

1991

Foreword: Law and the Library

Timothy L. Coggins

University of Richmond, tcoggins@richmond.edu

Follow this and additional works at: <http://scholarship.richmond.edu/law-faculty-publications>

 Part of the [Legal Profession Commons](#), and the [Legal Writing and Research Commons](#)

Recommended Citation

Timothy L. Coggins, *Foreword*, 49 N.C. Libraries 3 (1991).

This Article is brought to you for free and open access by the School of Law at UR Scholarship Repository. It has been accepted for inclusion in Law Faculty Publications by an authorized administrator of UR Scholarship Repository. For more information, please contact scholarshiprepository@richmond.edu.

Foreword

Timothy L. Coggins, Guest Editor

A steady rise in criminal and civil litigation continues to add to the backlog of cases in state courts, the National Center for State Courts reports. An awareness of legal issues, derived from "People's Court," "L.A. Law" and "Equal Justice," presents legal concepts and issues to the public and increases the potential for causes of action against neighbors, family members, and others. A significant economic downturn creates unemployment and other problems, causing potential financial ruin and bankruptcy for North Carolina and U.S. citizens and businesses. Law firms faced with the same economic environment cut staff (including attorneys) and no longer accept certain types of cases.

What do all these issues have to do with libraries? Potentially, quite a lot. As society becomes more litigious, librarians will see more and more users seeking legal materials and assistance. As information specialists, librarians must determine the types of information that the public needs and must attempt to provide the resources necessary to locate this information. Economic problems may result in more users attempting to handle legal problems without the assistance of attorneys. With mounting financial obligations and the possibility of no jobs, citizens might turn to public and other libraries to research their legal rights, options, and obligations. In other instances, law firms may not be interested in accepting new clients, thereby leaving many citizens with no alternative except self representation. Library managers, on the other hand, must become knowledgeable of the legal implications of library operations and their actions and must protect libraries from negligence and other actions brought by employees and users. Libraries throughout North Carolina presently address some of the legal information demands of users, but they likely will be faced with many more legal issues and demands for legal information in the future. Unfortunately, many libraries are not able to purchase necessary legal resources or to hire staff with legal research expertise to assist these users.

This issue of *North Carolina Libraries*, "Law and the Library," presents an interesting and instructive collection of articles that should be helpful to North Carolina librarians. It includes articles discussing one traditional library issue, copyright law, but also addresses other relevant topics such as premises liability and sex discrimination that could affect librarians as managers and employees. Other articles focus on the unauthorized practice of law, how to help patrons compile the history of a *North Carolina General Statutes* section, the legal and other implications of dealing with the homeless and public library patrons with behavior problems, and the role of a private sector librarian functioning in the law firm environment.

Three articles deal with the law in substantive areas affecting librarians, managers and employees: copyright, premises liability, and sexual harassment. James Heller's

article on copyright law traces the development of copyright law in the United States and offers practical advice to librarians. Heller clarifies some "grey" areas of copyright law and delineates the rights of both copyright owners and users of copyrighted works, including librarians and educators. Thomas Steele provides an extensive discussion of premises liability as applied to North Carolina libraries. He focuses on the liability of librarians and libraries for injuries sustained in the library and presents a thorough analysis of negligence law and its implications. Steele also offers a checklist to be used in libraries to guarantee that premises problems are reviewed and repaired before subjecting the library to liability. Laura N. Gasaway describes one particular type of sex discrimination, sexual harassment, and its impact on library operations. She reviews a series of court decisions that have developed standards concerning an

employer's liability for sexual harassment. She concludes with a discussion of what a library manager should do to avoid sex discrimination charges in his or her library and encourages the development of a sound, written sexual harassment policy.

Another article addresses a critical issue to librarians: how much information can a librarian provide and at what point does answering a reference question become an unauthorized practice

*Library managers ...
must become
knowledgeable of
the legal implications
of library operations and
their actions and must
protect libraries from
negligence and other
actions brought by
employees and users.*

of law? Janet Sinder's thorough analysis of this topic begins with a discussion of the relevant sections of the *North Carolina General Statutes* and presents reasons why it is important that librarians not advise users regarding their legal rights. Sinder concludes that librarians should provide as much assistance as possible to patrons, including showing helpful and useful materials, recommending books, etc., but they should stop short of providing actual advice and interpretation. Nina Lyon and Warren Graham of the Public Library of Charlotte and Mecklenburg County follow with an analysis of the security problems facing libraries in large urban centers. Behavioral problems identified by Lyon and Graham must be balanced with the library users' individual rights. The authors describe the use of security and safety officers in a public library and the development of rules and regulations governing conduct in the library. Their processes and conclusions should be instructive to other librarians facing difficult security and behavioral problems.

Librarians faced with questions about "legislative history" can find guidance in Louise Stafford's article about compiling legislative history about *North Carolina General Statutes* sections. Stafford discusses two aspects of compiling legislative history: tracing legislation and determining legislative intent. She interprets the North Carolina Supreme Court's perspective about legislative history through an analysis of several court decisions. The final article in the series discusses the changing role of the law firm librarian in today's law firms. Connie Matzen

reveals a view of private sector librarianship that many librarians have never seen. She presents the development of the law firm librarian from a "collection keeper" and filer of looseleaf services to an information specialist, educator, and politician/public relations expert within the law firm.

"Point/Counterpoint" focuses on the development of a county law library system in North Carolina. Many states have a detailed plan to provide law library services to the public and members of the bar, but North Carolina does not. Although several county law libraries exist in North Carolina, no comprehensive and adequately funded plan exists. Anna Donnally presents the view of a public library librarian who is faced with questions from users that require materials and expertise not available in her library. Harry Tuchmayer argues that county law libraries are certainly valuable, but asks if it is a legitimate use of taxpayers' money to fund libraries for a specific (and relatively small) group of library users? The final installment of this theme issue is a bibliography of legal materials that should be beneficial to North Carolina librarians. The bibliography lists basic primary and secondary legal research resources, but concentrates on some helpful titles about North Carolina law. While these titles vary in quality, substantive content, value, and scholarship, some of the titles might be helpful for some public, school, and academic library clients.

I thank the authors for their excellent contributions to this issue. I hope that all readers enjoy these articles and find some stimulating, practical, and beneficial information.



The Librarians' Source
for
Non-Fiction Small Press

- Fill Collection Gaps — 1000 Publishers — 6000 Titles
- Professional Selection Tools
- 95%+ Order fill — 72 Hours
- Special Interest Videos

1-800-323-4241 • Toll Free • 312-295-2010 • Call Collect



QUALITY BOOKS INC.

 a dawson company

JOHN HIGGINS, SALES REPRESENTATIVE