

THIRTEENTH ANNUAL REPORT

**Board of Trustees of the New York County Courts
Public Access Law Library**

May 30, 2008

INTRODUCTION

This is the thirteenth annual report of the Board of Trustees of the New York County Public Access Law Library, presently located at 80 Centre Street in Room 468. It is submitted pursuant to *Guidelines for Boards of Trustees on the Care and Operation of Law Libraries*, dated October 13, 1993, and covers the period from June 1, 2007 to May 30, 2008. This report consists of a mission statement, sections pertaining to organization and staffing, Board activities, the collection, library services, security, statistics, recommendations, concluding remarks, and an appendix.

MISSION STATEMENT

The fundamental mission of the Public Access Law Library is to provide an open, easy, user-friendly avenue to legal information to a broad base of patrons.

ORGANIZATION AND STAFFING

Prior to the enactment of Judiciary Law section 814 (L. 1993, ch. 662), there were few statutory provisions for public access to court libraries in New York State and none in New York County. In his letter of support dated July 13, 1993, Assembly Member G. Oliver Koppell wrote to Hon. Elizabeth D. Moore, Counsel to the Governor, that "A.3446A provides for unification of the State court library system and the establishment of uniform procedures for management and operation, including public access across the State...it will also ensure uniformity, economies of scale and open access, and encourage the creation of improved facilities." The statute requires the appointment of boards of trustees to assist the Chief Administrative Judge in the care and management of libraries. The current Board of Trustees commenced October 3, 2007. It consists of Hon. Babara R. Kapnick, Chair, appointed by Chief Administrative Judge Ann Pfau; and Hon. Robert Jackson, M. Robert Goldstein, Esq., Alison F. Alifano, and Julie Gick, Principal Law Librarian, who were reappointed by Chief Administrative Judge Jonathan Lippman. All members serve through October 3, 2009. David Badertscher, Principal Law Librarian, continues as an ex officio member. Judge Kapnick succeeds Hon. Stephen G. Crane who retired effective February 4, 2008.

Theodore Pollack has been serving as Senior Law Librarian of the Public Access Law Library since January 17, 2002. In addition to Mr. Pollack, the library staff includes Robert Rosensweig, a Court Analyst (JG 18), and three Contemporary Guidance Services, Inc. (CGS) interns. Another full-time librarian title is vitally needed to serve the burgeoning clientele. An additional security presence would be of benefit to the library.

BOARD ACTIVITIES

During the past twelve months the Board met on October 30, 2007; January 24, 2008; and May 15, 2008 to discuss public access issues.

The public access library received eight new laser jet printers which are being used at computer research stations.

The law firm of Dinerman, Bergam & Dinerman donated a set of New York reports to the library. The Martindale Hubbell Law Directory was donated by the firm of D'Amato & Lynch. On behalf of the Board, Judge Crane wrote letters of appreciation to the donors.

Asbestos removal at 80 Centre Street was completed with minimal disruption in library services. In February, 2005 the District Attorney's Office moved its mail room operations to a large room approximately twenty feet away from the public access library. For safety and security reasons this seems a poor location for processing mail. There have also been complaints about smoking in the room. Judge Crane emailed Hon. Ann T. Pfau, Chief Administrative Judge. It is hoped that an arrangement to trade space may be made so that the mail room is relocated away from the library.

After almost thirteen years as Chair of the Board, Hon. Stephen Crane announced his retirement from the bench effective February 4, 2008. He has joined Judicial Arbitration & Mediation Services (JAMS) in Manhattan as a dispute resolution mediator/arbitrator. The other members of the Board thank Judge Crane for his leadership, dedication and hard work in promoting law library access and services to the community, and wish him well in his new career.

Mr. Pollack continues to be a periodic contributor of book reviews to the New York Law Journal. He is co-chair of the Law Library Association of Greater New York (LLAGNY) Grants and Scholarships Committee.

COLLECTION

The collection, consisting of approximately 300 print titles or about 10,000 volumes, has been enhanced by public access to Lexis, LoisLaw, and Westlaw. Purchases of new books have been limited due to budgetary constraints. Internet access is available for staff use as well as a cataloging account. The Criminal Term library has been assisting with requests beyond the scope of the public access library.

A new Westlaw contract was signed and public access to databases has been expanded to include McKinney's Consolidated Laws of New York; Pattery Jury Instructions-Civil; New York official reports; Keycite; and New York Attorney General Opinions.

LIBRARY SERVICES

As part of its mission the New York County Public Access Law Library provides a number of services to its patrons. These services include the following:

REFERENCE SERVICES - New York County Public Access Law Library continues to strive to assist a variety of user populations from the New York City and greater metropolitan area.. Users report that they visit the Library from all of the boroughs which comprise New York City as well as Westchester, Nassau, New Jersey, and Connecticut. Indeed, there have been in-person visits from people from other states such as Texas and California.

Users span the spectrum in terms of education and socio-economic status. Library patrons include the very wealthy as well as individuals who are destitute. Cases being worked on by library patrons appear to be primarily civil. Some include defamation, shareholder disputes, and landlord tenant matters. A portion of matters researched in the Library are criminal in nature and have included research into weapons possession and newly discovered evidence.

Library staff respond to telephone inquiries on the New York Unified Court System's (800) COURTNY telephone information line. The librarian responds to reference inquiries electronically submitted through the collaborative reference system of QuestionPoint. Additionally, the librarian fills document delivery requests through the Unified Court System's document delivery program, and the librarian answers questions and requests submitted by email, telephone, and mail.

Mr. Pollack compiled a list of Frequently Asked Questions received on the 800 telephone line. Some of these have been added to the court web site at: <http://www.nycourts.gov>.

FACSIMILE SERVICES - Both the Supreme Court Criminal Branch and Civil Branch Libraries regularly fax reports of articles to the Public Access Law Library for public use.

INTERNET SERVICES - Patrons may consult the home page of the Unified Court System at <http://nycourts.gov>. A link from [Law Libraries](#) on the lower part of the page leads to a list of the New York State trial court law libraries that are open to the public at <http://www.nycourts.gov/lawlibraries/publicaccess.shtml>. The court web site contains extensive information including careers in the court system, juror information, links to additional related sites, and the new commercial cases database. Users can also contact the library via e-mail.

Wireless Internet service has been added to the library and is being used successfully by self-represented litigants and attorneys who have laptops.

TELEPHONE REFERENCE SERVICES - A unique feature of the Public Access Law Library is the toll free ready reference telephone number which people may dial for court information. Despite the fact that this is the New York County Public Access Law Library, calls from area codes used within New York City and Nassau, Suffolk and Westchester are automatically

channeled to the New York County Public Access Law Library. A caller may dial 1-888-COURTNY (1-888-268-7869) and speak to a live person during business hours, or hear a voicemail message at other times. From April 2007 through March 2008 the COURTNY and the library phone numbers received 11,146 calls. During the same year the downstate and upstate COURTNY phone lines logged in a total of 31,902 phone calls or 586.86 hours. This represents about 20 - 25 calls an hour at both locations.

CIRCULATION SERVICES - Because most of the collection consists of only one copy, circulation has been limited to court personnel in extenuating circumstances. The public has the use of books in the library, and a copy machine for patrons is available at 10 cents a page.

PUBLIC ACCESS NETWORK - The court system implemented a public access network (PAN) in the public access law library. In addition to Lexis, the public can use other online legal research services over high speed communication lines without compromising intranet security. The technology can also restrict public usage of nonlegal web sites. There is a one hour time limit on computer usage which can be extended depending on demand. The IT department tested the wireless network and found it to be functioning although the signal can be weak and variable.

Since March 2007 wireless internet access is available for up to 15 users at a time.

PATRON FEEDBACK - Attached as Exhibit I are exemplary letters of appreciation. In addition the following are selective comments from researchers who have used the New York County Public Access Law Library:

Re: International Law Firm Research 09/18/2007

Dear Mr. Pollack,
Thank you very much for this additional information - it is very helpful.
And a very special thank you for your extremely helpful assistance this morning. I very much appreciate your help.

Kind regards
Professor, International Business

Re: Thank you so much 03/10/2008

Hello Ted,
Thank you so much for this information. I tried the Red 2008 NY Lawyers Diary and Manual and went on-line to google and could not find this information.

This is exactly what was needed, thanks again.

Law Library Assistant
Supreme Court Law Library

Re: Thank you so much! 02/05/2008

Thank you so much!

I am now due to file my motion tomorrow, and the below cases reference a third: People v. Whitaker, NYLJ, 6/21/90, New York Co., Crim. Ct., p. 25, col. 2 (Judge Glasser)). Could you please forward me a copy of that case from the NYLJ, as I think it may be more on point than the 2 I already had cites for.

Thank you again, and I appreciate your understanding and coming through for me on the time constraints herein; it was unexpected but apparently the case.

Regards,

SECURITY

The Board wishes to commend the Office of Court Administration, Capt. Frank C. Spagnolo, Lt. Allen Lasky, and Sgt. John Sbarbaro, for enhanced security measures at 80 Centre Street. The lock on the library door was changed due to apparent unauthorized usage after hours. An officer on the fourth floor during the day would be helpful to reduce the number of incidents in the library. Disappearance of library materials has decreased since the implementation of the Check Point security system.

STATISTICS

The number of patrons using the Public Access Law Library since 1995 - 1996 has been compiled into a spreadsheet which appears in the appendix. The total in-person usage is 71,168. The grand total of personal usage, web and telephone reference is 120,046.

The library began keeping telephone statistics in 2002. During 2007-2008 there were a total of 11,146. This is a substantial increase over last year's 10,520 telephone reference inquiries. Despite occasional glitches in phone service the number of calls and complexity of questions continue to increase. Telephone calls have also increased due to questions about the enhanced and expanded court web site. For more detailed statistics please consult the appendix.

Attorney attendance and staff usage is increasing. The public is starting to use Document Delivery Service which allows people to obtain information through email.

Since October, 2002 Mr. Pollack has been participating in a global reference library project in cooperation with the Library of Congress. The service is called QuestionPoint. He has answered 202 questions submitted by researchers.

There is an awareness that there is a law library for the public. The annual report is posted on the internet at http://www.nycourts.gov/library/nyc_criminal/rep11.pdf Name change forms are distributed by local courts and through information on the internet. Referrals are made from other libraries and the Office for the Self-Represented. A number of requests are received via email, standard mail, and telephone.

The library remains an extremely busy place, because of the location and hours our library is serving users from other counties, judicial districts, states, and foreign nations. Our policy of openness has made the library an inviting and user-friendly research center.

RECOMMENDATIONS

Security concerns, accessibility, and adequate funding for collection development continue to be the major focus of the Board's agenda. To that end the Board recommends the following steps be taken to ensure that the library fulfills its potential:

- 1) Increase security in the library including a court officer and security equipment enhancements.
- 2) Obtain a permanent site for the Public Access Law Library with larger quarters and easy access for patrons.
- 3) Obtain a wireless printer for enhanced online legal research.
- 4) Locate ADA compliant accommodations.
- 5) Participate in library internship programs.
- 6) Investigate the feasibility of a separate public access library budget.
- 7) Explore cooperative ventures between the library and community resources.
- 8) Consider space saving formats when fiscal controls are lifted.

CONCLUDING REMARKS

The Board is aware of the importance of the Public Access Law Library to the dissemination of legal information in the community and is committed to the fulfillment of its mission. The members of the Board wish to express their appreciation for the support and interest of the Chief Administrative Judge and the Office of Court Administration in the continued performance of its charge. We look forward to another productive year.

Hon. Barbara R. Kapnick, Chair

M. Robert Goldstein, Esq.
Hon. Robert Jackson
Alison F. Alifano
Julie Gick

David G. Badertscher, *ex officio*

EXHIBIT I

[REDACTED] Ph.D.
Clinical Psychology
[REDACTED]

December 29, 2007

Mr. David Badertscher, Principal Law Librarian
New York Supreme Court
100 Centre Street
Law Library, 17th Floor
New York, New York 10013

Re: Ted Pollack, Senior Law Librarian
New York County Public Access Law Library

Dear Mr. Badertscher,

I am writing to express my gratitude and admiration for the two years of wonderful assistance I have received from librarian, Ted Pollack. All the library staff members have been helpful. Mr. Pollack's dedication to the work showed itself in so many ways that I believe it needed to be made known to you.

When the attorney I had retained to represent me in a negligence, toxic tort case was disbarred and referrals from the Bar Association were fruitless ("How old did you say you are?" . . . "I can't make any money on you!"), I dredged up the courage to try to represent myself in the case, [REDACTED]

The long process of studying statutes and finding case law could not have been done without Mr. Pollack's always courteous attention to seeing that I be given the materials I asked for. Many times I hesitantly interrupted his work. He never made me feel annoying. He gave suggestions I needed and took time to perform computer functions I couldn't seem to master.

Mr. Pollack's competence and untiring helpfulness allowed me to present a reasonably well-prepared case on my behalf.

Last month, when the judge ruled against me, the idealistic courage and optimism that had made me want to pursue the case seemed to have drained away.

My memories of the two years of Mr. Pollack's patient, consistent help mobilized me to try once more. On December 24 I filed an appeal of the judge's order and an appeal of a judgment. The final result of this pro se effort may never be what I would wish, but the experience of the support and consistent, patient help of Mr. Pollack will always be one of the most memorable experiences of my eighty-eight years.

Very sincerely,
[REDACTED]

A P P E N D I X

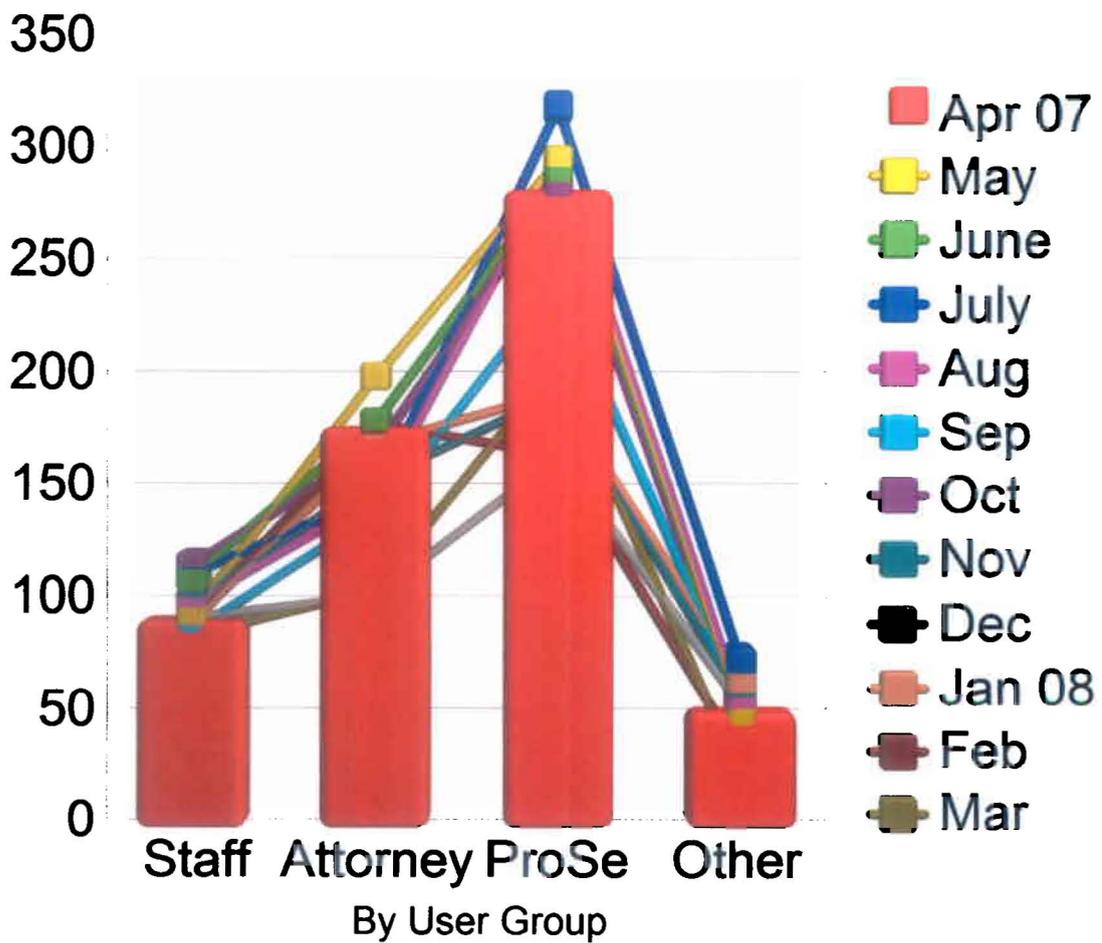
Public Access Law Library Usage Statistics 1995 - 2008

	Court	Attorneys	Self- Represented	Unidentified	Total In- Person Usage	Telephone Reference	Web Reference	Total Web or Telephone Reference	Grand Total
1995-1996	386	704	804	731	2625	n/a	n/a	0	2625
1996-1997	570	1152	2065	903	4690	n/a	n/a	0	4690
1997-1998	451	1449	2126	1149	5175	n/a	n/a	0	5175
1998-1999	384	1390	3406	1614	6794	n/a	n/a	0	6794
1999-2000	395	1549	4259	1430	7633	n/a	n/a	0	7633
2000-2001	245	1399	3816	1303	6763	n/a	n/a	0	6763
2001-2002	n/a	n/a	n/a	n/a	0	n/a	n/a	0	0
2002-2003*	140	1157	2861	863	5021	4232	4	4236	9257
2003-2004	277	1174	2958	1029	5438	6350	24	6374	11812
2004-2005	401	1254	2655	1104	5414	7572	53	7625	13039
2005-2006	332	1460	3394	1128	6314	8836	46	8882	15196
2006-2007	592	1817	3187	3187	8783	10520	75	10595	19378
2007-2008	1163	1846	2892	617	6518	11146	20	11166	17684
Total for 1995- 2008	5336	16351	34423	15058	<u>71168</u>	48656	222	<u>48878</u>	120046

* Telephone Reference: 08/01/02-03/31/03

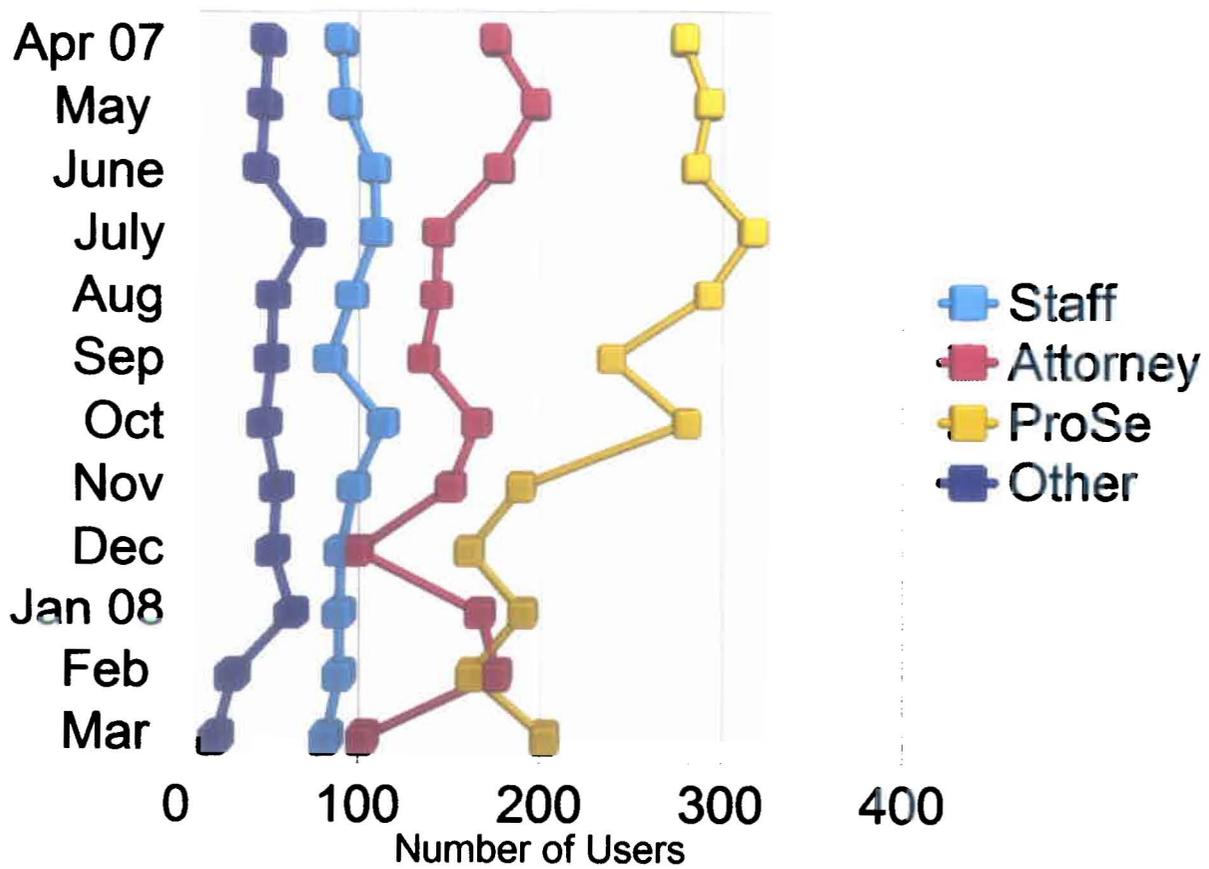
Web Reference: 10/01/02-03/31/03

Library Statistics 2007 - 2008



Library User Statistics

2007 - 2008



Telephone Statistics 2007 - 2008

