

# Washington State Judicial Branch

## 2023-25 Biennial Budget

### Restore Core Law Library Collection

**Agency:** Washington State Law Library

**Decision Package Code/Title:** AA – Restore Core Law Library Collection

#### Agency Recommendation Summary Text:

The Washington State Law Library (Library) requests \$199,000 additional, ongoing base funding for the Library's collection. Three decades of high inflation in legal publishing have eroded the Library's ability to purchase the core titles needed by our patrons. The internet provides some free access to primary law (cases, statutes, and regulations), but not the treatises needed for understanding the law. These treatises are heavily used by judges and staff attorneys in the judicial, executive, and legislative branches, as well as private attorneys and the general public. This increase will restore on-going access to these critical titles. (General Fund-State)

#### Fiscal Summary:

	FY 2024	FY 2025	Biennial	FY 2026	FY 2027	Biennial
<b>Staffing</b>						
FTEs	0.00	0.00	<b>0.00</b>	0.00	0.00	<b>0.00</b>
<b>Operating Expenditures</b>						
Fund 001-1	\$99,500	\$99,500	<b>\$199,000</b>	\$99,500	\$99,500	<b>\$199,000</b>
<b>Total Expenditures</b>						
	<b>\$99,500</b>	<b>\$99,500</b>	<b>\$199,000</b>	<b>\$99,500</b>	<b>\$99,500</b>	<b>\$199,000</b>

#### Package Description:

**Problem:** Since 1995, The Washington State Law Library (Library) has cut its collection to counter inflation in law book prices. The core collection of titles that meet the daily legal information needs of the Supreme Court, Court of Appeals, legislative staff, state attorneys, and general public is now at risk. The Library's biennial budget has increased just 13 percent since 1995, from \$3.2 million to \$3.6 million. In comparison, from 1995 to 2021, the publication prices of the two biggest publishers, Thomson Reuters (West) and LexisNexis (RELX), have increased 1871 percent and 523 percent respectively (See Attachment A: Kendall Svengalis, *Legal Information Buyer's Guide & Reference Manual*, 2021 ed.). Every year the purchasing power of the Library's collection budget shrinks. For nearly thirty years, the Library combatted this inflation by canceling hundreds of print titles, holding staff vacancies (now an equivalent of six vacant FTE), and applying the salary savings to the growing costs of maintaining the remaining core collection. The Library no longer has titles or staff to cut without reducing critical services.

The Library's decision to cut *Collier on Bankruptcy*, the most comprehensive bankruptcy treatise, illustrates the impact of inflation. It cost \$14,805 a year in 2017 for a 27-volume, loose-leaf set. Now, the annual cost is \$25,518. Had the Library retained this title, a purchase contract would have limited the inflationary costs to three percent a year. Because the Library can only afford access to Westlaw, and this is a Lexis title, online access is not an option. Consequently, the Library's patrons now do without the primary bankruptcy treatise.

**Proposed Solution:** The Library is requesting the core collection budget increase by approximately 20 percent to:

- Purchase new legal treatises, like newly published treatises on new topics like cryptocurrency or carbon regulations;
- Repurchase some cancelled titles, like new editions of older treatises and legal periodicals cancelled over the past thirty years; and
- Fund the inflationary price increases to the core collection.

See Attachment B for the proposed purchases for the 2023-25 biennium.

**Fully describe and quantify expected impacts on state residents and specific populations served:**

The Library's collection is used by patrons across Washington and the United States. Every day staff scan and email chapters and articles to our patrons, including many in the general public who are self-represented litigants. Information is printed and mailed to people who are incarcerated. The Library participates in interlibrary loan by sending books to and borrowing books from libraries across the state and country.

While the Supreme Court and Court of Appeals are the heaviest users, the Library serves a variety of others, including judges from the Office of Administrative Hearings and staff attorneys from the Legislature and Office of the Attorney General.

Where online access is available, it is generally locked behind expensive paywalls with single user restrictive licenses, limiting sharing and public access. The federal Copyright Act allows libraries to share print books in ways online licenses restrict. Reestablishing the core collection of print legal treatises at the Library is the best way to serve patrons statewide.

**Explain what alternatives were explored by the agency and why they were rejected as solutions:**

The Library has worked to find alternatives. In certain instances, the Library now relies on digital rather than print access to legal publications. Westlaw offers page images of the National Reporter System as an upgrade option for Westlaw subscriptions. The Library does not collect most case reporters in print, with the exception of the Washington reporters, the Pacific Reporter, the Federal Reporter, and the three U.S. Supreme Court reporters. Canceling most of the other regional reporters saved significant space and budget allowing the Library to re-subscribe to a few Thomson Reuters treatises and prevented this budget request from being larger. For example, in June 2022 the *Southern Reporter* was canceled and the subscription to *Causes of Action, 2d* was renewed. That decision lowered this budget request by about \$17,000. While helpful, swapping titles within the Library's Library Maintenance Agreement with Thomson Reuters does nothing to address replacing needed titles from other publishers.

The Library's current budget funds staff, rent, and the scaled-back print and digital collection. Over the past thirty years, the Library has canceled subscriptions and left positions vacant to pay for collection cost increases. There are no titles left to cancel. The only alternative is to secure funding to restore the core collection so the Library can continue to meet the mission of providing access to legal information to the courts, lawyers, and administrative hearing officers in state agencies, and the general public.

**What are the consequences of not funding this request?**

Without additional resources to purchase core collection titles, the Library will not meet the legal research needs of the Supreme Court and Court of Appeals. Some of these titles could be borrowed from other libraries, but not in a reliable or timely manner. Law schools are also shrinking their print collections due to the high cost. There are fewer and fewer libraries from which to borrow titles. Further, inadequate funding will deprive the State of Washington of a reliable long-

term collection of legal information including the collection of superseded editions which are frequently used, even by the attorneys who rely mostly on Westlaw or Lexis. The Library needs to be the law library of record for Washington. Other law libraries in the state should rely on the Library to maintain a sufficient historical print collection of the core titles used by the bench and bar.

**Is this an expansion or alteration of a current program or service?**

This is an expansion of our Operating Budget. FTE levels are not affected.

**Decision Package expenditure, FTE and revenue assumptions:**

The current collection budget is approximately \$1.1 million per biennium.

- For the 2019-21 Biennium: the total budget was \$1,136,000
- For the 2021-23 Biennium: the total budget is \$1,065,000

A \$199,000 increase for the 2023-25 Biennium would be about a twenty percent increase in the collection budget.

	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
<b>Expenditures by Object</b>						
E Goods and Services	99,500	99,500	99,500	99,500	99,500	99,500
<b>Total Objects</b>	<b>99,500</b>	<b>99,500</b>	<b>99,500</b>	<b>99,500</b>	<b>99,500</b>	<b>99,500</b>

**How does the package relate to the Judicial Branch principal policy objectives?**

Sufficient funding for core legal titles supports all five of the Judicial Branch principal policy objectives. The **effective administration of justice** is served by the fact that print copies of legal treatises are necessary for easy and fast access by law clerks and judges to titles that are not freely available on the internet. The Reporter of Decisions cite checks every citation in appellate opinions against the print version to ensure accuracy, thus they need a robust print collection.

**Accessibility** to legal information by the general public, including private lawyers, provides access to justice to those who cannot afford to purchase these on their own. It levels the playing field by making high quality legal information equally accessible. **Access to necessary representation** is supported as both appointed defense counsel and prosecutors routinely use our collection. Finally, both **effective court management** and **sufficient staff support** are enhanced by a sufficient funding as our collection is relied upon by the attorneys and judges who use it. Providing equivalent online access to these titles would be prohibitively expensive for the state and would come with too many license restrictions to allow for the interagency sharing of access to these titles. Libraries are the most efficient way to ensure access to legal treatises as the volumes are less expensive than paying for digital access for each individual user and the books can be freely shared via interlibrary loan.

**Are there impacts to other governmental entities?**

The Supreme Court, the Court of Appeals, and the Office of Administrative Hearings, as well as the lawyers and citizens who appear before these judges, including the Office of the Attorney General, and legislative lawyers rely on being able to access core legal titles, including the superseded editions of these titles.

**Stakeholder response:**

We anticipate both no opposition and strong support from the Supreme Court, Court of Appeals, the Office of the Attorney General, and the Office of Administrative Hearings.

**Are there legal or administrative mandates that require this package to be funded?**

There are no legal or administrative mandates to fund this request.

**Does current law need to be changed to successfully implement this package?**

Current law does not need to be changed to successfully implement this package.

**Are there impacts to state facilities?**

There are no impacts to state facilities in implementing this package.

**Are there other supporting materials that strengthen the case for this request?**

The inflationary nature of legal publishing is independent of the country's current inflation and spans over nearly three decades. The authoritative source on law book inflation is Kendall Svengalis's *Legal Information Buyer's Guide & Reference Manual*. The 2021 edition includes charts (Attachment A) showing the inflation in print costs for the two largest legal publishers, Thomson Reuters (West) and Lexis (RELX).

**Are there information technology impacts?**

No.

**Agency Contacts:**

Christopher Stanley, 360-357-2406, [christopher.stanley@courts.wa.gov](mailto:christopher.stanley@courts.wa.gov)

Angie Wirkkala, 360-704-5528, [angie.wirkkala@courts.wa.gov](mailto:angie.wirkkala@courts.wa.gov)

Washington State Law Library  
Policy Level – AA – Restore Core Law Library Collection

**Attachment A**  
**Historical Title Pricing Data**

Table A – Thomson/West Print Titles, 1995-2020						
Title	1995 Cost	2020 Cost*	% Increase	1995 Supps.	2020 Supps.	% Increase
Am. Jur. Trials	\$1,650.00	\$18,134.00	999%	\$600.00	\$11,825.00	1870%
Am. Jur. 2d Legal Forms	\$1,450.00	\$12,766.00	780%	\$417.00	\$15,240.00	3554%
Am Jur. Pl. & Prac. Forms	\$1,650.00	\$24,064.00	1358%	\$844.00	\$13,900.00	1719%
American Jurisprudence 2d	\$2,400.00	\$23,260.00	869%	\$1,500.00	\$27,135.00	1709%
Am. Law of Products Liability	\$1,900.00	\$11,745.00	518%	\$810.00	\$9,747.00	1103%
Bankruptcy Service, Lawyers Ed.	\$1,525.00	\$18,427.00	1108%	\$1,139.95	\$19,402.00	1602%
Callmann. Law of Unfair Comp.	\$1,195.00	\$6,081.00	409%	\$335.00	\$3,113.00	829%
Cyclopedia of Trial Practice	\$1,065.00	\$3,983.00	274%	\$364.00	\$4,969.00	1265%
Federal Prac. & Procedure	\$1,692.00	\$8,837.00	422%	\$257.00	\$5,696.00	2116%
Federal Procedure	\$1,920.00	\$18,696.00	874%	\$830.80	\$18,881.00	2172%
Fletcher Corporation Forms Ann.	\$1,150.00	\$9,729.00	746%	\$511.00	\$9,796.00	1817%
Fletcher on Corporations	\$2,125.00	\$18,815.00	785%	\$924.00	\$12,051.00	1204%
Lane's Goldstein Trial Technique	\$350.00	\$4,069.00	1063%	\$211.00	\$1,268.00	501%
Lindey on Entertainment Law	\$495.00	\$4,270.00	540%	\$442.50	\$4,024.00	809%
Massachusetts Digest	\$1,650.75	\$17,973.00	989%	\$211.00	\$9,546.00	4424%
McQuillan Municipal Corporations	\$2,000.00	\$13,441.00	572%	\$768.00	\$10,394.00	1253%
Mertens. Federal Income Taxation	\$1,675.00	\$23,088.00	1098%	\$1,574.00	\$23,088.00	1366%
Novick. Law of Environ. Protection	\$375.00	\$2,028.00	440%	\$245.00	\$3,244.00	1224%
Ordinance Law Annotations	\$1,050.00	\$7,800.00	643%	\$324.00	\$6,798.00	1998%
Social Security Law & Practice	\$1,250.00	\$9,322.00	646%	\$846.00	\$9,339.00	1004%
Speiser. American Law of Torts	\$1,000.00	\$6,623.00	562%	\$290.00	\$5,704.00	1866%
Sutherland Statutory Construction	\$575.00	\$3,332.00	479%	\$125.00	\$3,283.00	1903%
U.S. Code Annotated	\$3,234.75	\$23,215.00	618%	\$820.00	\$20,339.00	2380%
U.S. Supreme Court Digest	\$1,720.00	\$9,787.00	469%	\$160.00	\$8,537.00	5235%
Total Costs & Percentage Increases	\$35,097.50	\$299,485.00	753%	\$14,549.25	\$257,319.00	1668%
Average % Increase			718%			1871%
C.P.I. (Jan. 1995 - Jan. 2019)	150.30	261.58	74%			74%
*Cost as of March, 2021						

Table B – LexisNexis/Matthew Bender Print Titles, 1995-2020						
Title	1995 Cost	2021 Cost	% Increase	1995 Supps.	2021 Supps.	% Increase
Bender's Federal Practice Forms	\$2,145.00	\$14,648.00	583%	\$1,588.00	\$11,278.00	610%
Bender's Forms of Discovery	\$2,020.00	\$14,285.00	607%	\$1,495.00	\$10,630.00	611%
Benedict on Admiralty	\$2,295.00	\$14,037.00	511%	\$1,698.50	\$10,477.00	517%
Business Crime	\$1,195.00	\$7,134.00	497%	\$84.50	\$5,168.00	484%
Collier on Bankruptcy	\$2,360.00	\$21,067.00	792%	\$1,747.00	\$11,982.00	585%
Cook. Civil Rights Actions	\$850.00	\$5,576.00	556%	\$650.00	\$4,185.00	544%
Cooke. Law of Hazardous Waste	\$650.00	\$4,461.00	586%	\$483.00	\$3,315.00	586%
Criminal Law Advocacy	\$1,070.00	\$6,232.00	482%	\$792.00	\$4,656.00	488%
Eisenberg. Debtor-Creditor Law	\$1,465.00	\$9,144.00	524%	\$1,086.00	\$6,841.00	530%
Erwin. Defense of Drunk Driving	\$765.00	\$4,156.00	443%	\$568.00	\$3,064.00	439%
Gordon. Immigration Law & Procedure.	\$1,475.00	\$7,710.00	422%	\$1,100.00	\$5,295.00	381%
Larson. Workmen's Compensation	\$2,105.00	\$12,081.00	474%	\$1,558.50	\$8,687.00	457%
Moore's Federal Practice	\$3,635.00	\$16,605.00	356%	\$2,693.00	\$10,793.00	300%
Nimmer on Copyright	\$995.00	\$8,055.00	709%	\$600.00	\$5,290.00	781%
Rapp. Education Law	\$685.00	\$4,215.00	515%	\$507.00	\$3,134.00	518%
Rohan. Zoning & Land Use Controls	\$1,290.00	\$7,547.00	485%	\$955.50	\$5,286.00	453%
Rutkin. Family Law & Practice	\$745.00	\$4,271.00	473%	\$550.00	\$3,255.00	492%
Spies. Doing Business in the U.S.	\$1,075.00	\$6,224.00	479%	\$796.00	\$4,591.00	476%
Stein. Administrative Law	\$1,035.00	\$8,007.00	673%	\$762.00	\$5,915.00	676%
Weinstein's Federal Evidence	\$1,660.00	\$10,596.00	538%	\$1,231.00	\$7,811.00	534%
Total Costs & Percentage Increases	\$29,515.00	\$186,051.00	530%	\$21,745.00	\$131,653.00	505%
Average % Increase			535%			523%
C.P.I. (Jan. 1995 -Jan. 2021)	150.30	257.97	74%			74%

**Attachment B**  
**Proposed 2023-25 Biennium Purchases**

<b>TITLE</b>	<b>2022 COST</b>
AMERICAN JURISPRUDENCE PROOF OF FACTS	31,229.00
AMERICAN JURISPRUDENCE TRIALS	25,250.00
AMERICAN JURISPRUDENCE PLEADING & PRACTICE FORMS	33,507.00
WEST'S LEGAL FORMS	15,814.00
FLETCHER CORPORATE FORMS ANNOTATED	13,257.00
COLLIER ON BANKRUPTCY, 16TH ED.	25,518.00
MOGEL AND MUCHOW, ENERGY LAW AND TRANSACTIONS	4,848.00
RENEWABLE ENERGY LAW AND POLICY	243.00
GRAD, TREATISE ON ENVIRONMENTAL LAW	7,468.00
HOOPER, LUNDY, & BOOKMAN, TREATISE ON HEALTH CARE LAW	4,030.00
PAGE ON THE LAW OF WILLS	2,645.00
TRUST ADMINISTRATION AND TAXATION	4,356.00
FRAGOMEN ON IMMIGRATION FUNDAMENTALS: A GUIDE TO LAW AND PRACTICE	556.00
PRIVACY LAW ANSWER BOOK	260.00
PROSKAUER ON PRIVACY	585.00
DATA LAW 2022: A NEW LEGAL FIELD	250.00
KANE ON TRADEMARK LAW, 7TH ED.	599.00
SCHWARTZ ON SECTION 1983	483.00
SINCLAIR ON FEDERAL CIVIL PRACTICE	406.00
PATENT LAW: A PRACTITIONER'S GUIDE, 4TH 3D.	440.00
NIMMER ON COPYRIGHT	9,757.00
ENNICO, ADVISING SMALL BUSINESSES	4,453.00
FOR THE FOLLOWING TITLES, WE'D BUY THE EBOOK VERSION, WHICH GIVES US ONE FREE PRINT COPY AND ALLOWS THE STATEWIDE CIRCULATION OF THE EBOOK:	
MANDELKER, LAND USE LAW, 6TH ED.	265.00
GILLIGAN & IMWINKELREID, COURTROOM CRIMINAL EVIDENCE, 7TH ED.	334.00
GEYH, JUDICIAL CONDUCT AND ETHICS, 6TH ED.	295.00
HALL, SEARCH AND SEIZURE, 5TH ED.	512.00
SCHULUETER, PUNITIVE DAMAGES, 8TH ED.	539.00
FRIESEN, STATE CONSTITUTIONAL LAW, 4TH ED.	253.00
EAGLE, REGULATORY TAKINGS, 5TH ED.	345.00
GERSHMANN, CRIMINAL TRIAL ERROR AND MISCONDUCT, 3RD ED.	210.00

<b>TITLE</b>	<b>2022 COST</b>
<b>BURTON'S LEGAL THESAURUS, 6TH ED. 4 COPIES, 1 FOR EACH LOCATION (\$68)</b>	272.00
<b>NINTH CIRCUIT CRIMINAL HANDBOOK 2022 ED.,</b>	449.00
<b>SAMUEL &amp; CISSELL, FEDERAL CRIMINAL TRIALS, 2022 ED.</b>	319.00
<b>SHAPIRO, CRIMINAL PRACTICE HANDBOOK, 5TH ED.</b>	229.00
<b>SERVICEMEMBER AND VETERANS RIGHTS</b>	139.00
<b>MILITARY FAMILY LAW</b>	195.00
<b>CORBIN ON CONTRACTS: FORCE MAJEURE AND IMPOSSIBILITY OF PERFORMANCE RESULTING FROM COVID-19</b>	189.00
<b>MENTAL DISABILITY LAW: CIVIL AND CRIMINAL, 3RD ED.</b>	699.00
<b>IMWINKELRIED, EXCULPATORY EVIDENCE, 5TH ED.</b>	299.00
<b>CRIMINAL INVESTIGATION HANDBOOK: STRATEGY, LAW, SCIENCE</b>	479.00
<b>LIVING TRUSTS: FORMS AND PRACTICE</b>	684.00
<b>AMERICANS WITH DISABILITIES ACT: PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES</b>	750.00
<b>THE FUNDAMENTALS OF SPECIAL NEEDS TRUSTS</b>	541.00
<b>TAX PLANNING FOR RETIREES</b>	577.00
<b>HOW TO SAVE TIME AND TAXES HANDLING ESTATES</b>	1,324.00
<b>TAX, ESTATE &amp; FINANCIAL PLANNING FOR THE ELDERLY</b>	1,065.00
<b>TAX, ESTATE &amp; FINANCIAL PLANNING FOR THE ELDERLY: FORMS &amp; PRACTICE</b>	1,570.00
<b>DATA PRIVACY AND CYBERSECURITY LAW: A COMPLIANCE GUIDE FOR U.S. FEDERAL, STATE, AND LOCAL GOVERNMENTS</b>	249.00
<b>TOTAL ESTIMATE 2023-25 BIENNIUM</b>	<b>198,736.00</b>