

TWELFTH ANNUAL REPORT

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

May 31, 2007

INTRODUCTION

This is the twelfth 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, 2006 to May 31, 2007. 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, 2005. It consists of Hon. Stephen G. Crane, Chair; Hon. Robert Jackson; M. Robert Goldstein, Esq.; Alison F. Alifano, and Julie Gick, Principal Law Librarian. All were appointed by Chief Administrative Judge Jonathan Lippman to serve through October 3, 2007. David Badertscher, Principal Law Librarian, continues as an ex officio member.

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. Yvonne Kennedy, who was a Senior Court Office Assistant (JG-12) has left the system. Alex Colgan, an experienced court attorney and former housing court judge, has been reassigned. Another full-time librarian title is vitally needed to serve the burgeoning clientele. A court officer assigned full-time to the library is also a necessity.

BOARD ACTIVITIES

During the past twelve months the Board met on November 9, 2006; January 25, 2007; and May 10, 2007 to discuss public access issues.

The public access library received six new fabric covered ergonomic chairs which are being used at computer research stations. It also has an enlarger and software for the visually disabled. The Office of Court Administration provided four new computers and monitors for which we are grateful. Two used Hewlett Packard laser jet printers were donated by a library patron. The library and back office were recently painted.

The renovation of 80 Centre Street remains on hold for budgetary reasons. Although the former Department of Motor Vehicles space would have been ideal for the library, the room is no longer available. An alternative site was proposed utilizing Room 133, 80 Centre Street. This is a former jury assembly room. After careful consideration, the Board passed a motion to turn down the space because of noise, lighting, heating, cooling and floor load issues.

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, First Deputy Chief Administrative Judge. An arrangement to trade space may be made so that the mail room is relocated away from the library.

Judge Crane wrote a letter on behalf of the Board to Mr. George M. Dillehay, Publisher, New York Law Journal to request free public access to the database which the Law Journal agreed to do. This has been so successful that Judge Crane wrote a letter of appreciation asking to maintain the service.

Mr. Pollack continues to be a periodic contributor of book reviews to the New York Law Journal. He organized and moderated a panel discussion for the Law Library Association of Greater New York (LLAGNY) on book reviewing in December, 2006.

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.

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 collection at the Public Access Law Library is largely focused on New York State and general reference materials. The Criminal and Civil Branch libraries continue to assist with interlibrary loan requests and as reference resources. The Public Access Law Library is participating in LION, the court libraries automation system, and continues to participate in the Question Point collaborative virtual online reference service in conjunction with the New York Supreme Court Criminal Branch Library. Using this service Mr. Pollack has answered reference questions from members of the public worldwide. The library may refer some inquiries to the Office for the Self-Represented at 60 Centre Street.

The spectrum of library patrons using the library is wide. Affluent individuals are doing research on a variety of issues including estate matters. Others have privately indicated that they are on parole or recently released from prison and are litigating civil actions against the government. Some users are homeless and have personal difficulties. Typical issues include civil matters, divorce, landlord - tenant, family and estates. Users with questions related to criminal matters form a smaller percentage of the research population.

The library has helped a judge with constitutional law research, a corporate stock holder researching access to corporate records, a screenplay writer attempting to enforce a contract against a film company, an author who needed information from records and briefs involving prosecution of drug gang members, and an individual seeking to determine the legal status of panhandling in New York City.

Staff members also assisted attorneys, paralegals, and clerks with research regarding job openings in government service. Mr. Pollack helped a Brazilian prosecutor locate law review articles, and a Chilean law student research reciprocity agreements. A legally blind individual was assisted while researching negligence and a disabled self-represented plaintiff involved in a bias law suit in Southern District of New York federal court also received help from library staff.

Currently Mr. Pollack is working with the Second Circuit's library staff to provide access to Second Circuit records and briefs. The Second Circuit is no longer offering this service due to closing for remodeling. The renovations are expected to take five to ten years to complete.

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 2006 through March 2007 the COURTNY and the library phone numbers received 10,520 calls.

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.

Wireless internet access is now 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: Appellate Term decision 04/04/2007

Ted, this is excellent. There is enough of the facts and the law in this opinion to figure out the appeals court's ruling. Thanks so very much for helping me out.

Re: Many Thanks! 03/20/2007

Ted,

Got all of Reg 380 in good delivery. I appreciate your kindness in helping me.

Re: I won my case. Link to Decision 01/17/2007

Dear Mr. Pollack:

Thanks for your undivided support. I won my Case. Here is the link to the decision.

Re: Legal Firsts articles 12/14/2006

This is GREAT! THANK YOU! THANK YOU!

Re: Dear Theodore, can you help us? 08/19/2006

Dear Theodore,

Thank you for your ongoing help. I did not at first receive your email because it somehow went into junk mail. Now that I have the results of your prodigious search I am reaping the benefits.

Re: Comics case 07/15/2006

Dear Ted,

I didn't get a chance to thank you for your help on Friday. Thanks to your helpful hints you saved my Uncle and me quite a bit of time that would have been spent floundering around attempting to figure out how to do our search regarding our comics case. We didn't find the case we were looking for but there were several other cases that mentioned the situation in the body of the Judges Opinion so at least we have some clues as to where to search next.

Re: Case request 06/28/2006

This is enormously helpful. I am about to go away for a long weekend through July 4, but will be at the library 9:30 am on Wednesday, July 5 to begin my research. I will return daily until I complete my work in the papers. Thank you very much.

Re: INSANITY DEFENSE RESEARCH 05/08/2006

Mr. Pollack,

Thank you so much for your assistance in helping my daughter research the above topic for her school project. Below are listed three articles we found might help in this effort and, hoping you may have them in your database.

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 64,650. The grand total of personal usage, web and telephone reference is 102,362.

The library began keeping telephone statistics in 2002. During 2006-2007 there were a total of 10,520. This is a substantial increase over last year's 8836 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) Acquire additional computers and wireless printers 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. Stephen G. Crane, Chair

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

David G. Badertscher, *ex officio*

EXHIBIT I

[REDACTED] Consulting Group LLC

[REDACTED]
New York NY 10021 USA
[REDACTED]

April 24, 2006

Mr. David Badertscher
Principal Law Librarian
New York County Supreme Court
Criminal Term
100 Centre St. 17th Floor
New York NY 10013

Re: Theodore Pollack / New York County Public Access Law Library

Dear Mr. Badertscher:

This letter is to express my appreciation for the exceptional service provided by Theodore Pollack and his staff at the New York County Public Access Law Library. I understand that you and Ms. Julie Gick are responsible for the supervision of Mr. Pollack.

I am the proprietor of a small consulting firm that specializes in international finance. Because of the relatively small size of my firm and the nature of the work that I do, the enforcement of contracts, particularly against foreign defendants, can become a serious problem. Attorneys are sometimes reluctant to take on this type of case, and therefore I must be willing to prosecute the action myself.

In my recent suit against a Canadian defendant, Mr. Pollack was extremely helpful with the research regarding its procedural and legal aspects. I can honestly say that the suit would not have been successful without the resources of the Public Access Law Library and the help of Mr. Pollack. He and his staff made it possible for a small businessman like me to seek redress through the courts, and to offset the unequal bargaining power of a client who would otherwise have been able to breach its contract.

The Public Access Law Library is a real asset to the small business community, and I wanted you to know about the helpfulness of Mr. Pollack and his staff.

Sincerely yours,

[REDACTED]
President

[REDACTED]
Cc: Ms. Julie Gick


ATTORNEY AT LAW


New York, NY 10028


Mr. Ted Pollack
Chief Librarian
New York County Law Library

Dear Mr. Pollack:

Thanks in large part to your invaluable assistance, especially finding the case crucial for my legal argument, my client won the case. I would like you to know that like other users of the library, I appreciate very much your competence, commitment and eagerness to help regardless whether a patron is an attorney or pro se.


Date: September 21, 2006

NOVEMBER 1 2006

MR DAVID BADERTSCHER PRINCIPAL LAW LIBRARIAN
NEW YORK SUPREME COURT CRIMINAL TERM
LAW LIBRARY
100 CENTRE STREET 17TH FLOOR
NEW YORK NY 10013

1-646-386-3890 PHONE

RE: COMMENDATION
MR THEODORE POLLACK SENIOR LIBRARIAN

Dear Mr Badertscher :

This is to affirm that your efforts , and that of your staff , have been greatly appreciated over the years . I experienced not only professionalism but also considerate support . As you have said there are issues in the world that "curl your hair" .

I write this letter to bring your attention to an exceptional effort by Mr Pollack . Although Mr Pollack was working on several visitor questions at the time , he took mental notes of my question and told me of his find when things slowed down .

Specifically , I had visited several depository libraries , and talked to several research librarians , regarding the Securities Act of 1934 , Congressional Intent , and specifically the 1975 amendments . I was told my project would take over a month , by a teacher doing a similar project , as Washington does not do a good job of cross indexing . I had practically given up when I was happily shocked to find that Mr Pollack had not only pursued my question but produced a well organized single page index . In my world , that is called a home run .

I can only say thank you .

Thank you for your consideration .

Respectfully yours ,

A P P E N D I X

Public Access Law Library Usage Statistics 1995 - 2007

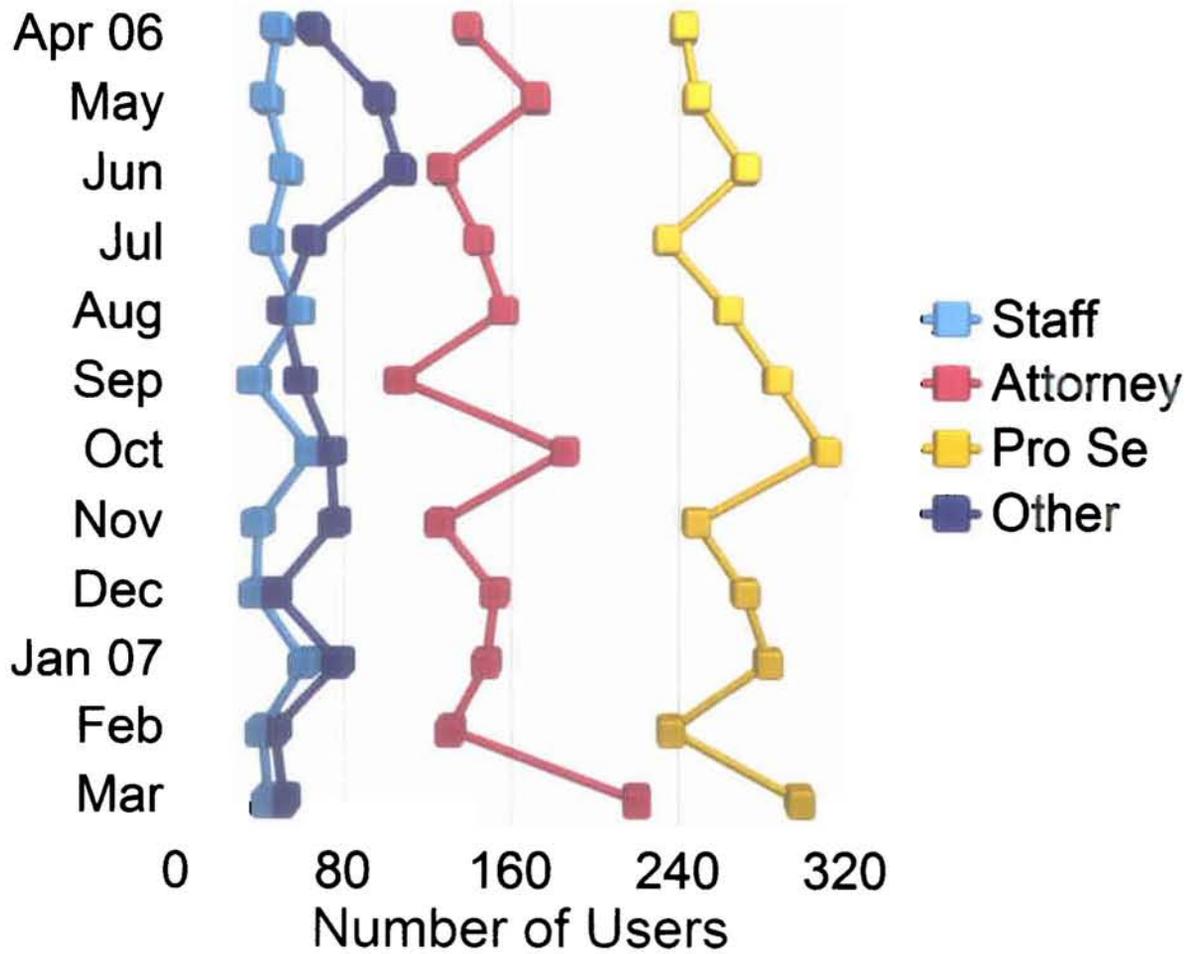
	Court	Attorneys	Self- Represented	Unidentified	Total In- Person Usage	Telephone Reference	Web Reference	Total Web or Telephone Reference	Grand Total
1995-1996	386	704	804	731	2625	n/a	n/a	0	2625
1996-1997	570	1152	2065	903	4690	n/a	n/a	0	4690
1997-1998	451	1449	2126	1149	5175	n/a	n/a	0	5175
1998-1999	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
Total for 1995- 2007	4173	14505	31531	14441	<u>64650</u>	37510	202	<u>37712</u>	102362

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

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

Library User Statistics

2006 - 2007



Telephone Statistics

2006 - 2007

