9% this year, Library expenditures have risen much more. Book costs increase average 10-20% per year. This means the Library has been unable to purchase new materials and had to make significant cuts to the collection to balance the budget for 2000 through 2004. For 2005 and 2006 the library has deliberately spent less than our revenues to build up the reserve account for future needs. Figure 2 on the next page shows the percentage increase in cost over the last four years of seven basic titles that the Library considers part of its

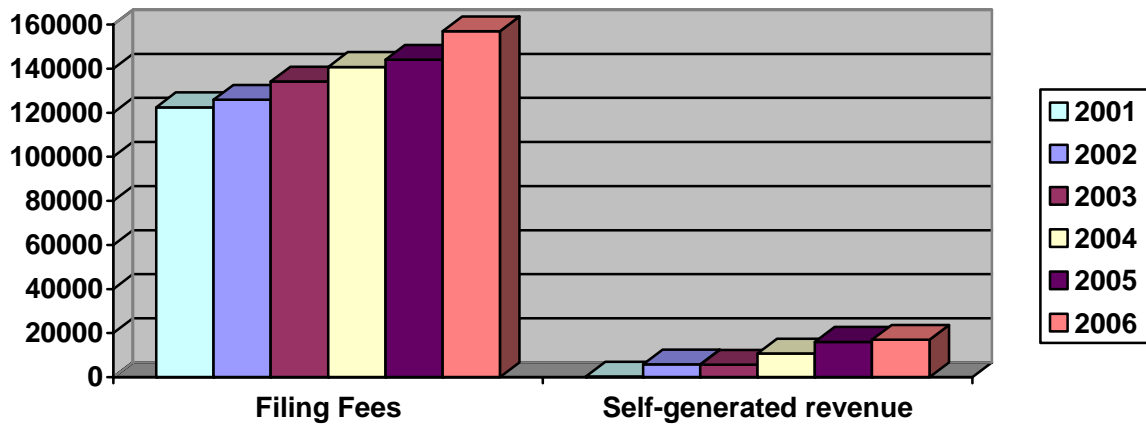
core collection.

**Figure 2: Percentage Cost Increase of Basic Materials in the Library 2002 - 2006**

Title	2002	2003	2004	2005	2006	Increase
Federal Reporter volume	59.00	74.00	83.00	91.00	102.00	73%
Pacific Digest pocket parts	490.00	515.00	577.00	638.00	714.00	46%
Restatement pocket parts	510.00	561.00	629.00	689.00	748.00	47%
Shepards for Washington	577.00	784.00	830.00	951.00	1126.00	95%
United States Code Annotated pocket parts	799.00	910.00	1,023.00	1,120.00	1250.00	56%
Washington Code Annotated pocket parts	682.00	912.00	902.00	1,032.00	1156.00	70%
Washington Digest pocket parts	294.00	310.00	347.00	387.00	432.00	47%

The Library has looked for means to increase revenue. In 2002 the Library began charging attorneys an annual fee for the privilege of having after hours access keycards. This raised \$4,845 in 2006. The Library also sells three form packets. Net revenues from these form packets were \$9,533 in 2006. We also take bids on superseded items. That raised \$1,454.99 in 2006. Copier revenues were \$1,170 this year. With the keycards, form packets, bid items, and copier revenues, the Library has been able to raise self-generated revenue in the amount of \$17,002.99, totaling 9.5% of the 2006 budget. (see Figure 3)

**Figure 3: Law Library Income by Category 2001 - 2006**

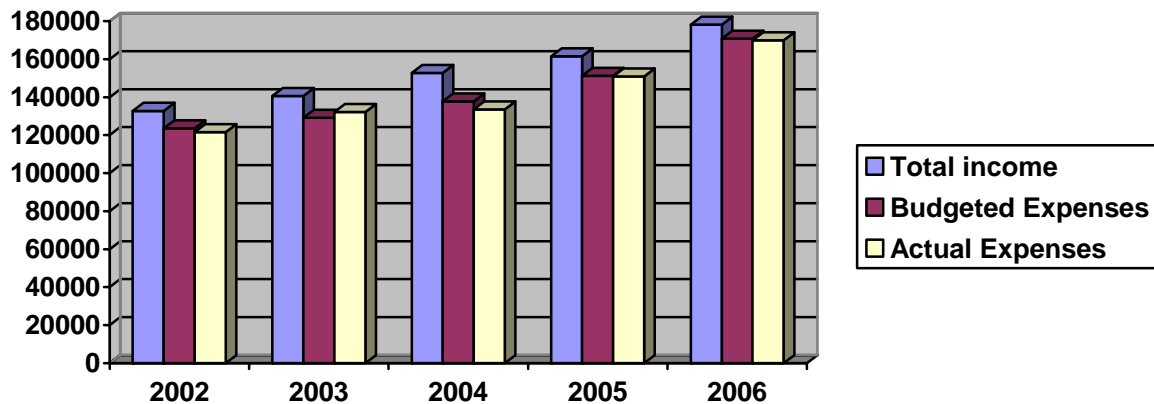


\*Self-generated revenue includes revenue from after hours access keycard sales, a portion of copy card revenue, and revenues from the sale of form packets. Beginning in 2005, it also includes money from bids on discarded items.

The Law Library has begun to set aside a reserve account as a portion of each year's budget, to pay for replacement of certain book sets in 3-5 year cycles. This allows the Library to save money because replacing the sets every few years costs less than updating them annually. However, this also means that these sets are no longer current. There are two items due for replacement in 2007 and 11 due in 2008.

The Library also maintains a reserve account to cover months when the Law Library is not credited for its share of filing fees on time, or to cover unexpected expenses such as equipment repair and replacement. We also expect to be relocated in the next few years and have set aside reserves for costs that will be associated with moving. And we project that in the future expenses will again exceed revenues and so are building a reserve account to offset that. As a result, our expenses have been kept below our income in order to allow our reserve account to grow. This also allows a cushion because in some years our expenses have exceeded our revenues. Figure 4 shows our total income compare with both budgeted and actual expenses for the last 5 years.

**Figure 4: Income and Expenses for 2002 - 2006**



The increase in filing fee revenues that took effect in July of 2005 had a smaller effect on the Law Library revenues for the year than predicted. Perhaps the increase in filing fees has led to a decrease in the number of cases filed. Filing fee revenues increased by only 9% from 2005 to 2006, despite the fact that the increase in our share went up 12%.

## Use Statistics

The Law Library purchased and installed a door counter late in 2005. This year is the first full year we have statistics on the number of people coming into the library both during open hours and while we are closed. The door counter is an electronic beam that counts the

number of times it is broken, so when a multiple people come in as a group it may not accurately count each person. However, it will show a trend over time of the number of people entering the library each day.

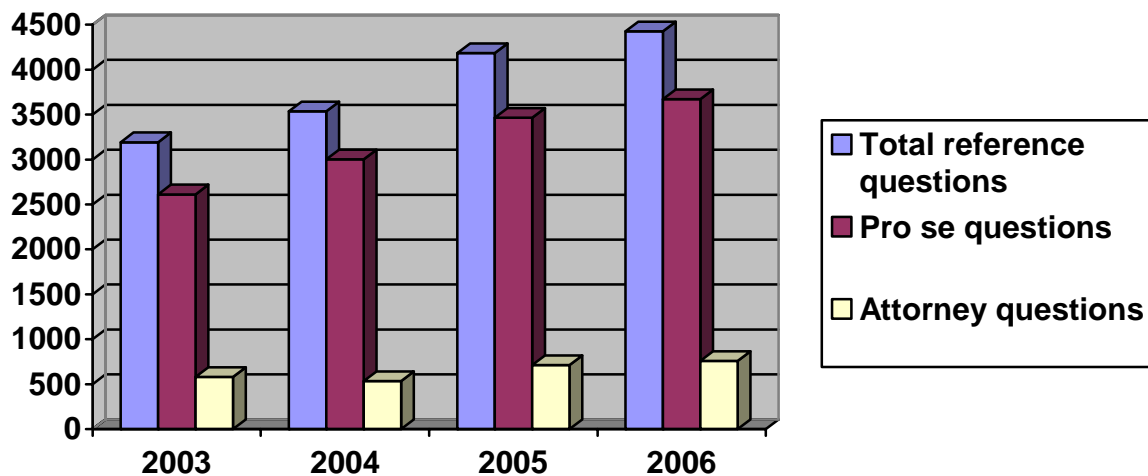
### A. Number of people through the door

For 2006 there were a total of 11,364 people through the door. That includes 2,709 people during hours that the library is closed to the public. Attorneys with keycards can enter during closed hours so long as the building is open. There were also 8,655 people during the open hours between 11:00 a.m. and 4:00 p.m. Tuesdays through Fridays.

### B. Reference and semi-reference questions

The Library answered 4,425 reference questions during 2006, up from 4,184 during 2005 and 3,539 during 2004. This is a 25% increase in the number of reference questions in just two years. In addition, there were numerous non-reference questions, which are not included in those numbers. Of the 4,425 questions, 3,672 of them came from pro se patrons (non-attorneys) with the rest coming from attorneys. Approximately 83% of the questions the Law Library helps with are from non-attorneys, and 17% are from attorneys. Figure 5 shows the increase in reference questions from 2003 to 2006.

**Figure 5: Reference Questions 2003 – 2006 by Attorneys and Pro Se Patrons**



### C. Circulation

Non-reserve books may be checked out on the honor system by judges, lawyers, and county officials. During 2006, 603 items were checked out. Two items were sent and 36 items

received through interlibrary loan during this period. Due to the limited collection, the Library borrows far more than it lends. Nearly all of our interlibrary loans come from the State Law Library, due to their large collection and policy of not charging for this service. Items that are not available from them can usually be obtained from Lewis and Clark's Boley Law Library, also at no charge.

**D. Inmate Requests**

During the period covered by this report, the Library received only 2 documented inmate requests. The Law Library signed an interlocal agreement with the Jail Law Library in 2006 to provide services to the jail to upgrade and maintain the Jail Law Library. The Jail's collection is now current and more useful for inmates than it was before, which may be why there were fewer inmate requests.

**E. Westlaw Use**

During the year, library patrons conducted 4217 total transactions using Westlaw, an increase of 41% over the 2,996 transactions last year. Our Westlaw contract changed in December and so the databases that were available for the first 11 months of the year were different than those available in December. The Results Plus result is tiny because it was only offered beginning in December. The Washington Practice numbers only include 11 month as well because starting in December those were included in the Washington database figures. With these caveats, Westlaw use figures are broken down by databases as illustrated in Figure 6:

**Figure 6: Westlaw Use for 2006**

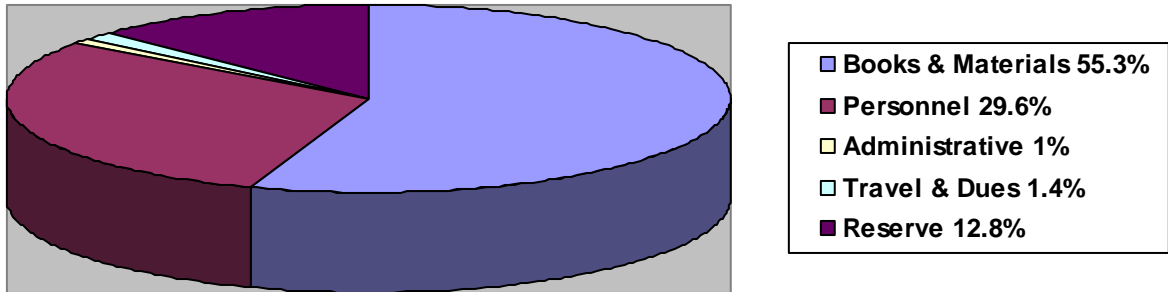
<b>Database</b>	<b>% Use</b>	<b>What it Covers</b>
Analytical	10.6%	Secondary sources such as American Jurisprudence, forms, Proof of Facts, Restatement
Washington	82.0%	Cases arising in Washington, statutes, court rules, administrative rules, attorney general opinions
Oregon	3.4%	Cases arising in Oregon, statutes, court rules, administrative rules, attorney general opinions
Washington Practice	3.7%	Online version of the print set of the same title
Results Plus	.2%	Databases outside our plan that have relevant information

**Financial Report**

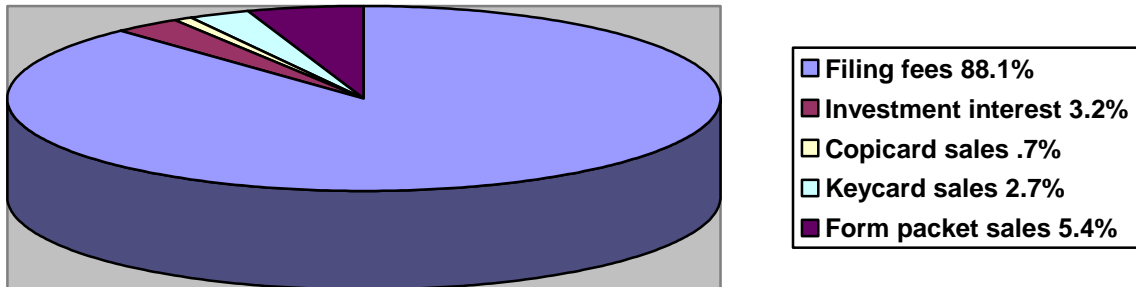
Our revenues exceeded projections by \$7,459. By maintaining our conservative approach to the materials budget, the Library came in a bit under budget for expenses and over

budget for revenues, allowing us to build up our reserve account. Figures 7 and 8 (next page) show a pie chart of expenses and revenues, and Figure 9 on the next page shows actual figures for each category.

**Figure 7: Expenses for 2006**



**Figure 8: Revenues for 2006**



**Figure 9: January – December 2006 Expense and Revenue Numbers**

EXPENDITURES

Salary & Benefits	\$47,735
Books & Materials	94,023
Telephone	266
Temporary Employment	2,552
Office Supplies	1,381
Dues & Travel	2,152
Reserve Account	21,792

REVENUES

District Filings	\$34,448
Superior Filings	122,488
Interest	5,699
Copico	1,170
Keycards	4,845
Form Packets	9,533

Total

\$169,901

Total

\$178,183

Due to fluctuations in monthly expenses and revenues, as well as unexpected price increases or equipment costs, the Library needs to have a healthy reserve account. Also, since we started placing some items on a rotating update basis, we need to build up reserves for the future planned purchases to update the items. Filing fees fluctuate quite a bit. We have also chosen to use the increase in filing fees to continue to build up the reserve account to buffer for the inevitable time in the future when our expenses exceed our revenues. This way, we hope to be able to continue operating without cuts for several years after our revenues stop keeping up with expenses. We are also constrained by space in purchasing additional materials.

## Summary

During 2006, the Law Library continued its policy of conservative budgeting and aggressive materials acquisition policies, and ended the year with revenues in excess of expenditures. However, the Library continues to struggle with a lack of space and spiraling materials costs, which have negatively impacted the quality and extent of the collection.

For 2007, the Library will continue to focus on increasing self-generated revenue. Each item that comes into the Library will be evaluated in terms of cost, space, and potential alternatives in order to offer the best possible collection within our limitations. We also will continue to make our space needs available to the county in the hope that when more space is available, the law library will benefit from it.

Submitted on behalf of the Board of Trustees by:

\_\_\_\_\_  
Signed by Judy Zeider  
Judy Zeider, Chair

\_\_\_\_\_  
7/26/07  
Date