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Law Library Sues San Francisco for Breach of City Charter
City Neglects California's Oldest County Law Library, Fails to Provide Adequate Space

San Francisco, Calif. (February 6, 2013) – The San Francisco Law Library filed a lawsuit today against the City and County of San Francisco, alleging that since 1995 the city has violated a City Charter provision that requires it to provide proper funding and adequate space for the Law Library.

For decades, the Library shared part of the fourth floor of City Hall with the Superior Courts and had additional space in the building. There it served its mission by providing free and public legal resources to the courts, lawyers and self-represented litigants alike. Following the 1989 earthquake, when City Hall closed in 1995 for retrofitting, the city moved the Library to a temporary space designed for the two year retrofit period at the Veterans War Memorial building that was and continues to be insufficient.

After the retrofit, the Law Library was not moved back to its City Hall quarters as originally planned. Currently, the Library is allotted just 14,310 square feet – an amount that cannot accommodate the Library's collection, staff and patrons.

“For nearly two decades, we have tried to work with city officials to identify the appropriate space and facilities for the San Francisco Law Library,” said Kurt Melchior, a partner at Nossaman, LLP, and President of the Law Library Board of Directors. “Our library serves thousands of people a year who otherwise would lack access to important legal research and texts. In 1870, the California State Legislature recognized the importance of a law library for the legal community and the public at large by creating this, the first law library in California. Now, every county in the state is required by law to maintain a law library. In 2013, it is beyond belief that San Francisco – a city which routinely seeks to protect its most vulnerable populations – is set to abandon such a vital public benefit.”

The lawsuit, case number CPF-13-512769 filed in San Francisco Superior Court, details how a succession of city officials have failed to live up to their obligations to provide suitable housing for the Law Library, which is the oldest of its type in California and holds one of the most valuable collections of legal books in the country.

Since 1995, the Library has been housed in a cramped, leaky and damaged upper room of the San Francisco Veterans War Memorial building. The Veterans building is set to close for renovation in May 2013, meaning that if the city continues to violate the Charter and fail to meet its obligations, the Law Library will then be homeless.

Under City Charter section 8.103 and pursuant to state law, the City and County of San Francisco is required to “provide suitable and sufficient quarters for the Law Library.” The Law Library is not a city agency but rather a non-profit public corporation chartered under state law, and is largely funded by court filing fees. The Charter provision requires San Francisco to not only provide and furnish a suitable space, but also to fund utilities and at a minimum the positions of Librarian and Assistant Librarian.

Currently, the Library has been forced by lack of space to place two-thirds of its collection – more than 165,000 volumes – into inaccessible and environmentally unsafe storage.

“The city is damaging an important resource,” said Mr. Melchior. “City officials are on the wrong side of the law, violating the city charter and abusing the public trust.”

Since 1995, a variety of administrations and a rotation of city officials have pledged to identify and provide suitable space for the Law Library. Those promises remain unfulfilled.

“Our Board has sought consensus and compromise with the City of San Francisco for nearly 18 years,” said Mr. Melchior. “And during that time, we have seen the city fail time and time again to provide an appropriate space. Even at this late hour, the city still has not proposed any viable plan to permanently and properly locate the San Francisco Law Library, and has rejected a suitable option recently submitted by the Library.”

More than 700 attorneys and judges – including five past presidents of the California Bar Association – have signed a letter asking the City to fulfill its obligations under state law. The Library is seeking a writ of mandate from the Superior Court to order San Francisco to provide suitable space. The Library is being represented in this case by the law firm of Arnold & Porter LLP.

For more information, visit www.sflawlibrary.org.

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