



NATIONAL LIBRARY OF JAMAICA

## **CONFERENCE**

### **Libraries: Networking for National Development**

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**SESSION 3**

#### **NETWORK CASE STUDIES:**

#### **THE LEGAL INFORMATION NETWORK (LINET)**

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## **THE LEGAL INFORMATION NETWORK**

### **Background**

In legal systems based on the doctrine of judicial precedent, lawyers are dependent upon sources of law for purposes of litigation and counseling. As these are the fundamental activities of law practice and the administration of justice, libraries and information services are a necessary requisite for the practice of law.

As the legal profession was a book-dependent one, it is not surprising to find that a plethora of legal libraries/collections evolved over the years as courts and legal departments were established. With the introduction and rapid development of computer technology, the courts and the legal profession are rapidly moving from total book dependency to combined book/electronic resources. A lack of the necessary funds has restricted the growth of the electronic media in the Courts and Government libraries.

In the National Information Plan of 1978 the need for a network of library and information services for the Courts, Ministries and other units of government responsible for legislation and the administration of justice was identified, hence the Legal Information Network (LINET).

There are several types of law libraries, including those attached to the courts, legal departments, law schools, law firms and Bar Associations.

Before doing a description of the libraries, I will attempt a brief description of the legal system in Jamaica. Our lowest courts are the sessions covered by the Justices of the Peace, followed by the Resident Magistrates' Courts. The latter courts were established in 1728 in each of the fourteen parishes. It should be noted that Court is held on certain days of the week in the main court which is in the capital of each parish and in over thirty outstations within the parishes. The next court in the hierarchy is the Supreme Court which is based in Kingston, and has sittings throughout the year, except for short breaks at Christmas and Easter and a longer break during the summer. Up until quite recently Circuit (or High) Court Sittings were held in each R.M. Court three times annually, excluding Kingston and St. Andrew. Due to the heavy demand placed on the Courts, several parishes now have what can best be described as continuous sittings. The Court of Appeal follows, and hears appeals from both the Supreme Court and the Resident Magistrates' Courts. Despite there being a Caribbean Court of Justice, the final Court in Jamaica is the Privy Council in England.

## **COURT LIBRARIES**

### **Supreme Court Library**

This is the oldest and largest law library in Jamaica and serves the judiciary in both the Court of Appeal and the Supreme Court, legal officers in Government and the legal profession at the private bar. Apart from the usual services provided by libraries, the Library distributes all judgments handed down by the Supreme Court, Court of Appeal. Privy Council decisions from Jamaica are also distributed. This library which is housed on the top floor of the Supreme Court building, is also the focal point of the network.

### **Resident Magistrates' Courts collections**

Having very briefly described the Resident Magistrates' Courts above, one can see that this legal activity necessitates adequate provision of legal publications- both print and electronic – for the use of Resident Magistrates, Clerks of Court, Crown Counsel and other members of staff. Unfortunately the printed collections of the RM Courts are housed in the Chambers of the RM, usually under lock and key. Despite this there are MANY gaps in the collections as over the years, many volumes have disappeared. Regrettably the computerization in these Courts has been largely confined to word processing activities. This places a greater demand on the Supreme Court to provide the necessary information as needed.

### **Special courts**

The special courts in Jamaica include the Drug Court, Gun Court, Revenue Court, Traffic Court and Family Courts in Kingston and Montego Bay. Persons may have heard of Night Court, but as name implies this refers to the time of day that those sittings take place and are held at some of the RM Courts. A Commercial Court was established as a division of the Supreme Court in 2001 with overseas assistance and has an extremely small collection which is housed in the Judges' Chambers. The Revenue Court also has a small collection housed in the Judges' Chambers. The other courts mentioned do not have collections.

### **Legal departmental libraries**

These libraries are attached to special departments such as the Attorney-General's Department and the Office of the Director of Public Prosecutions and reflect the nature of the work effected in the department. Due to proximity the library at the Parliamentary Counsel merged with that at the Attorney General's Department. Neither library has a trained librarian.

### **Libraries of institutions associated with law**

The library at the Houses of Parliament has been included under this heading. At present the accommodation for the Library at Gordon House is woefully inadequate. This library also does not have a trained librarian.

### **Law school library**

The Norman Manley Law School library, while spanning two networks, plays an important role in LINET. There is continuous cooperation between the Supreme Court Library, the legal departments, the law firm libraries and the law school.

### **Law firm libraries**

There are four law firm libraries currently associated with LINET – DunnCox, Livingston, Alexander & Levy, Myers, Fletcher & Gordon and Nunes, Scholefield, DeLeon & Co. These libraries are all being manned by trained librarians or persons currently being trained in the profession. There are three other law firms that have substantial collections, however, there are not being manned on a regular basis. They are Clinton Hart & Co., Grant, Stewart, Phillips & Co. and Rattray, Patterson, Rattray.

### **Bar Association libraries**

I should make mention of a relatively new unit which is the library being run by the Cornwall Bar Association. It is housed at the Resident Magistrates' Court in Montego Bay and is open to members of the Bar. It was originally organized by a former staff member of the Supreme Court. There is no assistant at present and I am not sure what their plans are for the future.

It should be noted that the Jamaican Bar Association headquartered in Kingston has an extremely small collection. This is manned by the one of the staff of the organization and emphasis is placed on the provision of papers presented at seminars organized by the Association. Regrettably the building was flooded during one of the recent hurricanes and many papers destroyed. Those destroyed should be replaced and the seminar paper collection properly organized in order to make them accessible to users. They are critical to further education. It would be useful if digitization of this collection could be done.

## **The early days**

There was much activity in the early days of the network with regular meetings of the Advisory and Implementing Bodies. The former body was the policy-making body, comprising top level Ministry, legal and information personnel, and the latter consisted of persons in charge of the units. A five-year development plan was drafted identifying network programmes which could be implemented without funding, with limited funding and with full funding. Some of the recommendations included:

- ✚ a policy statement with regard to the provision of legal information services in the Ministry of Justice;
- ✚ the creation of a library and information services division at the Ministry;
- ✚ in-service training of personnel for improved management of collections and service to legal information units;
- ✚ computerization of library “housekeeping” routines, e.g. ordering and acquisition of publications, routing of publications, loan of publications;
- ✚ accessibility to the relevant databases;
- ✚ provision of human resources and support staff to ensure the implementation of the network programmes;
- ✚ regionalization of legal information services, i.e. the establishment of branches in Montego Bay and Mandeville for the use and convenience of the judiciary and practitioners in the counties in Cornwall and Middlesex.

In the area of human resources a scholarship was awarded in July 1988 and a trained librarian assumed duties at the Attorney-General’s Department. This person moved on many years ago and the department has been unable to attract a professional librarian for any length of time.

In the area of improving the quality of service provided a para-professional course ran for a week entitled “Basic Skills in the Management of Legal Information”. There were 15 participants drawn from the several libraries in the network.

Over the years there have been improvements within the units. Accommodations at the libraries of three of the law firms, the Attorney General’s Department and the Office of the Director of Public Prosecutions have been considerably improved. Computerization at the law firm libraries have greatly improved the quality of service offered to the staff and ultimately the public.

## **THE CHALLENGES**

### **Funding**

Without doubt the factor contributing to the retardation of progress in legal information development, is the lack of adequate financial resources. The logical consequence of this has been the deterioration of existing units in the areas of legal publications, manpower and accommodation. The development of computerization has suffered.

Let us examine the cost of printed works. Jamaica is a former English colony and while we no longer carbon copy legislation from England, an extremely large percentage of our case reports and treatises are from England. The current rate of exchange is 140 Jamaican dollars to a Pound. The cost of mailing is prohibitive. Sharing of legal publications is not always a viable alternative. Private law firms are extremely hesitant about lending out their property

Looking at computerization there are many free sites that provide accurate legal information. On the other hand, many of the subscriber sites are costly and while services may be started, the question usually arises as to continuity.

The law firm libraries have assisted the Court libraries on many occasions, but this should not be as the Courts are administering justice and the information units in these departments should be able to provide services to their clientele without depending on the private bar.

### **Staffing**

At the start of the network there was a paucity of professional staff. That situation has considerably improved over the years and now several persons manning the libraries are either trained Librarians or are receiving training. With training, comes compensation and the compensation offered does not encourage persons to stay. Although it should be pointed out that many persons have stayed out of love of job. If the current economic situation continues, however, persons will move onto greener pastures, which would again affect the quality of service offered by the units of the Legal Network.

It should be noted there is a concern re staffing of the collections in the Resident Magistrates' Courts. In the early days, it was felt that this task should be assigned to the Court Administrators. As was mentioned earlier the majority of the collections in the R.M. Courts are housed in the Chambers of the Magistrates and this would prove difficult for the administrators to access. Where major refurbishing has taken place, there have been areas set aside for libraries.

In the area of networking, it should be noted that while LINET has not met formally in many years, there is almost regular communication between the members, either by phone or e-mail. There is a constant sharing of information, and there has also been sharing of databases.

There is a Caribbean Association of Law Libraries which meets annually in an island. This Association was formed in 1984 and the Supreme Court Library and the law firm libraries are members and whenever possible have attended conferences overseas. This has allowed for continuous networking throughout the region. In fact it should be noted the members of LINET did meet recently to start planning the next Annual General Meeting which will be held in Jamaica in July 2008.

### **The future**

With the assistance of the Canadian government, a survey was recently conducted on the administration of justice in Jamaica and the need for reform. A final plan was drafted earlier this year and many proposals put forward. Libraries and the need for the provision of legal information have been included in the plan.

It is hoped that in the not too distant future, that the members of LINET will meet and look at what was originally being considered for the development of the network. There will be no re-invention of the wheel. The provision of legal information is critical to the administration of justice. With the training and expertise that the members of the network have, it is hoped that LINET will evolve to become one of the successful networks.

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