

Volume

12

LYON COUNTY LAW LIBRARY

Emporia, Kansas

Policies and Procedures

LYON COUNTY LAW LIBRARY

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Legal Background

Kansas law directly addresses the establishment and management of county law libraries.

Operating procedures of the Lyon County Law Library are in accord with the following Kansas statutes. In general, these are:

- All attorneys required to register in such county shall register annually (by January 15) with the clerk of the district court and provide their name, place of residence, employment, location of office and firm connection, if any.
- All attorneys required to register, except those employed solely as public defenders by the state board of indigents' defense services, shall pay to the clerk at the time of registering an annual registration fee of \$75.
- Public defenders are exempt from the registration fee during their employment with the state board of indigents' defense services.
- Attorney library fees are used to maintain the law library.
- The board of trustees has management and control of the library. This includes the establishment of policies and procedures for attorney members and for reasonable access of the library to the public.
- The board of trustees of the law library consists of the district judges of the district court and three attorneys who are elected for two-year terms by a majority of the attorneys residing in the county. Elections are held in odd-numbered years. The fourth attorney member is the president of the local bar association or his or her designee.

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The clerk of the district court of the county is the treasurer of the library and safely keeps the funds of such library and disburses them as per the trustees' instructions.

While the statute provides for the hiring of a law librarian as a county employee, the current law librarian performs these duties under contract. The statutes do not provide guidance for assessing member fees on judges. It is the policy of this law library to waive member fees for judges, whether sitting or retired.

As of July 1, 2004, library fees derived from the docket fee are

\$10 in all cases commenced pursuant to chapter 60 of the KSA and
in all felony criminal cases

\$7 in all other cases

Full text of the statutes follows.

K.S.A. 20-3126

20-3126. County law libraries; establishment; election; registration; fees; filing pleadings signed by attorney; where attorney required to register

(a) Any county of this state may establish a county law library, under the provisions of and subject to the qualifications of this act. Any law library in existence on the effective date of this act which was established under previously existing statutes or previous versions of this statute shall be governed by this statute, and amendments thereto, on and after the effective date of this act.

(b) No county law library shall be established under the provisions of this act until a majority of the attorneys required to register in such county and admitted to practice before the bar in Kansas elect to do so, except that, where a county law library has already been established pursuant to other statutory provisions, such library shall come under the provisions of this act.

(c) All attorneys required to register in such county shall register annually with the clerk of the district court in a register kept for that purpose. The clerk shall enter the name, place of residence, employment, location of office and firm connection, if any, of each such attorney. All such attorneys shall register within 30 days after an election has been made to provide for a county law library, and on or before January 15 of each year thereafter. All attorneys required to register, except those employed solely

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as public defenders by the state board of indigents' defense services, shall pay to the clerk at the time of registering an annual registration fee of not less than \$10 nor more than \$75, as determined by the trustees of the law library, except that in Sedgwick and Johnson counties, each attorney shall pay to such clerk at the time of registering an annual registration fee of not less than \$25 nor more than \$125, as determined by the trustees of the law library. Public defenders are exempt from the registration fee during their employment with the state board of indigents' defense services. A registration fee in excess of the amount prescribed in this subsection annually may be fixed by a majority of the attorneys registered under the provisions of this act. A schedule of current registration fees shall be filed with the clerk of the district court.

(d) Whenever a law library has been established in any county, the clerk of the district court, or the clerk of any inferior court within such county, shall not file in the clerk's office in any matter or action, any pleading or other papers signed by an attorney required to register under this act who has not so registered and paid to the clerk of the district court the required registration fee.

(e) For the purposes of this section, an attorney shall be required to be registered in the county: (1) Where the attorney's principal office is located, if such attorney is a resident of Kansas or a resident of another state; or (2) where the attorney resides, if such attorney's principal office is located in another state. The principal office shall be the principal office of the attorney and not the principal office of such attorney's firm.

Credits

Laws 1967, ch. 137, § 1; Laws 1968, ch. 306, § 1; Laws 1987, ch. 101, § 2; Laws 1994, ch. 211, § 2; Laws 1995, ch. 163, § 2; Laws 2002, ch. 68, § 2.

K.S.A. 20-3127

20-3127. Same; board of trustees; use of fees and donations; use of library; treasurer, duties; custodian and librarian and assistants in certain counties; duties, compensation; attorneys not liable to pay occupational tax or city license fee

(a) Except as provided further, all fees collected pursuant to K.S.A. 20-3126, and amendments thereto, shall be used to establish and maintain the county law library. A board of trustees, appointed as provided in this section, shall have the management and control of such library and shall use the fees paid for registration, and all other sums, books, or library

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materials or equipment donated or provided by law, for the purpose of establishing and maintaining such library in the county courthouse or other suitable place to be provided and maintained by the county commissioners of such county, including acquiring and maintaining materials and technology that may, at the discretion of the board of trustees, be loaned to library users for use outside the premises of the library. The district judge or district judges of the district court, members of the bar who have registered and paid the fee provided for in K.S.A. 20-3126, and amendments thereto, judges of all other courts in the county and county officials shall have the right to use the library in accordance with the rules and regulations established by the board of trustees. The board of trustees shall develop guidelines to provide members of the public reasonable access to the law library.

(b) The board of trustees of any law library established or governed under this act, and amendments thereto, in Johnson and Sedgwick counties shall consist of five members, two of which shall be judges of the district court, appointed by a consensus of all judges of the district court in those counties, and three of which shall be members of the Johnson or Sedgwick county bar association, appointed by selection of the county bar association pursuant to the Johnson or Sedgwick county bar association's bylaws for two-year terms. The board of trustees of the law library in all other counties shall consist of the district judge or judges of the district court presiding in such county and not less than two attorneys who shall be elected for two-year terms by a majority of the attorneys residing in the county.

(c) The clerk of the district court of the county shall be treasurer of the library and shall safely keep the funds of such library and disburse them as the trustees shall direct. The clerk shall be liable on an official bond for any failure, refusal or neglect in performing such duties.

(d) The board of county commissioners of any county designated an urban area pursuant to K.S.A. 19-2654, and amendments thereto, wherein an election has been held to come under the provisions of this act is hereby authorized to appoint, by and with the advice and consent of the board of trustees of the law library of such county, a librarian, who shall act as custodian of the law library of such county and shall assist in the performance of the clerk's duties as treasurer thereof, and such assistants as are necessary to perform the duties of administering the law library. The librarian and any assistants so appointed shall be employees of the county under the supervision of the board of county commissioners, or the board's designated official, with the advice and recommendations of the board of trustees of the law library, and shall be subject to the

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personnel policies and procedures established by the board of county commissioners for all employees of the county. The librarian and any assistants shall receive as compensation such salaries and benefits as established by the law library board of trustees, subject to the approval of the board of county commissioners, which shall be payable from the general fund of the county, through the county payroll process, from funds budgeted and made available by the law library board of trustees for that purpose through the collection of fees or other funds authorized by this act.

(e) All attorneys registered under this act shall not be liable to pay any occupational tax or city license fees levied under the laws of this state by any municipality.

(f)(1) Except as provided by subsection (f)(2), the board of trustees of a county law library established pursuant to this section may authorize the chief judge of the judicial district to use fees collected pursuant to K.S.A. 20-3126, and amendments thereto, for the purpose of facilitating and enhancing functions of the district court of the county. No judge shall participate in any decision made by the board of trustees of a county law library pursuant to this paragraph to authorize the chief judge of the judicial district to use fees collected pursuant to K.S.A. 20-3126, and amendments thereto.

(2) The provisions of subsection (f)(1) shall not apply to the board of trustees of any law library established in Johnson and Sedgwick counties.

Credits

Laws 1967, ch. 137, § 2; Laws 1968, ch. 306, § 2; Laws 1974, ch. 118, § 1; Laws 1975, ch. 159, § 1; Laws 1976, ch. 125, § 1; Laws 1976, ch. 151, § 1; Laws 1992, ch. 232, § 2; Laws 1995, ch. 163, § 3; Laws 2007, ch. 189, § 2, eff. July 1, 2007; Laws 2015, ch. 53, § 2, eff. July 1, 2015.

K.S.A. 20-3128

20-3128. Same; maintenance of library

The trustees of any county law library may release the board of county commissioners from the duty to maintain the library in the county courthouse or at some other suitable place, and may establish and maintain the library in some suitable place not provided by the board of county commissioners in which event the board of county commissioners shall pay to the board of trustees from its general fund an amount not to exceed \$5,000 annually to be applied to the cost of maintaining and operating the library as the board of trustees in its discretion may

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determine to be proper. The trustees shall have the power to rescind the action at any time, in which case it shall become the duty of the county commissioners to establish the library in the courthouse or any other suitable place provided and maintained by the county. If the board of trustees elects to establish and maintain the library at some other place other than the county courthouse, or at some other suitable place not selected by the board of county commissioners, the board of trustees may also release the board of county commissioners from the duty to appoint a librarian and assistants for the library.

Credits

Laws 1967, ch. 137, § 3; Laws 1995, ch. 163, § 4. K. S. A. 20-3128, KS ST 20-3128

K.S.A. 20-3129

20-3129. Same; library fees assessed in certain cases

(a) Subject to the limitations contained in this section, the clerks of the district courts shall tax a library fee in an amount determined by the trustees of the law library in each county for the benefit and account of the law library in each county. Such library fee shall be not less than \$2 nor more than \$10 in all cases commenced pursuant to chapter 60 of the Kansas Statutes Annotated and in all felony criminal cases and shall be not less than \$.50 nor more than \$7 in all other cases.

(b) The clerks of the district courts in Sedgwick county and Johnson county may tax an additional fee in an amount determined by the trustees of the law library in each county for the benefit and account of the law library in each such county. Such additional library fee shall not be more than \$4 in all cases.

(c) The trustee of the law library in each county may increase law library fees under this section once per calendar year as of July 1. Changed law library fees shall be effective as of that date and when filed with the clerk of the supreme court. The trustees of the law library in each county shall file with the respective clerks the fees to be charged in that court.

(d) The fees provided for by subsection (a) shall be deducted from the docket fee. The fees provided for by subsection (b) shall be in addition to the docket fees established by law.

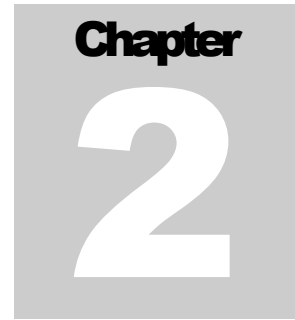
(e) In criminal cases where the case is dismissed by the state, the county shall be liable for the library fee. Where appeals from conviction in the municipal court are dismissed for want of prosecution, or by the defendant, the state or city shall collect the library fee. Upon failure of the state or city to do so within 90 days after the dismissal, the county from which the appeal is taken shall be liable therefor.

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(f) The additional library fee under subsection (b) shall be considered a docket fee for purposes of K.S.A. 60-2001 et seq., and amendments thereto.

Credits

Laws 1967, ch. 137, § 4; Laws 1976, ch. 145, § 69; Laws 1981, ch. 117, § 1; Laws 1984, ch. 147, § 5; Laws 1987, ch. 101, § 3; Laws 1989, ch. 84, § 1; Laws 1991, ch. 84, § 1; Laws 1992, ch. 232, § 1; Laws 1995, ch. 163, § 5; Laws 1996, ch. 234, § 9; Laws 2007, ch. 189, § 1, eff. July 1, 2007.



Vision & Mission

The vision and mission statements provide guidance for law library management in the absence of specific policies and procedures.

The Lyon County Law Library (LCLL) underwent a dramatic reorganization in 2003 in response to a new facility and the vision to establish a

state-of-the-art legal research and resource facility, the standard for peer institutions in the state of Kansas

This statement provides a “big picture” approach to materials acquisitions at all levels of technology.

The mission statement guides the day-to-day operations and articulates what the LCLL is all about:

Provide law library members and the public with access to current, authoritative legal information in an efficient, cost-effective and timely manner.

As stated earlier, these two statements guide decision-making when existing policies and procedures do not directly address an immediate situation.

Professional Role & Services

The law librarian is the link between legal information and the user.

The LCLL librarian provides professional information services regarding the access, acquisition and management of the LCLL holdings.

Effective management of legal information requires professional training. The current LCLL librarian holds a master's in library science from an ALA-accredited institution, a post-master's certificate of legal information management, and an e-discovery certification. Continuing professional development with an emphasis in legal information management (e.g., membership and attendance at AALL conferences) is encouraged.

The librarian assists law library members in locating information and provides tutorials for online searching. Extensive legal research assistance is available upon the trustees' approval.

The librarian assists the public in using legal information resources. The focus is on the resource material and not the content. The public is encouraged to obtain professional legal counsel for interpretation and/or application of legal information.

Levels of service according to user:

1. **Law library members** – attorneys, identified by statute and those who are non-resident but are court-appointed in Lyon County, who are current in their yearly dues. These users have full access to online databases in the library, the wireless network, and full checkout privileges.

Members are given a card with the keycode in order to use the library during regular courthouse hours. Only members are allowed in the

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law library when the librarian is absent. Copies are free, as is access to the law library's wireless network. The MAC address of the device must be submitted to the law librarian for inclusion in the security database prior to anticipated use.

Law library members are encouraged to ask questions pertaining to legal information access, technology and electronic document management. The law librarian is available by email whenever she is not onsite: sgfowler@lycolawlibrary.org.

- a. **Visiting attorneys have regular law library membership privileges**, provided they fill out a visitor form and pay \$75 to the clerk of the district court. Visiting attorneys not willing to file a form with the \$75 fee will be granted the same access privileges as members of the public. They will have minimal checkout privileges, must pay copy fees, and will not have access to the wireless network.
 - b. **Legal assistants employed by a law library member** may check out materials on the behalf of their employer when the librarian is present. They may find it more convenient to pick up and drop off materials at the Clerk of the District Court's office. Only members are allowed in the library in the absence of the law librarian.
2. **County (Lyon) employees** – have checkout privileges but are not given the door keycode. These users receive the same level of assistance as the public.
 3. **Public** – all non-attorney members, including visiting attorneys and spouses of members. With assistance from the librarian, members of the public have access to online databases and other materials in the library. Checkout of materials other than NOLO books is not available. Copies are 50 cents per page.

Continuing Legal Education

As part of its education function, the law library has coordinated Continuing Legal Education (CLE) opportunities for attorneys licensed to practice in Kansas since 2010. The fee structure was set in 2013 to create a two-tier fee system for CLEs – LCLL members receive CLE credits for free or a reduced rate, and non-members pay double the membership rate, or a minimum of \$25. This service saves the local legal community time and money while providing valuable legal education.

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CLE Cancellation/Inclement Weather Policy

CANCELLATION POLICY

Cancellations received 48 hours or more prior to the start of an event may receive a refund or credit. Cancellations received less than 48 hours before the start of an event may not receive a refund unless there are emergency extenuating circumstances. Substitutions for paid registrations are accepted.

No shows will not receive a refund or credit voucher. Material may be sent to no shows upon request. No shows requesting refunds due to emergency or hardship must be received in writing no more than 30 days after the event date.

INCLEMENT WEATHER POLICY

The law librarian will make every effort to e-mail individual registrants if a seminar is cancelled or delayed. Registrants should ensure that current contact information, including an e-mail address, is provided when registering for a seminar. If a seminar is cancelled, all registrants will be notified of the rescheduled date and time and can choose to attend or be issued a refund or program credit.

Collection Development

The art of selecting materials for the future needs of the users.

A budget is approved by the trustees for each calendar year. The librarian exercises his or her professional judgment when evaluating and ordering materials, regardless of format. The goal is to provide efficient access to the best available legal information in a cost-effective manner.

Space limitations require a considerable focus on digital materials such as Westlaw and Internet-based resources such as FindLaw, WashLaw and the Kansas Supreme Court website. At the same time, print materials offer access points for those unfamiliar with legal resources. Consequently, materials are selected for a balance of quality of content, packaging and cost-effectiveness.

Digital resources may be accessed through the law library's website, <http://www.lycolawlibrary.org/>. Print, CD-ROM, and other physical resources are tracked in the online catalog, also available through the website at <http://connect.collectorz.com/users/lycolawlib/view>. Click on the "Books" tab to view our collection.

Frequent borrowing of the same materials by more than one member may indicate the need for adding second or third copies to the collection. Members may check out the same materials twice per quarter; check out of the same materials more often than this will result in the immediate recall of these materials.

The standard checkout period is seven days. Items may be renewed for one week if there is not a waiting list for the item. Failure to communicate with the law librarian regarding overdue items may be referred to the Chief Judge of the District Court for review.

COLLECTION DEVELOPMENT

One type of item frequently requested, particularly by *pro se's*, is legal forms. The law library has some of these forms available and has listed the Kansas Judicial Center's *pro se* webpage on the law library's website to broaden the public's access.

The door to the law library is closed and locked when the law librarian is not present. This is to ensure unauthorized personnel do not remove materials, including the computer equipment.

Collection Management

These policies and procedures ensure all members and the public equitable access to materials.

LCLL member hours are when the courthouse is open; typically, 7:30 a.m. to 5:30 p.m. Monday through Friday (excluding holidays).

The library is available to the public when the librarian is present, typically, 9 am to 12 noon Wednesday morning. The librarian serves additional hours to perform duties such as cataloging, resource evaluation and research assistance by appointment.

Members in good standing have full checkout and online access privileges. Members are given the combination to the law library door keypad so they may access the library during regular courthouse hours.

Members have borrowing privileges of one week and are asked to fill out the checkout card if the librarian is not present. The librarian may limit the number of times materials are checked out to an individual.

Members are responsible for checked out materials and will be charged the cost of replacement plus a \$25 reshelving fee for each lost item.

Deselection, Weeding, or Getting Rid of the Old Stuff

The librarian stamps superseded materials with the “Withdrawn” stamp and disposes of them in a manner appropriate to the format. Deselection occurs continually, on an as-needed basis.

Some older volumes, while not of use to the LCLL, may be of use to members of the Law Library or the public. Outdated or surplus books may be sold to law library members with the highest bid. All money collected from this or another auction will be deposited in the Lyon County Law

Library checking account. Books that fail to be sold by auction may be listed online with used book vendors or recycled.

Technology Policy

The LCLL values its status as a state-of-the-art library and as such, recognizes the need to update continually its technology hardware and software. Superseded hardware will be disposed of by offering it to the law library membership for purchase, or donated to the county for use or disposal.

If the county is not interested in the equipment, it will be offered to a non-profit agency (e.g., other libraries & agencies such as SOS or Plumb Place).

If no agency is interested, the equipment will be set aside for the next scheduled recycling pickup.

Software upgrade agreements typically preclude the sale or distribution of previous versions. Original media will be disposed of as per manufacturer's agreement and in a manner appropriate to the format.