

AALL Centennial Feature*

A History of the Appellate Division Law Library, Rochester, New York**

Fred E. Rosbrook***

The following article is reprinted from volume 16 of the Rochester Historical Society's Publication Fund series, published in 1937. Part 1 of the book, in which this article was included, contained histories of various research libraries in the city of Rochester, New York. By the time of the article's publication in 1937, the Appellate Division Law Library was already nearing its centennial, having been founded in 1849. Since then it had grown into one of the largest court libraries in the country.

Author Fred E. Rosbrook had already served as its ninth director for eighteen years when he wrote this article. Mr. Rosbrook attended Cornell Law School, where he also served as assistant librarian. After graduating in 1906, he worked as a legal editor for a publishing company and later as the statutes law indexer of the New York State Law Library from 1915 to 1919. He came to Rochester in 1919 to serve as librarian of the Appellate Division Law Library. While at the library he continued to edit legal titles, including the Consolidated Laws of New York, Collier on Bankruptcy (12th and 13th editions), and the American Bankruptcy Reports, New Series. He was a member of the American Association of Law Libraries, elected to life membership in 1956, and the founder and first editor (1927-32) of Law Library News, a monthly newsletter published for AALL members from 1927 to 1937. Rosbrook served as librarian of the law library until 1956; his thirty-seven years at the helm still remains the longest tenure of any of the library's directors.—David Voisiniet'

* Editor's Note: The American Association of Law Libraries was founded on July 2, 1906, by a handful of law librarians who met during the annual conference of the American Library Association at Narragansett Pier, Rhode Island. To commemorate the AALL Centennial that will be celebrated with a year-long series of events and activities culminating at the 2006 Annual Meeting in St. Louis, Law Library Journal is including an "AALL Centennial Feature" article in each issue published through 2006. While the focus common to each article is the history of law libraries, law librarianship, and AALL, the specific topics vary according to the interests of authors and readers. Individuals interested in contributing a "Centennial Feature" article should contact Frank G. Houdek, Editor, Law Library Journal, Southern Illinois University School of Law, Lesar Law Bldg., Mail Code 6803, Carbondale, IL 62901-6803, (618) 453-8788, houdek@siu.edu.

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The decade of the incorporation of the Village of Rochester also saw the origin of the book collection known as the Law Library of the Appellate Division. The library had its genesis in Albany, far from its present home in the Monroe County Court House and was then known as the Chancellor Walworth Library. For years it performed a valuable public service in the state capitol, but the development of an excellent State Library in the same city gradually deprived the Chancellor's

library of its special field of service. Meanwhile the growth of the western part of the state was proceeding rapidly, and busy judicial centers were emerging, causing lawyers there to feel the need of more accessible libraries. Indeed the demand for law books was so strong in Rochester that William F. Liddle, in 1847, published a fifty-five page Catalogue of Law Books in the different Libraries in Rochester, listing the books to be found in sixty-three private law libraries as well as those on that subject in the Athenaeum.

Shortly after the establishment, in 1847, of the Seventh Judicial District with its headquarters at Rochester, agitation for a law library in this area became more vigorous. E. Darwin Smith of this city presented a petition to the Legislature signed by the judges and lawyers of the district asking that the Chancellor's library be moved to Rochester.' When, in 1849, a joint committee of the two houses was appointed to consider the plea, other communities became active in urging their claims to the library. The Legislature met these appeals by a law of that year,² granting the judges of the Court of Appeals the authority to move the library to some point west of the Hudson, or, if they found it contained a large number of duplicates, to divide it and locate the two sections at suitable western points where rooms and accommodations had been provided. The law further provided that the Regents of the University of the State of New York might transfer from the collection to the State Library any books not already in that library. In spite of the impending division of the collection, competition for a portion of the library was keen, and the town councils in Syracuse, Utica, and Rochester took action to see that local quarters were made available and that the interest of their communities should be favored.³ The judges finally chose the courthouses of Syracuse and Rochester as the proper locations, and today the Court of Appeals Library in Syracuse and the Law Library of the Appellate Division in Rochester are the products of these beginnings.

The second Monroe County Court House was in process of construction at that time, at the joint expense of the city and the county—an arrangement which continued, it may be noted, until 1875, when the county bought the city's interest, and the municipal offices were moved into the City Hall, made ready that year. A resolution of the Board of Supervisors in 1850 provided that the library should be located in a portion of the new building previously assigned to the city,⁴ and the

1. Rochester Daily Democrat, Feb. 13, 1849.

2. New York, Laws of 1849, Chapt. 300.

3. Rochester Republican, May 3, 1849.

4. Minutes of the Board of Supervisors, April 13, 1850.

book collection was duly installed as soon as the rooms were ready. The law had placed control in the hands of the Regents of the University of the State of New York, and in September, 1849, they appointed David Gleason, a law student in Rochester, as first librarian. At the outset the post was not sufficiently attractive to hold an ambitious attorney, and several young lawyers occupied it in turn during the early decades: William S. Thayer, beginning in March, 1853; Harry C. Bloss, from August, 1854; and Ephraim B. Wheeler from January, 1858. But in January, 1872, Cotton M. Crittenden was persuaded to give up his job as librarian of the Rochester Athenaeum and Mechanics' Association in order to take charge of the Law Library, and he continued there until his death in November, 1880, when Le Roy Satterlee succeeded him. In December, 1888, Reuben D. Jones, former newspaper editor and sixth superintendent of the Rochester public schools, took over the post.

The library had grown into quite a respectable institution during these years, and, from Crittenden on, the librarians have been mature men who have continued in office until removed by death. The services likewise expanded, and, after 1888, one or more full-time assistants were continuously provided. This expansion soon

made the problem of maintenance a serious one. During the early years the income from the Court of Appeals fund had been sufficient with the aid of a small annual appropriation of \$600 from the state. But a dip in the interest rate during the eighties reduced the income from the vested funds, and the librarian was forced to limit his collection of court reports to the eastern, middle, and western states and the more important English courts. A sad deficiency in current law literature and especially in the field of European law codes was noted; but in spite of these defects the library had assembled over 12,000 volumes and ranked as the most important law library in Western New York.⁵ Indeed, a few years earlier, in a national survey of law libraries, the Court of Appeals Library in Rochester, as it was then known, was ranked fourteenth in order of establishment and sixth in size among all independent law libraries in the country. Its 9,000 volumes at that date (1875), did not compare unfavorably with the 20,000 volumes reported by the New York (city) Law Institute, the largest in the land. There were, of course, law divisions in a few state libraries that out-ranked the Rochester institutions, but even the Harvard Law Library had only 15,000 volumes at that time.⁶

Beginning in 1894, several important developments took place. During the construction of the present Court House in the two succeeding years, the library was temporarily located on the ground floor at the Powers Hotel, with access from the Fitzhugh Street entrance. The financial problem was taken up by the Legislature in 1894; the remaining funds from the account of the old Chancellor's library were transferred to the State Comptroller,⁷ and the burden of maintaining

5. Rochester Post Express, March 30, 1888; Rochester Morning Herald, December 21, 1888.

6. U.S. Commissioner of Education, Public Libraries in the United States (1876), I: 169-170.

7. New York, Laws of 1894, Chapt. 135.

the Court of Appeals Libraries in Rochester and Syracuse was shifted to the budget of that court. In 1890 the name of the library in Rochester was changed to its present form, and control was taken from the Regents of the University and given to the justices of the Appellate Division, Fourth Department, where it now resides.⁸

When, in 1896, the library was first installed in the present Court House, Irwin Taylor, as assistant librarian, assumed direction of its practical affairs. A Kentucky lawyer of the old school, Mr. Taylor declined to celebrate his share in the Union's conquest of the South, preferring instead the quiet labor of the librarian's calling. With several years of experience in a Chicago law library, he may be regarded as the first trained librarian to assume charge of the law library in Rochester, as he did finally in 1900. Meanwhile it was under his direction that the bookstacks were arranged in the new room so as to radiate from the librarian's desk, thus giving the attendant at that point supervision over the entire room—a system which was favored in some libraries at certain stages of growth because it promised to avoid the necessity of increasing the staff. In time the accumulation of books made it necessary to adopt the more concentrated arrangement of parallel stacks, but the marks of the old wagon-wheel layout can still be detected on the marble floor of the main room.

The library has developed rapidly in recent years. In 1895 the text books or treatises numbered about 1,000, while at the present time this collection has grown to 7,000. The total number of volumes reached 30,000 by 1907, and today it exceeds 70,000. About 1,600 volumes are now added each year and the problem of finding a place to put them is becoming increasingly difficult. The library has long since expanded beyond the two public rooms on the third floor of the Court House, and special stack rooms are now located on the fourth floor, in the attic, and in the sub-basement. All available shelf space will be exhausted in about five years, and it is hoped that something may be done before that time to provide ade-

quate accommodations for the library. The construction of either a new county courthouse, a state office building, or a courthouse exclusively for the Appellate Division would provide a solution.

Expansion has taken place not simply in number of volumes but in the character of the collections as well. Since the book funds have become more adequate in recent years, the librarian has built up his collections of the reports of all states and federal courts in the United States and of the provinces and districts of Canada and the British Isles. An excellent collection of legal periodicals has been developed, the current listing numbering nearly seventy. The library is the depository for the papers submitted in appeal cases. These are the papers printed by the parties to all suits that are appealed to higher courts, and they include the records of the cases in the trial courts and the briefs of both sides. This collection started originally

8. New York, Laws of 1900, Chapt. 258. Today this provision is contained in Section 1164 of the Education Law.

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with the organization of the Court of Appeals in 1847, but it has multiplied rapidly since 1894, and today the Appellate Division Library's files are bound in over 23,000 large volumes, and the annual addition in recent years has averaged 700 volumes. This particular collection is probably the largest of any public law library in the state, and, made easily accessible by an extensive card index, it enjoys state-wide circulation.

The library is today a scene of much activity. Judges, attorneys, and law students frequent its rooms to the number of 25,000 a year, and, although circulation is regarded as a minor feature of its service, the attendants do check out approximately 10,000 volumes a year for home use. As the shelves are open, at least in the public rooms, there are no statistics showing the number of books actually used in the rooms, but, in order to accommodate the readers, the staff has been expanded to include four members. Mrs. Prescott M. Dean, and Mrs. Wilton A. Block, the two assistant librarians have served the library continuously since 1914; Frederick J. Smith was added as an attendant in March, 1931; and Fred E. Rosbrook,* the Librarian, came from a library and editorial post in Albany in January, 1919, to fill the place left vacant by the death of Irwin Taylor.

Additional Law Libraries

It is well in this connection to note the existence of two private libraries which have played an interesting if limited part in the life of Rochester's lawyers. The first of these is the law library established by D.W. Powers for the convenience of the tenants of his office building. In 1888, Henry G. Danforth was delegated to collect the books, and in the course of his search the opportunity to purchase the law library of Roscoe Conkling presented itself, with the result that this unusual collection, numbering about 3,000, is now located in Rochester. When the library was opened in July, 1888, the tenants found a collection of around 5,000 volumes ready for their use.⁹ The library is still maintained, after nearly a half-century of gradual growth, as a convenient library of reference for the tenants of the Powers Building.

* EDITOR'S NOTE: Mr. Fred Eugene Rosbrook is well-known among lawyers throughout the state. Born in Watertown, N.Y., and educated at Cornell, where he received the degree of LL.B. in 1906, Mr. Rosbrook was admitted to the Bar in Rochester that same year and has since served the profession in this state in one function or another. From 1907 to 1915 he was editor of the legal publications of the Edward Thompson Company in Northport; in the latter year he went to Albany as Statute Law Indexer

in the State Law Library, serving as Acting Librarian there in 1918 until called to Rochester in the following year to take the place left vacant by Irwin Taylor, that of Librarian of the Law Library of the Appellate Division. While in Albany he took some special work, during 1917-18, in connection with the New York State Library School, and he is now a member of the American Association of Law Librarians [sic], as well as of the Rochester Bar Association, and the Cornell Club of Rochester.

Among the works he has edited, or helped to edit, are Collier on Bankruptcy, 13th ed.; American Bankruptcy Reports, New Series, Vols. 1-28; and the Law Library News, Vol.1, of which he was the founder.

9. Rochester Morning Herald, May 18, 1888, Feb.1, 1890; Rochester Post Express, July 9, 1888.

There is yet another privately owned law library in this city that merits attention because of the size of its collections and the services it renders to the profession. This is the library of the Lawyers Co-operative Publishing Company. Here are gathered some 25,000 volumes of court reports and legal texts, serving as a reference collection for the convenience of the editors. This significant enterprise was first organized in 1882 at Newark, Wayne County, New York, by a small group of lawyers who desired to secure copies of the United States Supreme Court Reports, then long out of print. The company quickly earned a national reputation from its Lawyers' Edition of these Reports. Many other projects were undertaken, notably the publication of the Lawyers' Reports Annotated, and later the American Law Reports Annotated.¹⁰ The concern moved its plant and headquarters to Rochester in 1885, where after several temporary locations it found a permanent home in the Aqueduct Building in 1902, and now faces the new Central Library diagonally across Broad Street and the Genesee River. Several of the leaders in the company, notably James E. Briggs and his grandson, Theodore C. Briggs have taken a prominent part in the affairs of the city.

Update*

Space problems continued to plague the Appellate Division Law Library throughout the remainder of Rosbrook's tenure. By his retirement in 1956, plans were underway for construction of a new Monroe County courthouse. However, it was not until 1963 that the library finally moved into its third home in the Hall of Justice building of the new Civic Center complex.

While no architectural beauty, the Hall of Justice did fulfill some of Rosbrook's dreams by tripling library space to approximately 35,000 square feet, with enough shelving to double the size of the collection. The two-block move of the library's 120,000 volumes cost Monroe County \$30,000.

Gus Blaustein, Rosbrook's successor, apparently was not consulted much during the planning and building of the new library, and he left law librarianship shortly after the move into the Hall of Justice to return to private practice in Syracuse. He was succeeded in 1964 by Charles McNabb, then executive librarian of the Chicago Bar Association. McNabb's ten years as director featured consolidation and growth of the collection, which had not been possible in the crowded conditions at the old courthouse.

In 1974, colorful Joseph Pascucci became the second Rochesterian to head the Appellate Division Law Library. He returned to his hometown and former employer (having served as assistant librarian from 1963 to 1967) after stints at the University of Buffalo and the Jenkins Law Library in Philadelphia. Pascucci was

10. Lawyers Co-operative Publishing Company, *An Inside Story of Law Publishers* (Rochester, 1925).
t © David Voisinnet, 2003. Mr. Voisinnet is the current director of the Appellate Division Law Library, Rochester, New York.

instrumental in finally cataloging the treatise collection using the Harvard/Buffalo classification scheme.

When Pascucci retired in 1988, the library's new thirteenth director was its first woman, Katherine Storms from the New York State Library. Although she stayed only briefly before returning to Albany, Storms was responsible for the library's belated entry into the electronic age with the development of a computer network and the addition of various databases to reference services.

The library's present director, David Voisinet, was hired to succeed Storms in 1990. After a twelve-year career in academic law libraries, he returned to his native Western New York to lead the library through a period of unparalleled growth and change. Continuing the advance into technology, the library quickly added LEXIS and Westlaw to its regular databases, introduced OCLC into the cataloging and interlibrary loan departments, and offered a public access CD-ROM network. By 1997, the library had also launched its own Web site. The library took the lead in implementing the New York State Unified Court Systems' shared library automation system using Horizon, and in May 2000 it finally had an online catalog. The size of the staff, which had remained stagnant for almost forty years, nearly doubled to thirteen members. There was also a significant increase in the budget during the 1990s.

By 1993, the library's collection at the Hall of Justice had grown to nearly 250,000 volumes, and the stack areas, formerly empty and seemingly immense, were nearly full. Conditions at the Appellate Division Clerk's Office were even more cramped. After several haphazard plans for reconstruction were rejected, Presiding Justice M. Dolores Denman, a Democrat, surprised everyone by convincing a downstate Republican senator to sponsor legislation to fund a new courthouse for the Appellate Division. The Republican governor signed the bill into law, and the Appellate Division was to have a home of its own.

Judge Denman's dream of a dedicated and stately home for her beloved Appellate Division was the fulfillment of Rosbrook's dream sixty years earlier. On November 30, 1998, the library opened for business at its fourth home in the new courthouse at 50 East Avenue. This time the cross-town move of the collection cost the state slightly more than \$100,000. On April 4, 2000, the building was named the M. Dolores Denman Courthouse in honor of the recently deceased presiding justice who was so instrumental in its planning and construction.

The library staff were heavily involved in the planning and design of the new library. The result was a huge improvement over the former Hall of Justice facility. The new courthouse contains 50,000 square feet of space for the library with state-of-the-art information technology, a computer lab, discussion rooms, and compact shelving providing almost twice the book capacity of the former library. A beautiful rare book room houses the original Chancellor's Collection that formed the core of the library's collection when it was created in 1849. More recently, the Women in the Law Collection was created and dedicated in honor of Justice Denman, the first woman to sit on a New York appellate court and the first

to serve as presiding justice. In 1999, the library celebrated its sesquicentennial in its new building with a ceremony and the publication of a brochure" that further expands upon Rosbrook's 1937 article.

The library currently is finishing a retrospective conversion of the collec-

tion to Library of Congress classification. At the same time, every item in the now 300,000-volume collection is being barcoded and tattle-taped. The Horizon System is functioning smoothly, including automated serials check-in and claiming. Public access is provided to LexisNexis, Loislaw, Hein-On-Line, and the Internet. Although the electronic resources and a stagnant book budget are currently resulting in the cancellation of a number of paper subscriptions, the library's mission as a public law library with circulating materials to the local bar, and its role as the flagship library of the New York State Unified Court System, require it to continue to have a balanced collection of both print and electronic resources.

The Appellate Division Law Library is still the scene of as much activity as Fred Rosbrook noted in 1937. Barcodes and hand-held scanners allow us to track in-house use of items (something Rosbrook wondered about in his day), which helps with selection decisions when the budget is tight. We now know that roughly 6600 items circulate annually, and almost that many—6100—are used in the library. Approximately 50,000 people come through the doors each year for assistance. We have every confidence that the current staff can creatively meet present and future challenges to continue the library's long history of service that began in 1849.

11. APPELLATE DIVISION FOURTH DEPARTMENT LAW LIBRARY, 1849-1999: A LONG AND DISTINGUISHED HISTORY (1999), available at <http://www.courts.state.ny.us/ad4/lib/150th.pdf>.