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Law Library Service in Montana

By RICHARD S. BARROWS*

The Pacific Northwest Library Association, with help from the Ford Foundation, has recently completed an investigation of library services and facilities within the states of this region. The procedure followed in Montana was to distribute questionnaires to our five largest cities and to the cities of Livingston, Whitefish, Havre, Glasgow, Miles City, Glendive, Cut Bank, Dillon, Sidney, Deer Lodge, Hamilton, Lewistown, Kalispell, Anaconda and Bozeman, which were considered representative. It was felt that this coverage would furnish a true cross-section of opinion from the roughly 900 lawyers practicing in the state. Some forty-five replies were received.

The four page questionnaire, a completed copy of which is attached to this article, sought to find out what sort of library each lawyer used and its merits and demerits. Certain representative works, considered basic to a working collection, were listed to discover whether or not they were available to members of the Bar in each of the various localities surveyed. A third section was designed to sample opinion with regard to libraries which were being used by the practitioner but which were not under his immediate control. Was he satisfied with the methods used in the acquisition, organization, listing and circulation of the books? Was the library's staff adequate with respect to size, training and the amount of service rendered? Did it seem advisable to use outside professional help to set up coöperative programs for the improvement of book selection, cataloging, training of personnel, etc?

It was found that almost all lawyers contacted have access to the Montana statutes and reports, the Pacific Reporter, the federal statutes, both of the current legal encyclopedias, A.L.R., and the Montana or Pacific Citators. The metropolitan area libraries contain the complete National Reporter System, complete digests, periodical indexes, federal regulations and some treatises. Even in the most sparsely populated counties many practitioners have the use of Williston on Contracts, Wigmore on Evidence, Collier (or Remington) on Bankruptcy and a standard federal tax service. Other listed items were not so plentiful. Some were found in only one of the libraries surveyed (Kaltenbach and Jahr on Eminent Domain, for example). The buildings housing the collections were generally considered to be conveniently located and adequate with respect to light and space; but a significant minority was not so sure that the location was convenient and that their library quarters were adequate for the purposes intended. Most stated that their community library usually provided the materials that they needed, although they went on to point out that they had frequently missed such materials as reports from other states and federal administrative decisions.

As to "libraries not private firm libraries" it was found that while all libraries serving the smaller cities allowed their books to circulate, none of

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them had cataloged collections. There are no full time law librarians except for those in charge of Anaconda's library, the Silver Bow County Law Library in Butte, the State Law Library in Helena and the Law School Library at Montana State University. Responsibility for administering judge-picked county collections rests with the county clerk's office, the court reporter, or, according to one lawyer, "no one." Opinion was evenly divided with regard to the merits of coöperative purchasing and cataloging as well as with regard to the utilizing of expert help. Such help would result in organizing existing collections and in informed recommendations for additions to these collections. The returns show that no one wanted an expert to supervise on-the-job training for their present library staff members. This training would increase the efficiency of staff members with a high school education and even those with a college degree.

However, the report did indicate that certain constructive steps can be taken to improve law library services. For example, none of the larger law libraries provide for lending books by mail. This suggests the need for a central lending library which can cooperate with all of the county libraries in lending hard-to-get materials needed by local attorneys. A system of this kind has already been established in British Columbia where mail loans and photostat services are offered by the Law Society's main library in Vancouver to supplement rural collections.

The library of the Law School might be used as such a centralized distribution point for book loans on a help-when-possible basis. Before this can happen, members of the Bar would have to show sufficient interest to encourage this extra library service. The payment of an annual fee for the use of these services would facilitate obtaining the extra volumes necessary for implementing the program and would help defray the expense involved in the handling, charging and mailing of the requested volumes. An annual contribution of \$4.00 from each member of the bar would yield some \$3,500.00. The legislature might also be approached with a view to contributing to a central lending collection. The state collection in Helena cannot be loaned, so it does not directly benefit practitioners throughout the state as this proposed service might. It should be noted that completely adequate lending by mail presupposes that the lawyers desiring this service have the help of a reference librarian. Such librarian reference service is provided to Washington attorneys by the Law Library of the University of Washington.

Another approach to the problem of determining what to use and where to find it is that of the subject listing of recommended treatises. Such a list is now under preparation by the Committee on Cooperation between the Association of American Law Schools and the American Association of Law Libraries. Copies of this list could be marked to show what each county or other local law library contained so that attorneys in the area would know not only what to look for but also where to get it.

It is anticipated that these "Union" lists could be completed with the help of one or more interested attorneys within the area served by each fair-sized library. Books available from other attorneys as well as those housed in libraries could also be shown on the list.

Another constructive step would be to have the *Index to Legal Periodicals* installed in the smaller libraries; the subscription charge is made on a service basis, so that even the poorest of them could afford it. This index would indicate to the users of the county libraries the contents of current periodicals. A copy or reproduction of the desired issue of a periodical might then be obtained from the projected central lending library.

In addition to the possibilities outlined above, the Regional Survey Report suggests that each region would profit from the services of a trained lawyer-librarian who would travel about the state checking on county collections or, more generally, with the county attorneys and district court judges. He would advise them regarding current and newly-developed legal publications which would fit their needs and which they, themselves would not have time to look into. This would also be of value to all local practitioners using the same library. Organizational details involved in the operation of the libraries could also be worked out by such a person, as his training would have included matters of this kind. Existing collections could also be checked to insure that they were current; *i.e.*, that the latest pocket parts and replacement volumes had been acquired.

Estimated cost for this service, according to survey figures, is approximately \$8,000. That figure includes an allowance for 8,000 miles of travel and 118 days away from home (at 8¢ per mile and \$7.25 per day). Support for such project would, of necessity, have to be furnished by the legislature. Backing should, however, come from the local bar and judiciary of the many areas in Montana which would be benefitted by such an arrangement.

Practicing lawyers who received their legal training at Montana State University, as well as the majority of those graduating elsewhere, have learned the use of the tools available in a fairly complete law library. It would seem axiomatic that this training will have been of value only if these tools can be kept available. The survey has conclusively shown that many lawyers throughout the Northwest are being handicapped in the practice of their profession because research materials are not being provided.

It is therefore suggested that those interested in improving legal standards in Montana will wish to consider at least some of the steps which have been outlined herein. Perhaps something will be done to help the attorney up on the "high line" who commented, "In Northeast Montana you either buy the book, talk a competitor into buying it, or do without."

APPENDIX

P.N.L.A. Library Development Project
Law Library Survey
Lawyer's Appraisal†

What kind of law library do you use?

- 43 own firm library
- 2 cooperative firm library
- 22 county law library
- 14 other (specify): State Law Library -7, Other Law Firms -6.

If you use another than your own firm library, is its location convenient
to your office 21 yes 8 no
to the court house 21 yes 4 no

If you use another than your firm library, do you contribute directly to its support? 2 yes 28 no.

Does the combination of libraries in your community usually provide the materials you need? 34 yes 7 no.

If not, which of the following types of materials have you frequently missed?

- | | |
|---|------------------------------|
| 6 up-to-date treatises | 8 legal periodicals |
| 4 state statutes | 7 Index to Legal Periodicals |
| 11 reports from jurisdictions other than local and U.S. | 5 looseleaf services |
| 10 federal administrative decisions | 8 briefs |
| 8 federal administrative regulations | |
| other (specify): | |

The following is a sampling of books generally considered basic to a working collection. If you can do so from your own knowledge, please indicate whether you have ready access to them:

A.L.R. complete	44 yes	.... no	National Reporter Sys-		
Am. Jur. complete	43 yes	2 no	tem complete	16 yes	24 no
C.J.-C.J.S. complete	42 yes	.... no	U.S.C.A.	40 yes	3 no
Fifth Decennial	24 yes	17 no	Code of Federal		
Sixth Decennial	22 yes	20 no	Regulations	21 yes	18 no
General Digest	24 yes	16 no	Index to Legal		
Pacific Reporter			Periodicals with		
complete	45 yes	.... no	cumulative volumes	13 yes	24 no
Northeastern Reporter			Montana Shepard	39 yes	5 no
complete	28 yes	20 no	Pacific Shepard	42 yes	3 no
			U.S. Shepard	22 yes	18 no

A standard treatise on *Evidence*

Wigmore, 1940, with			
pocket supplements	29 yes	10 no	
or			
McCormick, 1954	11 yes	16 no	
or			
Conrad, 1956	2 yes	19 no	
or			
another (specify): Jones -5			

A standard treatise on *Contracts*

Williston, 1957-	21 yes	18 no
or		
Corbin, 1950 with		
pocket supplements	7 yes	20 no
or		
another (specify):		

A standard treatise on *Eminent Domain*

Jahr, 1953	1 yes	26 no
or		
Kaltenbach, loose-leaf	1 yes	27 no
or		
Nichols, loose-leaf	5 yes	25 no
or		
Orgel, 1953	4 yes	25 no
or		
another (specify):		

A standard treatise on *Bankruptcy*

Collier, loose-leaf	12 yes	17 no
or		
Remington, 1934 with		
pocket supplements	13 yes	18 no
or		
Zwanzig, 1954 with		
pocket supplements	5 yes	20 no
or		
another (specify):		

†The figures used are totals from the 45 questionnaires returned.

A standard <i>Federal Tax Service</i>		A standard <i>Labor Law Service</i>	
Commerce Clearing House	20 yes 12 no	Bureau of National Affairs, Labor Relations Reporter	4 yes 27 no
or		or	
Prentice-Hall	27 yes 7 no	Commerce Clearing House	9 yes 26 no
or		or	
another (specify): Rabkin & Johnson—2		Prentice-Hall	5 yes 25 no
		or	
		another (specify):	

THE BALANCE OF THESE QUESTIONS APPLY ONLY TO LIBRARIES WHICH ARE NOT PRIVATE FIRM LIBRARIES: If you use only your own library, please omit answering:

- If the collection seems inadequate to you, do you attribute this to:
- 6 lack of funds
 - 1 inadequate planning
 - .. other (specify):
- Is the collection arranged so that materials are easy to find? 13 yes 2 no
- Do the rules allow books to circulate outside the library? 14 yes 2 no
- if "no," are the rules enforced? 2 yes .. no
- whatever the rules regarding circulation of books, do you think them wise? 6 yes .. no
- Is there sufficient control of circulation to allow you to locate a book which another has borrowed? 15 yes no.
- Is the library's collection listed so that you can tell whether a particular book (for which you know the author and title) is included, even though you don't see the book on the shelf? 6 yes 9 no.
- If "no," does the absence of such a listing disturb you? 4 yes 5 no.
- Is there a subject listing so you can find books without knowing the author and title? 4 yes 10 no.
- If "no," does the absence of such a listing disturb you? 2 yes 6 no.
- What official or group of officials determines what books shall be added to the collection?
- Does the book selector or selection committee make use of suggestions from local lawyers? 11 yes 1 no.
- On the whole, considering the funds available, do you feel that the selections are satisfactory? 13 yes 1 no.
- Aside from book selection, who runs the library?
- 7 full time librarian 2 part time librarian
 - 1 full time librarian and staff
 - 1 part time staff
 - other: Bailiff—2 Clerk—3
- Do you feel that the staff is adequate as to size? 12 yes 2 no
- as to training? 5 yes 6 no
 - as to services it performs for you? 9 yes 4 no
- If arrangements could be made for trained law library personnel to assist to attempted improvement of law libraries throughout the region, would you be interested in taking advantage of:
- cooperative purchasing 7 yes 5 no
 - cooperative cataloging 6 yes 5 no
 - organization of the collection 5 yes 5 no
 - recommendations of book selection 6 yes 5 no
 - inservice training for your library staff yes 9 no

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