

# **FOURTEENTH ANNUAL REPORT**

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

May 29, 2009

## **INTRODUCTION**

This is the fourteenth 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, 2008 to May 31, 2009. 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. Barbara 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), one library school graduate intern, and one Contemporary Guidance Services, Inc. (CGS) intern. Another full-time librarian title is vitally needed to serve the burgeoning clientele. An additional security presence would be of great benefit to the library.

## **BOARD ACTIVITIES**

During the past twelve months the Board met on October 30, 2008; February 26, 2009; and May 14, 2009 to discuss public access issues.

A former court attorney donated a set of Abbott's New York Digest to the library. The Martindale Hubbell Law Directory was donated by the firm of D'Amato & Lynch. On behalf of the Board, Judge Kapnick wrote letters of appreciation to the donors.

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. Details for a special proclamation acknowledging Justice Crane's contributions in promoting the library and public access are being worked on, but the process has taken longer than expected due to scheduling conflicts.

The Board noted the passing of former councilman Stanley Michels on August 1, 2008. Mr. Michels was an original member of the Board serving from its first meeting March 1, 1996 through May 20, 2003 when he retired. Judge Kapnick wrote a letter to Mrs. Michels who expressed her appreciation for the kind thoughts.

Mr. Pollack has been attending meetings and filling out application forms in hopes of obtaining funding from the New York City Department of Youth and Community Development (DYCD). This has been a slow process due to the amount of paperwork and trying to fit the public access library within the scope of the program.

On February 27, 2009 Mr. Badertscher, Mr. Pollack and Ms. Gick met with Rena Micklewright, Deputy Coordinator, Interpreting Services, Court Operations to discuss improving and expanding the 800 COURTNY court information telephone service. One possibility is a telephone tree with additional staff to answer calls.

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. He periodically submits essays to the LLAGNY Law Lines newsletter.

## **COLLECTION**

The collection, consisting of approximately 300 print titles or about 15,000 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.

The current Westlaw contract has been expanded to include McKinney's Consolidated Laws of New York; Pattern Jury Instructions-Civil; New York official reports; Keycite; and New York Attorney General Opinions. New York Jurisprudence, American Law Reports (ALR), and American Jurisprudence have recently been added to the Lexis contract.

## **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** - The New York County Public Access Law Library services a user population not limited to New York County but from all of New York City and surrounding New York counties as well as New Jersey and Connecticut. Additionally, library staff respond to the (800)COURTNY telephone information line operated by the New York State Unified Court System. The vast majority of calls on this telephone line stem from the downstate New York region; however, calls from outside the United States are on occasion routed to New York County Public Access Law Library staff. Similarly, library staff have responded to calls from different parts of the United States as well as Canada. Moreover, the library participates in the OCLC Questionpoint program which is a collaborative web-based reference system through which users from all over the world may ask reference questions.

On-site users span the socio-economic spectrum and may range from the wealthy to the destitute and disabled. Research skill levels of users also vary from rudimentary to advanced. Staff members attempt to assist all users and guide them to appropriate resources and information. The nature of the research needs of the Library's patrons is predominantly related to some aspect of housing, torts, contract, bankruptcy, immigration, or family law. Legal research involving criminal issues forms a smaller part of the research needs of Library patrons.

The core collection of the Library is approximately 15,000 volumes composed in large part of New York State case reporters, codes, encyclopedias, and treatises. Expanding upon the print collection are a variety of online legal databases. The different materials in the Library's collection provide a valuable asset in helping to execute the Library's statutory charge of providing the public with access to legal information and thereby making government more transparent and the legal system more open and navigable to members of the public.

**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. Mr. Pollack compiled a list of Frequently Asked Questions received on the 800 telephone line. Some of these have been added to the web site.

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 2008 through March 2009 the COURTNY and the library phone numbers received 24,142 calls. The March figure is two to four times higher than previous months due to a major snow storm which caused the Office of Court Administration to place a pre-recorded message on the 800 line for two and a half days.

**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. Additionally, during the holiday court recess in December, 2008, the Public Access Law Library answered calls from all New York State and other regions when the Syracuse Supreme Court location was closed.

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: (800) COURTNY 8/7/08**

Ted, thanks-this is so helpful-and no problem opening it.  
Regards,  
Court Employee

**Re: Writ of Habeas Corpus potential sources 4/25/08**

Wow, thank you so much!  
Reference Librarian

**Re: Patent Litigation treatise 9/11/08**

Thank you for the offer, the powers that be decided to purchase the book as they are unclear as to which section(s) they may want to cover. I appreciate the effort to track down the information. Have a great day.  
Thanks,  
Attorney

**Re: PACER request 12/18/08**

Mr. Pollack,  
Thank you for taking the time and energy to help me through this research process. I was also able to access the docket sheet, but unable to access the actual text documents. I tried to retrieve the documents from 500 Pearl Street, but the case must be requested from their archive department, which doesn't align with our Friday deadline. Once again, thank you for your time, energy, and great efforts to assist me with this project. Happy Holidays.  
Sincerely,

**Re: LexisNexis® Email Delivery 1/2/09**

Dear Mr. Pollack:  
Once again I deeply grateful for your kind help. It is immensely timely and appreciated. I wish u and family a Happy and Prosperous New Year. Lets stay connected. Keep the faith.

**Re: Document request 1/6/09**

Thanks Ted.

**Re: Archival material information 1/29/09**

Ted,  
Thanks for the information, I'll give them a call.  
Public Library Division Manager

**Re: Court library information 1/29/09**

Hi Ted,  
Thank you for your suggestions—I appreciate it. I will check them as soon as I return home from Denver. Looking forward to meeting with you next week.  
Attorney

**Re: Lost Attorney Identity Card 2/19/09**

Hello-  
Thank you so much! I was on the phone with the LIRR when I got your email. I will do so. Thanks again.  
Court Employee

**Re: PACER documents--Would be grateful if You could help me 2/24/09**

Much Thanks. I appreciate it.

**Re: Billing material 2/27/09**

Thank you very much!

**Re: 800COURTNY 3/3/09**

yes..Please- and thanks for all your help.

Court Employee

**Re: Chapter Law 1997 ch 618 3/10/09**

Dear Mr. Pollack,

Thank you so much for your timely assistance. One of my research contacts said that section 3 was never codified...does that have any implications on the implementation of that part of the legislation?

Thanks again and all best.

**Re: New York State Bill Jacket re Laws of 1999 ch. 4 3/31/09**

Mr. Pollack,

Thank you greatly for your assistance.

Regards,

Office of General Counsel

**Re: New York Unified Court System 4/13/09**

Dear Mr. Pollack,

Thank you very much for the information and for taking from your time to look for it. I really appreciate it.

**Re: Legislative Agenda 1997 4/28/09**

Yes, you were right. It came today. I didn't think it would take that long from NYC, but it got here.

Thanks so much. I really never thought it could be found.

**SECURITY**

After repeated warnings about his unacceptable behavior a patron was notified that his library privileges have been revoked. The patron made threats and left.

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 77,337. The grand total of personal usage, web and telephone reference is 150,488.

The library began keeping telephone statistics in 2002. During 2008 - 2009 there were a total of 24,142. This is a substantial increase over last year's 11,146 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. To date has answered 282 questions submitted by researchers.

There is an awareness that there is a law library for the public. The most recent annual report is posted on the internet at [http://www.nycourts.gov/library/nyc\\_criminal/NYPub\\_AnnRpt13\\_2008.pdf](http://www.nycourts.gov/library/nyc_criminal/NYPub_AnnRpt13_2008.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) Pursue sources for grants and additional funding.

- 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**

From: [REDACTED]  
 To: TPOLLACK@courts.state.ny.us  
 CC: [REDACTED]  
 Date: 10/21/2008 8:57 AM  
 Subject: FORMS AND DETAIL IN SUPPORT OF INQUEST for Damages

Dear Ted:

I am profoundly grateful for your previous timely and cogent follow ups. Your very kind and intelligent assistance, manner, and insights applied to my pro se litigation produced a great result.

[REDACTED]

[REDACTED]

Your very thought offer of yesterday is deeply appreciated.

My purpose to is to cogently, intellectually, and timely respond to [REDACTED]

- a) Proposed Findings of Facts and conclusions
- b) Inquest Memorandum accompanied by supporting affidavits and exhibits,
- c) setting forth proof of damages, costs of the this action

In order to effectively reach the full value and impact, It is my opinion, that I have to produce powerful arguments, facts, presentation and furnish detail to prove the damages and achieve the optimum value of this pro se litigation. I have eight days to respond.

You mentioned yesterday, if I can send you the cases which are pertinent to our case in order for you to generate the forms, detail of arguments that are defined, calculated, and measured in pleadings in support of compensatory and punitive damages.

I sincerely appreciate your offer and help in my presentation. Receiving detail forms, Court documents relating to prove of damages and the detail relating to the above mentioned [REDACTED] Orders, it would go a long way towards achieving the maximum effect

Your Contribution is powerful. You suggested that I send you the citings of cases which I could model my answers. Your effort is sincerely appreciated.

Again, thank you to what may be a long and enduring contribution to the benrfit of our society.

[REDACTED]

## IN OUR OWN VOICES

### A Reason for Hope

The first time I was able to walk to the kitchen to make my own breakfast was a cause for celebration. My husband bought flowers and put them on the table. When I would sit down to eat, I would see them and smile; they reminded me that I was alive and that I would get better. They gave me hope. I felt the force of his love for me and it kept me going. It gave me the strength to endure severe migraines, various tests, and a cancelled trip to Europe to visit my family. I would look at his flowers and remember the way he held me on my first trip to the bathroom the day I got hit; how gentle and patient he was; and concerned. As I write these words, I feel the power of my love for him beating in my heart. I don't know what I would have done without him. He took care of me as he promised he would the day we were married. It was a taste of "for worse" and he was very much there. Little by little, I began to dream again of all the things I would do when I would get better: I would take the family for a vacation to Scotland and enjoy walks in the wilderness of the Lochs, I would start meditating, and I would plant a little garden by the side of the house and watch my flowers grow.

### Have you Ever?

Have you ever really worked so hard, went the extra mile,  
Even stood on someone else's shoulders  
to get a closer view of ones first smile?  
Have you ever really worked so hard to help a  
stranger understand,  
they do matter; can make a needed change come  
true,  
Learn to have enough courage, to hold their  
heads high?  
And always remember, you matter too.  
After every rainstorm is over, wait a while; the sky  
will always turn blue,  
And always remember, you matter too

To MR. POLLACK  
a BRILLIANT mind  
and a Humble  
Gentle Man!

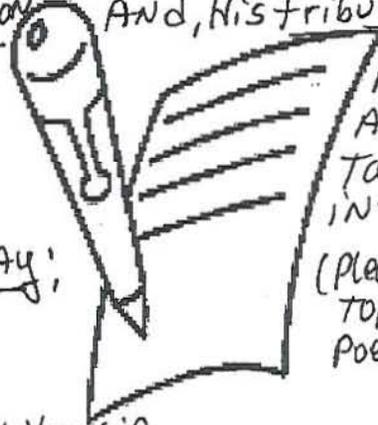
### The Breeze of Epiphany... Upon a Dove's Wings

Dear Great Spirit,  
Please help in revealing to me  
the mysteries of our exquisite, yet chaotic, universe  
in order to share, and to relieve,  
all these complexities  
I am your ardent servant  
I always hope to awaken with anticipation  
for your breeze,  
to provide that touch of epiphany  
to all secrets  
I desire such enlightenment  
to lay upon my saddened wings,  
so I can release it, all to you  
because I want to continue  
to fly like a capricious dove  
And not let these problems,  
these necessary lessons,  
to ever again seize me

The Cougar who Whispers  
Introduction: I Created a Native American  
Prayer/Poem about a Cherokee

Warrior Concern About His People, It  
starts: "By the Rushing River called  
Propensity. A Brave Cherokee Warrior  
Spoke to an Ancient Wolf about His  
decision AND His tribulations,

The  
Wolf  
and  
Hero  
to Pray!



Ancient-  
Answered  
taught this  
in the way  
(Please see my  
TOP Prayer/  
Poem, MR. POLLACK).

Thank You, Sir  
for Everything and for Your  
Professionalism.

# APPENDIX

**Public Access Law Library Usage Statistics  
1995 - 2009**

	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	<b>2625</b>	n/a	n/a	<b>0</b>	<b>2625</b>
1996-1997	570	1152	2065	903	<b>4690</b>	n/a	n/a	<b>0</b>	<b>4690</b>
1997-1998	451	1449	2126	1149	<b>5175</b>	n/a	n/a	<b>0</b>	<b>5175</b>
1998-1999	384	1390	3406	1614	<b>6794</b>	n/a	n/a	<b>0</b>	<b>6794</b>
1999-2000	395	1549	4259	1430	<b>7633</b>	n/a	n/a	<b>0</b>	<b>7633</b>
2000-2001	245	1399	3816	1303	<b>6763</b>	n/a	n/a	<b>0</b>	<b>6763</b>
2001-2002	n/a	n/a	n/a	n/a	<b>0</b>	n/a	n/a	<b>0</b>	<b>0</b>
2002-2003*	140	1157	2861	863	<b>5021</b>	4232	4	<b>4236</b>	<b>9257</b>
2003-2004	277	1174	2958	1029	<b>5438</b>	6350	24	<b>6374</b>	<b>11812</b>
2004-2005	401	1254	2655	1104	<b>5414</b>	7572	53	<b>7625</b>	<b>13039</b>
2005-2006	332	1460	3394	1128	<b>6314</b>	8836	46	<b>8882</b>	<b>15196</b>
2006-2007	592	1817	3187	3187	<b>8783</b>	10520	75	<b>10595</b>	<b>19378</b>
2007-2008	1163	1846	2892	617	<b>6518</b>	11146	20	<b>11166</b>	<b>17684</b>
2008-2009	734	1667	3114	654	<b>6169</b>	24142**	131	<b>24273</b>	<b>30442</b>
<b>Total for 1995- 2009</b>	<b>6070</b>	<b>18018</b>	<b>37537</b>	<b>15712</b>	<b><u>77337</u></b>	<b>72798</b>	<b>353</b>	<b><u>73151</u></b>	<b>150488</b>

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

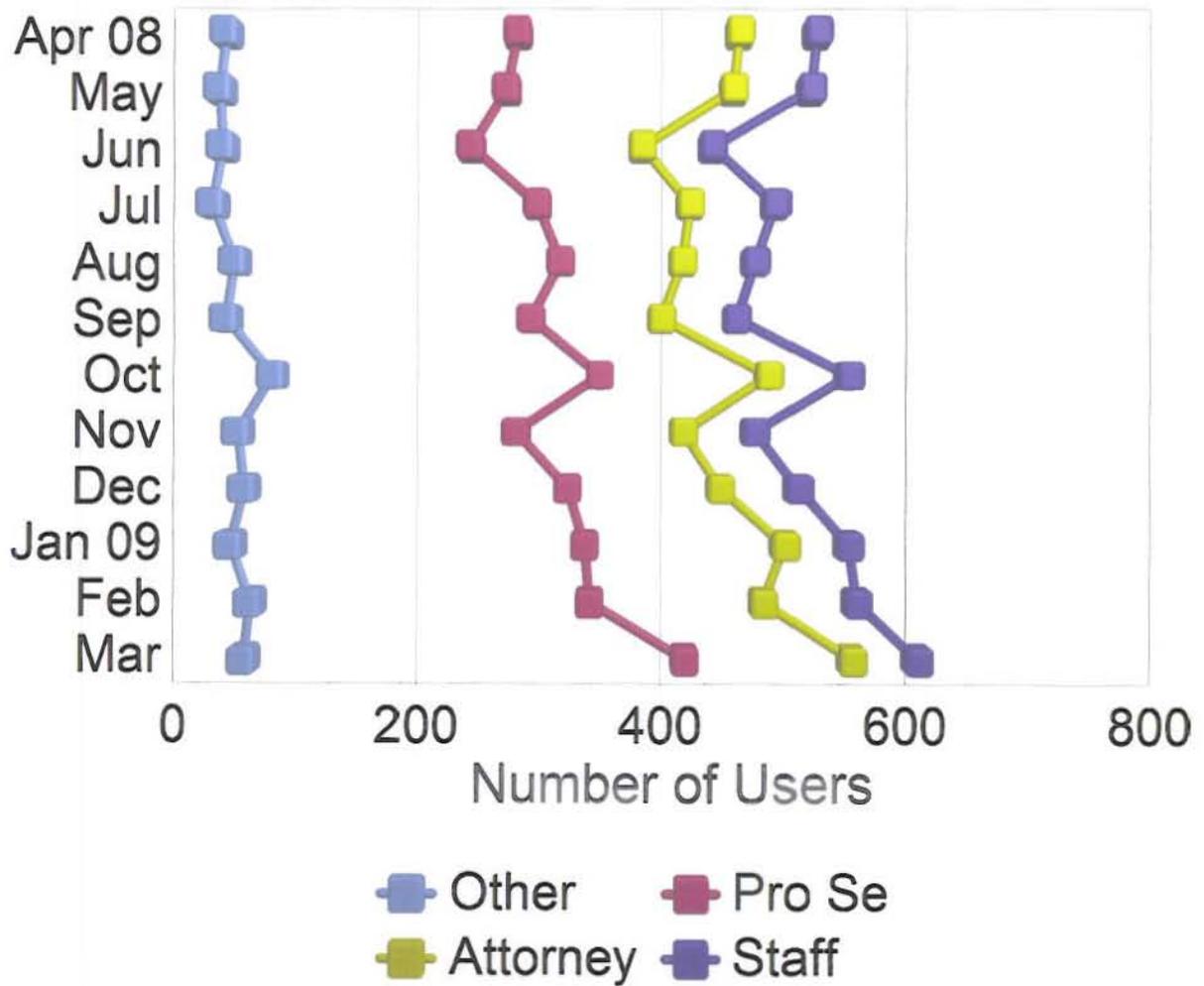
Web Reference: 10/01/02-03/31/03

\*\*In March 2009, the NYS Office of Court Administration placed a pre-recorded message on the 800 COURTNY telephone line for two and a half days due to a weather condition caused by a snow storm. Phone statistics provided by the Office of Court Administration.



# Library User Statistics

2008 - 2009



# Telephone Statistics

2008 - 2009

