

TRIAL COURT LAW LIBRARIES Ready to Provide Answers

By PETER ANDEREGG AND MARNIE WARNER

Looking for another excuse to hold forth at the next town meeting, a frequent critic of local government marches into the town manager's office and proclaims, "My neighbor lopped off an overhanging branch of my giant oak tree. The trunk is completely on my side of the boundary line, so that makes the tree mine, right? He can't just do that!"

The town manager, under pressure to do more, spend less and move faster, has just finished dealing with job reassignments and schedule juggling, and the selectmen's meeting begins in five minutes.

"Go to"—she begins, and a look of shock registers on the resident's face while she searches her mind for an answer—"the law libraries." Perfect, she thinks. He ought to be able to find just what he needs there, and I can go to my selectmen's meeting.

The answers to this and many other legal questions are readily available from the state's free, public Trial Court Law Libraries. These seventeen libraries, located throughout the Commonwealth, are funded by the Legislature and managed by the Trial Court's Office of Court Management. They're not just for judges and lawyers; everyone can use them. Anyone who lives or works in Massachusetts can obtain a library card in order to borrow materials or access the legal databases, such as Westlaw or Lexis, which the libraries make available for free on their premises. And of course anyone can access the wealth of material on the Trial Court Law Libraries website (www.lawlib.state.ma.us).

The website offers a wide array of legal information on subjects ranging from adverse possession to zoning. Click "Massachusetts Laws About..." to find an alphabetical index of topics. Check "Laws About Trees" to see what the bellicose owner of the giant oak tree can learn. Other popular topics include "Freedom of Information," "Unemployment," "Title 5," "Small Business," "Foreclosures," "Special Education," and "Collective Bargaining," just to name a few. There are dozens and dozens more.

The website home page features links to statutes, regulations, cases and municipal ordinances and bylaws. In short, the site provides fast, convenient access to our constantly changing laws.

QUICK ACCESS TO HELPFUL DOCUMENTS

Because the law libraries are public, the materials they contain are not written solely for judges and lawyers. Many of the materials, such as those published by Nolo.com, are geared toward the general reader. Whether someone wants to write a will without hiring an attorney, find answers about how to file for

bankruptcy, or solve a problem with Social Security disability, the Trial Court Law Libraries have Nolo.com books devoted to such topics. When a resident or a local business person asks how to obtain a real estate tax abatement, or who's responsible to pay for their flat tire after they hit a pothole, the law libraries are a great resource for answers.

Professionals in city and town government, especially those employed in smaller communities, are aware of the need to minimize expensive consultations with attorneys when possible. By networking with other professionals around the state, they can find answers to many legal questions for free and quickly. But sometimes a novel situation arises, or answers are not available from colleagues. What's needed is a current annotated statute showing how courts have applied a certain law, or a *Shepard's Citations* report on an old case showing whether it's still relevant and guides court decisions, or an analytical article on a topic such as zoning for cell towers or applying agricultural exemptions to the location of windmills.

The Trial Court Law Libraries has separate email addresses for reference questions (masslawlib@gmail.com) and document delivery requests (docdelivery@gmail.com). The turnaround time for reference questions is usually less than twenty-four hours, and the turnaround time for a document request is usually a matter of hours, or less. The fastest response times occur during the libraries' open hours: 8:30 a.m. to 4:30 p.m., Monday through Friday. Each library is able to scan to PDF files within copyright rules, so any of the print materials in its collections can be delivered to anyone with an email address.

FREE ACCESS TO REGULATIONS, CASES

Massachusetts is the only state in the country that charges for access to its regulations. No matter who you are—government professional or member of the public—if you want to read a regulation published by the secretary of state's office in the Code of Massachusetts Regulations, you must buy it. The website of the Trial Court Law Libraries, however, provides free online access to sections of the Code of Massachusetts Regulations. Not all agencies have their regulations available online for the law libraries to link to, but those that aren't available online can be obtained by contacting any of the seventeen libraries or the document delivery service, which can provide the regulation by email.

Peter Anderegg is the Head Law Librarian at the Fitchburg Law Library, and Marnie Warner is the Law Library Coordinator for the Trial Court Law Libraries.

Massachusetts also does not have a free, complete, online database for the public to research cases decided by the state's Supreme Judicial Court. Only online databases such as Westlaw and Lexis offer complete databases, and they charge hefty subscription prices. The Trial Court Law Libraries are currently working on this problem, by digitizing cases and linking them to the cases already available in their Massachusetts cases database. All Massachusetts Appeals Court cases are available, and the available SJC cases stretch back nearly one hundred years. All SJC cases will be available eventually; until then, those looking for a case that isn't available are advised to contact one of the Trial Court Law Libraries to request it. The law libraries can then digitize the case as a priority or can arrange to have the case emailed from Westlaw or Lexis.

IN PERSON, ONLINE OR BY PHONE

Anyone involved in city or town government—whether a mayor, city councillor, selectman, finance committee member or frontline staff member who interacts with the public every day—is invited to visit their local Trial Court Law Library. The librarians will explain the resources available to answer the questions of constituents as well as local officials.

Trial Court Law librarians are also available to visit city and town halls. The librarians can address local board meetings or make an office visit with an introductory presentation about

library services and the libraries' website. These presentations can last anywhere from fifteen minutes to an hour.

Librarians are available for live, online chats during the hours of 9 a.m. to 4 p.m. on weekdays. Complex questions can be sent by email, with answers typically provided within twenty-four hours. The librarians do not undertake legal research projects, but they will find information to point questioners in the right direction and save them some time. If a question requires a legal opinion or advice, the librarians will say so, and they'll provide links to other avenues to pursue, such as Find a Lawyer or limited assistance representation, which allows constituents to have a lawyer handle just a certain part of their case in certain courts.

Despite rumors to the contrary, the telephone is not yet obsolete. Law librarians have phones on their desks, and they do answer them. Often, a phone call provides the librarian with the best opportunity to conduct a quick reference interview that clarifies the caller's question. By getting a fuller understanding of what is needed, the law librarian has better odds of retrieving information that will be relevant and valuable.

So, the next time someone wants to know how high they can build their fence, or how many chickens they can keep in their yard, local officials have a place to turn: the seventeen Trial Court Law Libraries. ❁

Law Library Locations

<p>Barnstable Barnstable Law Library 1st District Courthouse (508) 362-8539</p> <p>Brockton Brockton Law Library Superior Courthouse 72 Belmont St. (508) 586-7110</p> <p>Dedham Norfolk Law Library 649 High St., Suite 210 (781) 329-1401</p> <p>Fall River Fall River Law Library 186 South Main St. (508) 491-3475</p> <p>Fitchburg Fitchburg Law Library Superior Courthouse 84 Elm St. (978) 345-6726</p> <p>Greenfield Franklin Law Library Courthouse, 425 Main St. (413) 772-6580</p>	<p>Lawrence Lawrence Law Library 2 Appleton St. (978) 687-7608</p> <p>Lowell Lowell Law Library Superior Courthouse 360 Gorham St. (978) 452-9301</p> <p>New Bedford New Bedford Law Library Superior Courthouse 441 County St. (508) 992-8077</p> <p>Northampton Hampshire Law Library Courthouse, 99 Main St. (413) 586-2297</p> <p>Pittsfield Berkshire Law Library Courthouse, 76 East St. (413) 442-5059</p> <p>Plymouth Plymouth Law Library 52 Obery St., Suite 0117 (508) 747-4796</p>	<p>Salem Essex Law Library 56 Federal St. (978) 741-0674</p> <p>Springfield Hampden Law Library Courthouse, 50 State St. (413) 748-7923</p> <p>Taunton Bristol Law Library Superior Courthouse 9 Court St. (508) 824-7632</p> <p>Woburn Middlesex Law Library Courthouse 200 Trade Center, 3rd floor (781) 939-2920</p> <p>Worcester Worcester Law Library 184 Main St. (508) 831-2525</p>
--	--	---



COURTESY PHOTO