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LIBRARY
STANDARDS FOR INDIAN COURTS

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STANDARDS FOR INDIAN COURTS

The goal of an Indian Court Library should be to select, acquire, organize, maintain and make accessible materials of a legal, management or administrative nature, print or non-print, which will satisfy the operational, informational and educational needs of the Court, Tribe Government (including the Legislature, Police, Prosecutor and Probation), Private Attorneys and tribal members.

The following standards are designed to achieve the above noted goal.

I. RESPONSIBILITY FOR LIBRARY

- A. An Indian Court Library should be under the control of the chief judge and general supervision of a qualified court administrator/clerk.
- B. The responsibilities and duties of the court clerk relative to the court library should be in writing and well-defined.
- C. Regular meetings should be scheduled and recorded at which the court administrator/clerk can report to, and receive directions from the Court.

II. PLANNING

- A. The court administrator/clerk should be kept fully informed of policy and program developments of the judicial system in order to plan library services to meet changing needs.
- B. From its inception, planning that concerns any or all of the following areas should involve the court administrator/clerk:
 - 1. Growth of the collection.
 - 2. Personnel to provide service to users and the collection.
 - 3. Physical facilities.
 - 4. Bibliographic and physical control of the collection and its access.

III. BUDGET

- A. Separate Budget: The budget of an Indian Court Library should be separate and sufficiently adequate to insure a well-qualified staff and a complete, up-to-date collection, with provision for new acquisitions as needed.
- B. Responsibility: The preparation, presentation, and management of the budget is a prime function of the court administrator/clerk.
- C. Funding: Normally a court will not be able to fund in a single year the cost of an ideal library. Therefore, a court should use its limited funds to purchase the most needed additions to a library. In addition to a court's normal budget appropriation, there may be other sources of funding for library materials.
 - 1. Courts of Indian Offenses: The BIA is responsible for providing to CFR courts copies of "all Federal and State laws and regulations of the Bureau of Indian Affairs applicable to the conduct of Indians within the reservation." See 25 CFR 11.12.
 - 2. Tribal Bar Associations: If the court requires attorneys or law advocates to be admitted to practice before the court, it may be appropriate to access a fee that would be used to purchase library materials (especially if Bar members use the library).

IV. PERSONNEL

- A. The Court Administrator should have specific training regarding the requirements, operation, and maintenance of a court library.
- B. Court Staff should be assigned specific duties relating to the operation and maintenance of the library.

V. PHYSICAL PLANT AND FACILITIES

- A. Location: The court library should be housed in the same building, or in close proximity to the court so as to achieve the efficient and maximum utilization of space and the potential for convenient access to the library.
- B. Shelving should be adequate to hold the collection in convenient arrangement for use and allow for expansion of the collection.
- C. Equipment and Workspace: There should be provision for suitable equipment and work space for administrative, processing and reader assistance tasks of the library staff.
- D. Seating: Ample attractive work areas and comfortable seats should be provided for users of the collection. Good lighting is essential. Conference rooms, photocopy service and typing facilities should be within easy reach if not a part of the library quarters.

VI. READER SERVICES

- A. Reference Service: The library should provide reference service upon request, drawing upon interlibrary loan service from other libraries when necessary.
- B. Catalogs and Indexes: A public card catalog and standard legal bibliographic materials, i.e., indexes, library catalogs and bibliographies, should be available for use of the staff and patrons.
- C. Signs and Library Guides should be provided to assist patrons in finding their way about the library and into the collection.
- D. Circulation: Formal circulation policies should be established for both court and non-court library patrons.

Court personnel may borrow bound journals and treatises by filling out paper circulation cards which ideally list call number, date due, volume number, title, borrower, address and telephone number. See Exhibit 1. These slips should be at a designated location. Materials other than treatises and bound journals may be checked out by signing these out in a court check-out notebook.

Non-court personnel may borrow only bound law reviews and treatises which must be returned within five days. An individual circulation card, as described above, is filled out for each volume checked out of the library.

Experience has shown that judges, law clerks, and attorneys are quite impatient with having to fill out numerous lines before taking a book from the library. The check-out procedure could be simplified, while still retaining control, if the patron's activity is restricted to merely a signature and phone number. This would involve providing a book card with each book, each card carrying identification information about the book. This procedure should be implemented for books presently in the library and on an on-going basis for new books. This procedure would provide a more accurate, concise and current control of circulation.

Exhibit 1

Call Number	Date Due	Volume Number
	Title	
Borrower		
Address		
Phone		

- E. Photocopying Services: The library should have photocopiers located in or close to the library. "Self-service" photocopying service could be made available to local attorneys and parties at a fixed cost per page. Tribal agencies or personnel should not be charged for copies made; rather, such costs are absorbed as part of normal court operations costs.
- F. Binding: The binding of current periodicals and the rebinding of selected worn volumes should receive regular attention by the court.

VII. TECHNICAL SERVICES

A. Acquisitions

1. Books: As a library collection expands, and the demand for professional legal services increases, any library acquisition policy must be periodically reviewed to ensure that it reflects the increased responsibilities. In addition, any established book selection policy, whether written or unwritten, should ensure that all newly published law titles quickly come to the attention of the librarian through such standard book selection aids as the following:

- Law Books in Print (a listing of books of law and related fields arranged by author, compiler, editor, subject, title and series), supplemented by Current Law Books Published.
- Current Publications in Legal and Related Fields (this is a monthly listing of new legal publications and supplements which includes the Checklist of Current State and Local Publication; it is released semi-annually), or the Rothman Green Slip Service, an earlier listing of titles which later appear in Current Publications.*
- Current Acquisitions Lists from other Libraries.
- The Weekly Record
- LC Proof Slips for KF Titles, if available from the state library at modest or no cost; otherwise, the expense is not justified.
- Publisher's fliers and catalogs
- Book reviews

*Current Publications would, in the large majority of instances, meet the needs of the law library as well as the Green Slip Service which costs considerably more. Although the "green slips" provide a more convenient method of ordering books, their main purpose is a quick reporting of newly published law titles, and for this purpose the additional expenditure could hardly be justified.

These basic materials will provide the library with a means of reviewing new legal literature for purchase consideration. Most current acquisitions are selected from publishers' trade notices or purchased in response to patron requests. However, the process of book selection must be expanded so that the range of available materials can be reviewed and considered. The selection aids will provide the library with adequate and timely legal listings at a minimal cost.

2. Periodicals: It is generally agreed that legal periodicals are an invaluable source for keeping current on recent legal developments and often provide some of the most in-depth analysis, analyses and appraisals of legal concepts.

The periodical collection reflects the appropriate degree of importance attributed to it by the court and the dedicated efforts made in its development.

Given a limited book budget, any future additions should be current subscriptions to numerous additional titles rather than long back runs of a few. Sources valuable as guidelines for additions would be:

- Index to Legal Periodicals
- Shepard's Law Review Citations
- Index to Periodical Articles Related to Law
- Periodicals listed in an article by Cameron Allen, "Duplicate Holding Practices of Approved American Law School Libraries." 62 Law Library Journal 191 (1969).

Appropriate indexes are, of course, indispensable for the effective use of a periodical collection. In addition to the Index to Legal Periodicals, the library should consider additional indexes, even if many of the titles indexed are not presently in the library collection. The additional indexes would provide references to valuable material which might be obtained from other libraries.

3. Looseleaf Services are indispensable in any law library requiring quick, complete and extremely current information on specialized legal topics. These services are invariably expensive, but provide information otherwise unavailable with the scope and currentness required.

B. Selection of Library Materials

1. Factors: The selection of material added to the collection is the responsibility of the court and court administrator and reflects compliance with the collection development policy. Suggestions for purchases are encouraged from the users and the staff and should be given serious consideration. The factors used in selected and purchasing materials of the library include the following items.
- Expressed or anticipated interest in the subject.
 - Contemporary significance and/or permanent value of the title to the collection.
 - Scope and depth of the existing subject collection.
 - The authority of the author (no author's works will be excluded from the collection solely because of his/her personal history, political affiliation, race, sex or cultural background).
 - The authority and reputation of the publisher or producer.
 - The technical excellence and durability of the format.
 - Availability of the same title or information elsewhere.
 - Appearance of the title in special bibliographies or indexes.
 - Price.

An item need not meet all these criteria in order to be acceptable. When judging the desirability of material, any combination of standards may be used.

2. Multiple Copies: Multiple copies of titles may be obtained when there is an expressed need or heavy use. Duplication should be kept to a minimum but materials should be in sufficient supply to make the library a dependable source for most of the users most of the time.
3. Complete Sets: All material should be current with respect to continuations, supplements and replacements, sets should be complete and unbroken.
4. Interlibrary Network: The court administration should have the authority to join a regional, national or interlibrary network if it is to the advantage of the library to do so.

C. Format of Materials

1. Books: Where there is a choice, hardback books are preferred to paperbacks. Supplements and updating services should be purchased if books (or sets of books) are periodically updated by publisher.
2. Serials: Periodicals are purchased for one or more of the following reasons:
 - To provide current information not yet covered in book form.
 - To supplement and enhance the total collection.
 - To serve the staff as book selection aids and professional reading.

Accessibility of contents through indexes, cost of the subscription in relation to possible use, and availability of the title in nearby libraries are special considerations in the acquisition of periodicals.

The library should attempt to acquire leading legal serials of value to legal research.

Except for materials of a temporary value, serials publications received in unbound form should be bound as soon as practicable after receipt and the collection as a whole should be maintained in a good physical condition through reconditioning, rebinding or replacement as required.

3. Microforms will be obtained whenever possible for materials which require large amounts of space but are not heavily used.
4. Government Documents: The library should chose most classes of federal and state publications of a legal nature which are provided automatically from the Government Printing Office. Items should be selected in conformity with the overall selection policy.

C. Catalog

1. Format: The collectinm should be cataloged and classified in a system that makes it possible to retrieve the desire material quickly and easily by both the patron and the staff. National standards for bibliographic records should service as guidelines.
2. Accessibility: The catalog should be available for use of the staff and patrons.
3. Inventory: The library may also maintain a holding (inventory) file and/or visible file to provide service and maintain bibliographic control of the collection.

- E. Storage and Destruction: Book discarding is an integral part of collection development and maintenance. It is through the process of selection and weeding that a vital, useful, and well-kept collection is maintained. Weeding should be conducted on a regular basis to assure that patrons are not misled by superseded works and those rendered out-of-date by subsequent legislation. In general, the same criteria apply to weeding as are used in the selection of new materials. Additional considerations are physical condition, the number of copies, and research value. Procedures for the removal and dispensation of library materials should be defined in a court policy statement and at the discretion of the court administrator. This policy should be flexible enough to permit sale, exchange, storage or destruction of superseded volumes at the discretion of the librarian, so that space now occupied by out-of-date works can be used for other purposes.

The law library should not automatically replace all materials withdrawn because of loss, damage, or wear. The same criteria that apply in original selection will apply to replacement with particular attention given to the following:

- The demand for the specific title.
- The continued value of the particular title.
- The availability of newer or better materials in the field.
- Number of copies held.

VIII. Collection

The library should contain the volumes that make it an effective information resource for the clientele and purpose it is organized to support. Standard and recommended lists from professional associations or accrediting agencies are useful guides to this end.

A. Tribal Publication

1. Constitution
2. By Laws
3. Tribal Code
4. Tribal Court Opinions
5. Trial Court Rules
6. Appellate Court Rules
7. Personnel System Rules and Procedures
8. Accounting Procedures

B. Indian Publications

1. National American Indian Court Judges Association
 - ✓ A Criminal Court Procedures Benchbook
 - B Civil Court Procedures Benchbook
 - C Basic Civil Law for Tribal Courts
 - D Indian Court Judges Benchbook (1977)
 - E Criminal Court Procedures Manual (1971)
 - F Model Indian Court Rules of Criminal Procedures (1977)
 - G Introduction to Legal Research and Case Analysis
 - H Cases and Materials in Law of Evidence
 - I Courts & The Juvenile Offender (1978)
 - J Child Welfare & Family Law (1976)
 - K Indian Child Welfare Act Handbook (1980)
 - ✓ L Model Appellate Procedures Code (1977)
 - M Criminal Law for Indian Courts (1980)
 - N Model Code of Judicial Conduct for Indian Court Judges (1981)
 - O Criminal Procedures Handbook for Indian Court Clerks (1980)
 - P Basic Procedures in Civil Trial for Indian Court Clerks (1980)
 - ✓ Q Indian Courts and the Future (1978)
 - R Indian Court Judges Directory (1981)

2. American Indian Law Training Program

- A Indian Law Reporter
- B Tribal Court Reporter
- C Basic Criminal Law Trainee Manual
- D Basic Civil Law Trainee Manual
- E Indian Child Welfare Act Trainee Manual
- F Contracts and Torts Training Session Trainee Manual
- G Justice and the American Indian

- Volume 1: The Impact of Public Law 280 upon the Administration of Justice of Indian Reservation
- Volume 2: The Indian Judiciary and the Concept of Separation of Powers (1975)
- Volume 3: The Effect of Having No Extradiction Procedures for Indian Reservation
- Volume 4: Examination of the Basis of Tribal Law and Order Authority (1975)
- Volume 5: Federal Prosecution of Crimes Committed on Indian Reservations

H Issues in Mutuality (1976)

- ✓ I Indian Self-Determination and the Role of Tribal Courts (1977)
- J Investigative Hearings: Administration of Justice in Indian Country (1980)
- K Manual of Indian Criminal Jurisdiction (1978)
- ✓ L Justice in Indian Country (1980)

3. Bureau of Indian Affairs

- A Collection Officers Handbook (1975)
- B Native American Indian Tribal Court Profiles (1982)

4. National Center for State Courts

- A Jury Trial Manual (1982)
- B Juror Guide (1982)
- C Federal Garnishments (1982)
- D Records Management Manual (General Standards) (1982)
- E Court Manual Guide Lines (1982)
- F State Court Enforcement of Indian Court Judgements (1981)
- ✓ G Indian Court Libraries
- H Tribal Code Codification System

5. Other

- A. American Indian Law (In a nut shell) by West Publishing Company (1981)
- B. Handbook of Federal Indian Law, by Felik Cohen (published by the University of New Mexico Printing Plant)
- C. Cases and Materials on Federal Indian Law by Getches, Rosenfelt and Wilkinson (West Publishing Co. 1979)
- D. DC Directory of Native American Federal and Private Programs, Phelps Stokes Fund (1981)

C. State and County

- 1. The published reports of decisions of all appellate courts (including lower court reports where published).
- 2. The best available current statutory compilation. This assumes annotated edition if one is available. Also a complete set of older statutory compilations.
- 3. The session laws and legislative journals.
- 4. A state digest.
- 5. Shepard's Citations for the state.
- 6. All significant local text books and treatises as well as Attorney General Opinions, State Bar Reports, and Form and Practice Books.
- 7. All legal periodicals and newsletters published in the state.
- 8. Legislative manual and roster.
- 9. State administrative code and municipal and county codes if appropriate and available.
- 10. All state and judicial conference reports and any recommendations of state law revision commissions.

D. Federal

- 1. Reports and decisions of the United States Supreme Court.
- 2. United States Code Annotated and/or United States Code Service including Congressional Service.
- 3. Statutes at Large.
- 4. A digest of all United States Supreme Court Reports and Federal Reports.
- 5. Shepard's United States Citations and Shepard's Federal Reporter Citations.
- 6. The Code of Federal Regulations (especially 25 CFR) and the Federal Register.

E. General American Publications

1. The American Digest System.
2. American Jurisprudence and Corpus Juris, first, second, and third, and fourth editions.
3. A broad collection of legal periodical titles which are listed in Index to Legal Periodicals.
4. Index to Legal Periodicals.
5. All American Law Institute Restatements.
6. A basic collection of legal text books and treatises of contemporary value on legal subjects of interest to the clientele of the library.
7. One legal and one general dictionary (unabridged), one good forms book, and one general encyclopedia.
8. Words and Phrases.
9. U.S. Law Week and Criminal Law Reporter.
10. Uniform Laws Annotated.
11. ABA Code of Professional Responsibility.
12. ABA Code of Judicial Conduct.

F. Microforms can be regarded as satisfying the collection requirements.