



ANNUAL REPORT

2017

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Welcome to the Olmsted County Law Library 2017 Annual Report!

2017 was, overall, a good year for the Olmsted County Law Library. We are fully settled back into our remodeled 5th floor space, and our patrons have found us again, as evidenced by patron usage, which took a dip in 2016 but came back up again in 2017 and is showing record high numbers for our Pre-Trial Detainee and Continuing Legal Education programs. Our Joint Clinics program with LAOC successfully completed its sixth year and will continue to be offered through December of 2019. And while we are sorry to say “farewell” to Paul Grinde after 4.5 years of service on the Law Library Board, we are at the same time happy to welcome Mary Dunlap among us. Thank you, Paul and Mary!!!

The only cause for concern in 2017 was an unexpected 10% decrease in our annual income from court fees and fines. The decline was noted in June, and in September the Law Library Board voted to pursue a criminal fine increase, from \$10 to \$15 per case. Local judicial approval was given on October 25, 2017, and the Olmsted County Board approved the measure on December 7, 2017. With those approvals, the increase will be implemented in accordance with Minnesota Statutes, to take effect on July 1, 2018. We will be watching both revenue and expense data closely during 2018 to see if any additional measures might be necessary to keep the library on solid financial ground.

More on all these topics is available in the 2017 Annual Report which follows.

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Joint Law Library / LAOC Clinics Program

In September of 2011, the Law Library entered into an agreement with Legal Assistance of Olmsted County (LAOC) to provide free “brief advice” legal clinics to self-representing litigants who either live in Olmsted County, or who have their cases filed and being heard in Olmsted County. The agreement went into effect on October 1, 2011, and by January of 2013 had matured into a program offering a regular schedule of Family, Financial and Criminal Expungement clinics.



Every year in this report, we detail the specifics of what is offered through the clinics and give our fervent thanks to the wonderful local attorneys who freely volunteer their time and expertise to make this program happen, and that is still coming in this year’s report. And, while that is important, it does not really explain **why this program is so important to those who use it.**

The people who use these clinics come from all walks and stages of life, as diverse as the makeup of our community. We do not income-qualify the clinics, but even so, clinic registrants are generally of lower income and with fewer resources to turn to for help when they need it. They may not make much, but sometimes it is too much to qualify for any types of legal aid. Many of those who come to the Law Library have little or no prior experience with the courts, or indeed with anything “legal” in their lives. They are confused, they are scared, some are very angry while some are in tears, but they all come to the Law Library looking for help, for guidance, and – mostly! - for legal advice, which is the one thing the library cannot give them. The law librarians are not attorneys, nor is the library a “legal aid” organization. All we can offer is information, which is often inadequate for the needs of the patrons coming in our door.

Our joint clinic program with LAOC is a crucial “gap-filler” for many Law Library patrons, not just because they can freely get the brief legal assessment and advice they desperately need, but also for the many other benefits they derive along with the “legal help” component of the service. Being involved in court, any kind of court, is difficult and stressful for everyone. For someone attempting to represent themselves in a legal system that they are not familiar with and do not understand, and with rules that are usually more “guideline” than “bright line,” can create harmful health effects, such as increased stress, loss of sleep, loss of appetite, worry, anger, the list goes on and on. For these folks, the legal process becomes all-consuming, disrupting and unbalancing everything in life, until hopefully someone throws them a lifeline.

These clinics are such a lifeline. They are immensely important to the people who sign up for them, bringing them levels of comfort and relief from both the legal and non-legal burden any court action brings into their lives. The relief of meeting with a volunteer attorney, who understands and supports and advises them, who gives them *an answer*, is an incredible gift and benefit to a clinic attendee.

The Law Library considers the Joint Clinics Program a priority service, one of the most important services we offer, and we treasure our partnership with LAOC to continue making the program a reality. More information on our efforts to safeguard and ensure the continuance of this program will be discussed in the Budget section of this report.

During 2017 the following clinics were regularly offered:

Family Law Clinics, where topics include divorce; legal separation; annulment, parenting time (aka visitation); custody; child support; adoption; and maintenance. Typical appointment length is 30 minutes. (*CHIPs cases are specifically **excluded** from these clinics, as parents in these proceedings usually have court-appointed counsel of their own. Detailed property division or settlement questions are also excluded, as inappropriate for a “brief advice” meeting.*) **One Family Law Clinic was offered each week**, with the exceptions of Thanksgiving and Christmas weeks.

Financial Law Clinics, where topics include debtor/creditor or pre-bankruptcy counseling; real estate / mortgage foreclosure; Answering a debt-related law suit against you; and garnish/asset levy (from the debtor side only). (*Landlord/Tenant cases are specifically **excluded** from these clinics, as LAOC provides a Landlord/Tenant 24-hour hotline, and a Tenants’ Rights clinic each week.*) **One Financial Law Clinic was offered each month, except a combined November/December offering in early December.**

Criminal Expungement Clinics, a class-room style clinic that includes review of the statute and procedure; tips for completing and serving the paperwork; and an opportunity for participants to briefly discuss their own case(s) privately with the volunteer attorney. **One Criminal Expungement Clinic was offered every other month** (Jan., March, May, July, Sept. and Nov.).

The Law Library received incredible effort and support from our partner for this program, Legal Assistance of Olmsted County. We thank them for helping to make this program a success. We also thank the wonderful local attorneys who generously volunteered their time and expertise in 2017; without them, this program would not exist.

LAOC: Virginia Merritt, Executive Director; and **Karen Fairbairn Nath**, Volunteer Coordinator

Volunteer Attorneys and the number of clinics they provided in 2017:

- Criminal Expungement:** David Liebow (5); and Jim McGeeney (1)
- Family:** Danielle DiFiore (3); Arens Dilaveri (1); Steve Dittrich (2); Mary Dunlap (6); Daniel Honsey (4); Amber Lawrence (2); Jenny Nelson (2); Carrie Osowski (2); Carole Pasternak (2); Opal Richards (2); Steve Rolsch (5); Jessica Schimelpfenig (5); Cheyenne Wendt (3); and Richard Wright (11)
- Financial:** Masood Dehnavfar (1); Bill French (1); Karl Krueger (2); William Oehler (2); Jason Wegner (2); and Gerald Weinrich (3)



CLEs in 2017

Continuing Legal Education (aka CLE) is an essential component of an attorney's requirements for continuing licensure to practice law in Minnesota. In May 2012 the Law Library began a program of free and regular educational programming at the CLE level. Initially a one-hour per month program was offered, but in 2014 a switch was made to doing three "Super CLE" days per year, with the goal of offering up to 5 credits per day in the various CLE categories, to help local judges, law clerks and attorneys reach their goals of 15 credits per year.

This programming would NOT be possible without the assistance of the attorneys who donate their time and expertise to providing these sessions. We thank all the speakers who made our 2017 programming a success!

Friday, May 5, 2017: "Cinco de Mayo!"

Bruce Cameron, "The Paperless Law Office: Intelligent Documents and Intelligent Document Management." 1 Standard CLE credit. Event Code 239343.

David Liebow, "Ethics of the 21st Century Law Office." 1 Ethics CLE credit. Event Code 239300.

Bruce Cameron, "60 Free Things Lawyers Should Be Using." 1 Standard CLE credit. Event Code 239345.

Bruce Cameron, "Neuroscience, Ethics & Marketing." 1 hour of Ethics CLE credit. Event Code 239298.

Grant Borgen, "Crash Course on Conciliation Court." 1 Standard CLE credit. Event Code 239377.

Friday, June 9, 2017: "Full Moon Madness!"

Bruce Cameron, "50 Shades of Law: The Kink Aware Attorney." 1 Standard CLE credit. Event Code 240179.

Shawn Vogt Sween, "Estate Planning for Farm Families." 1 Standard CLE credit. Event Code 240945.

Marshall H. Tanick, "World War I Remembered: Minnesota Law & Lore." 1 Standard CLE credit. Event Code 240919

Marshall H. Tanick, "Happy Birthday Whistleblowers: Minnesota Marks the 30th Anniversary." 1 Standard CLE credit. Event Code 240920.

Friday, September 22, 2017: "Autumn Equinox!"

Bruce Cameron, "You're Not Paranoid, They Really Are Out To Get You." 1 Standard CLE credit. Event code 245380.

Joan Bibelhausen, "Suicide Awareness and Prevention." 1 Elimination of Bias credit. Event code 244243.

Joan Bibelhausen, "Implicit Bias in the Legal Profession: Focus on Disability." 1 Elimination of Bias credit. Event code 244245.

Marshall H. Tanick, "Marshall's Top Ten: A Review of Significant Recent – and Future? – U.S. Supreme Court Cases." 1.5 Standard CLE credits. Event code 245341.

Allan Witz and Aylis Witz, "Ethics for Lawyers: Current Issues and Cases." 1 Ethics credit. Event code 245349.

2017 Library Administration

The Law Library provides many important services, but underlying these efforts are the administrative responsibilities and duties that keep the library functioning at the high level deserved by our patrons. These tasks include but are not necessarily limited to:

Space Management:

Everything to do with the library's physical space, from designing the layout of furniture and location of shelves and equipment, to making sure the tops of the stacks get dusted.

Materials/Resources Acquisition and Cataloging/Indexing:

Maintaining an adequate mixture of print and electronic materials to satisfy the research and interest needs of the library's patrons, including acquiring, cataloging and making the items available for public use. This includes continually seeking additional resources to assist self-representing litigants in the Self-Help Corner.

Technology and Communications:

Design, implement and maintain the Law Library's technology, equipment and website.

Reference and Research Support:

Provide all library patrons with help in using all available resources in any format and assist with expert legal research tips and tricks.

Community Outreach:

Create and present programming and services for focused populations, such as the Joint Clinics program, the Pre-Trial Detainee (ADC) service, and Continuing Legal Education sessions(CLEs) for members of the judiciary and local bar associations.

Full statistics follow, but here are the statistics for Community Outreach services only, including the Outreach percentage of the whole for each year.

Outreach Type	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>
Clinics	167	211	221	215	188	208
ADC	373	605	262	327	269	369
CLEs	95	252	211	275	197	311
Outreach Totals:	635	1068	694	817	654	888
Totals / All Categories	4630	5341	6048	7529	6020	6559
Outreach % of All:	13.71%	20%	11.47%	10.85%	10.86%	13.54%

2017 Statistics by Case Topic & Contact Type

	Jan	Fe	Mr	Ap	My	Jun	Jul	Au	Sep	Oct.	Nov.	Dec	Total
Divorce/Annulment	31	27	35	22	31	49	42	50	40	33	47	42	449
Child Custody/Visitation	25	27	19	22	34	26	28	36	30	27	32	26	332
Child Support	20	12	12	10	21	16	19	15	13	15	15	11	179
Paternity/Adoption	6	2	5	4	2	2	4		2	3	5	4	39
Legal Research	16	13	22	27	22	8	9	11	18	12	15	10	183
Criminal Expungement	20	16	18	5	13	8	6	7	8	5	6	6	118
Car Title Issues		1	1				4	1		2			9
IFPs	45	27	42	26	42	45	35	38	23	20	20	23	386
Name Changes	6	12	7	13	17	14	14	12	11	15	10	14	145
Conciliation Court	19	18	20	12	29	229	37	40	19	25	13	21	482
General Civil	14	13	9	12	16	24	18	22	17	14	16	16	191
Gen'l Criminal & DUI	9	9	6	10	8	12	7	15	13	12	18	10	129
Judgment/Garnishment	6	9	1	7	1	9	6	6	8	4	2	6	65
Harassment	4	11	10	2	13	13	14	9	17	10	4	8	115
Order for Protection	6	5	6	5	10	5	4	6	4	8	11	5	75
Landlord	10	6	8	3	8	6	12	21	17	6	11	13	121
Tenant	4	2	7	4	4	4	6	8	9	6	7	1	62
Eviction Expungement	1	4	1	2	3	1		1	5				18
Guardianship	9	8	4	5	6	1	6	4	7	3	5	8	66
Wills/Probate	3	6	7	9	6	6	2	3	5	4	3	5	59
Appeals		5	4	5		2	1	5	3	1	1	1	28
Debtor/Creditor		1		2		2	4	2		2	1	1	15
Contempt		4			1	1	1	7	7	5	4	3	33
Car Forfeiture	2	3	6	4	5	5	3	7	2	4	5	3	49
Drivers License	1	1		3	1		3	2	1	3			15
Subpoenas	3	4	1	1	2	5	3	1	2				22
Ex Parte								2					2
Serving Documents	6	8	8	6	13	8	5	7	6	7	8	7	89
Bankruptcy/Foreclosure		1	2					1	6	1		1	12
Misc.	52	40	46	53	78	59	64	59	49	48	44	30	622
Total Walk-In Contacts	318	295	307	274	386	560	357	398	342	295	303	275	4110
Total Attorney Contacts	42	43	28	29	44	23	29	24	43	42	28	27	402
Total Clinic Contacts	22	16	26	15	26	15	13	18	17	13	10	17	208
ADC & Outreach	20	11	13	26	146	105	37	39	155	33	56	39	680
Total E-mail Contacts	9	7	11	12	27	17	9	16	22	16	18	11	175
Total Phone Contacts	77	89	84	61	87	93	94	84	92	77	71	75	984
TOTAL CONTACTS	488	461	469	417	716	813	539	579	671	476	486	444	6559

2017 Usage and Statistics

IN-PERSON SERVICE STATISTICS BY TOPIC

	2010	2011	2012	2013	2014	2015	2016	2017
FAMILY	691	862.5	1036	1083	1311	1445	1167	1252
CIVIL	485.5	533.5	737.5	882	1424	1873	1443	1836
CRIMINAL	180	198.5	225	192	235	277	259	247
PROCEDURAL	198.5	210.5	204.5	251	427	813	733	775
TOTALS:	1555	1805	2203	2408	3397	4408	3602	4110

FAMILY includes: Divorce/Annulment, Child Custody/Visitation, Child Support, Paternity/Adoption, Name Changes, Order for Protection, and Contempt

CIVIL includes: Car Title Issues, Conciliation Court, General Civil, Harassment, Landlord, Tenant, Eviction Expungement, Guardianship, Wills/Probate, Debtor/Creditor, Car Forfeiture, Drivers License, Bankruptcy/Foreclosure, and Misc.

CRIMINAL includes: Criminal Expungement, and General Criminal/DUI

PROCEDURAL includes: Legal Research, IFPs, Judgment/Garnishment, Appeals, Subpoenas, Ex Parte, and Serving Documents

STATISTICS BY SERVICE TYPE

	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>Totals</u>
Walk-in	2203	2408	3397	4408	3602	4110	20,128
Attorney	426	485	654	698	388	402	3053
Clinics	167	211	221	215	188	208	1210
ADC	373	605	262	327	269	369	2205
CLE	95	252	211	275	197	311	1341
Email	125	142	175	210	143	175	970
Phone	1241	1238	1128	1396	1233	984	7220
Totals	4630	5341	6048	7529	6020	6559	36,127

Olmsted County Law Library Financing and Budget: A Basic Primer

(a copy of the 2017 final budget figures follows this page)

Where does the Law Library's funding come from? County law libraries in Minnesota are governed by Minnesota Statutes chapter 134A, and "library fees" are in section 134A.10. In all counties other than Hennepin and Ramsey, the county law library may collect a fee on civil filings, and a fine on criminal matters. These fees are set by permission of the local judicial bench and are also approved by the County Board. In 2017 the Olmsted County the Law Library received a civil fee of \$15.00 for all types of civil cases, and a \$10.00 criminal fine on all cases other than parking tickets.¹ The Olmsted County Law Library has no other sources of revenue than what is received through court fees and fines, although it would be statutorily possible for the county to make an appropriation to the law library's budget, should they see the need or desire to do so. In addition, the Law Library Fund is dedicated for use for law library purposes and needs alone, and by statute can only be disbursed at the direction of the Law Library Board of Trustees. (MN Statutes 134A.13.) And, because this is a dedicated fund, any balance unused at the end of a budget year automatically rolls over and continues to be part of the library's continuing Fund Balance, giving the Law Library an opportunity to build up funds in anticipation of upcoming capital expenses, or do longer-range planning than would otherwise be possible.

What does the Law Library's funding pay for? In a word – everything. Law Library funds support all of the library's functions and services – the books and electronic resources; the technology and equipment; the furniture, shelving and office space; all special program expenses; and all staff expenses.

What assumptions did the Law Library Board make when determining the scope and detail of the 2017 annual budget?

As part of creating a budget for any year, the Law Library's Executive Committee (Board Chair, Board Treasurer, and both Law Librarians) first determine a set of presumptions to work from. These presumptions change as needed with each new budget cycle, which is an annual event. Our Base Assumptions for 2017 (adopted in the fall of 2016, when the budget for 2017 was created) included the following:

1. The Law Library's Fund Balance should be maintained at a level equivalent to one year's expenditure (about \$200,000). A balance below that level should be considered a "red zone".
2. We cannot justify asking for a fee increase until the Law Library's Fund Balance is projected to enter the "red zone", which is currently projected to happen in 2019.²
3. The current level of staffing (1.25 FTE) is sufficient to provide an acceptable level of service.
 - a. The Law Library hours are from 8 am to 4:30 pm with full staff coverage.
 - b. Library staff should receive COLA increases equivalent to county employees.
4. The current level of investment in print and on-line resources (\$75,000/year) is sufficient to provide an acceptable level of service.
 - a. This amount needs to be adjusted annually for inflation.

¹ Due to decreasing income in 2017, the Law Library requested and received approval to raise the law library criminal fine from \$10.00 to \$15.00, to take effect on July 1, 2018.

² Obviously the change in income being received in 2017 resulted in an advance in when we expected to need to request a fee/fine increase, moving that event forward a year sooner than anticipated.

**2017 Final Budget Statement
Adopted Budget versus Actual Usage**

<u>Fund/description</u>	<u>2017 Adopted Budget</u>	<u>2017 Actual Budget</u>	<u>Budget v. Actual Amount Available</u>	<u>Budget v. Actual Percent Available</u>
EXPENSES				
6111 Full-time Salaries (1.25 FTE)	\$ 84,240	\$ 70,277.80		
6120/6132 Vacation/PTO		\$ 9,761.96		
6121 Holiday		\$ 3,177.00		
6125/6152 Combined PERA	\$ 5,600	\$ 2,558.82		
6153 FICA-County share	\$ 5,300	\$ 6,417.48		
Salaries Subtotal	95,140	\$ 92,193.06	\$ 2,946.94	3.10%
6206 Staff Development	\$ 200.00	\$ 832.99		
6211 Telephone & Comm.	\$ 4,900	\$ 4,777.15		
6212 Postage & Freight	\$ 200	\$ 205.43		
6259 Compensation / other (LAOC	\$ 25,000	\$ 24,996.00		
6272 Mileage (CLE speakers)	\$ 500	\$ 395.10		
6288 Other Svcs (VD,DS,Beck, othe	\$ 8,600	\$ 2,879.60		
6410 Office supplies (Beckley's)	\$ 2,000	\$ 2,194.06		
6421 Library Supplies (Demco)	\$ 100	\$ 90.65		
6441 Books & Periodicals / Print *	\$ 75,000	\$ 35,002.16		
6443 Electr Bks & Periodicals		\$ 29,168.69		
6610 Furniture & Equip.	\$ 1,800	\$ 1,767.05		
6611 Computer Equip	\$ 2,000	\$ 49.95		
6991 I/G Central Svcs (copying)	\$ 100	\$ 17.85		
Materials Subtotal: **	\$ 120,400	\$ 102,376.68	\$ 18,023.32	14.97%
Total Expense Unit 1240	\$ 215,540	\$ 194,569.74	\$ 20,970.26	9.73%
REVENUE				
5312 Gen'l Govt. (fines/fees) ***	\$ 150,000	\$ 136,517.38	(\$13,482.62)	-8.99%
5115 Reserve Usage	\$ 65,540	\$ 54,854.00		
5116 Reserve Buildup	\$ -	\$ -		
5550 Interest Income-Pooled		\$ 3,198.36		
Category 53 Subtotal	\$ 215,540	\$ 194,569.74		
* \$64,140.85 used of \$75K				
Adopted Budg line 6441				
(lines 6441/6443)				
** Mat'l's under budget				
*** loss in fee/fine income				
for 2017 year				