

## **BORROWERS RULES**

Rev. March 2013

### **1. Membership Eligibility**

Borrowers must be residents of San Diego County. Residents must present a valid street address, telephone number, and E-mail address when opening an account. Please note that many free E-mail services are available. A post office box is not considered valid proof of residence in the county. However, we do accept PO boxes when the applicant can provide proof of county residency with a driver's license, a rental agreement, utility bill, or copy of pay stub.

### **2. Borrower's Responsibility**

- (a) The Library reserves the right to refuse a borrower's application for membership when an individual has previously exhibited conduct detrimental to the maintenance of the collection, has a documented history of violating the Library's Standards of Acceptable Behavior, or other practices inconsistent with any element of the borrower's rules.
- (b) Access Services reserves the right to suspend a borrower's account when a borrower is negligent with library publications (e.g., loss or damage to library materials), or exhibits other behavior detrimental to the library collections, staff or facility.
- (c) A SDCPLL borrower's card or picture ID must be presented whenever checking out library materials.
- (d) It is the borrower's responsibility to check date due slips and return materials on time.
- (e) All borrowers are responsible for knowing these borrower's rules.

### **3. Inactive Accounts**

An account is declared inactive when a borrower is unable to conform to the policies and procedures required of a library borrower. A borrower with an inactive account is not eligible for borrowing. The Library will attempt to notify members of a change in status within two weeks of this designation. Notification will include any conditions that the borrower must fulfill to return the account to its active status. Usually these conditions must be fulfilled within 90 days of the written notification. After notification to the member, no further correspondence will be initiated by the Library. If a balance remains in the deposit account, it will be considered forfeit and will be placed in the Law Library Trust Fund.

A member who has had an account closed due to inactive status may not open a new account until all fines which were outstanding on the old account at the time of closure are satisfied. If the borrower's irresponsible treatment of library materials was the reason for this designation, the borrower may be required to deposit an additional sum.

### **4. Conditions for Law Library Instituted Closing of a Member's Account**

*Address Changes* - The Library may close an account if it cannot reach a member over a six month period after an account is suspended or inactive. All library members are obliged to keep the Library informed of any changes in name, address, or telephone number. Any remaining deposit will be applied to the Law Library's general fund.

*Accounts Accruing Fines and/or Costs:* If an account accrues fines and/or costs and the member does not discharge them within a six month period, the account may be closed and any remaining deposit becomes the property of the Library. The Library will send a statement requesting a sum sufficient to clear the account prior to any action being taken.

### 5. **Member Instituted Closing of An Account**

Once opened, an account must remain open for a minimum of three months before a request to refund the balance will be honored. All deposits are placed in the Law Library Trust Fund and are treated as all other monies in that fund. The security deposit, less any unpaid fines or other charges will be refunded approximately six weeks after the Library receives a member's written request to close the account.

### 6. **Individual Accounts**

All applicants must complete a library borrower application form, show appropriate identification, and make a security deposit of \$50. A borrower's charge of \$45 per attorney, or \$10 for San Diego County residents who are not attorneys, will be charged annually. Attorneys who have passed the bar within the previous two years may elect to pay a reduced rate of \$10.00 per year for the first two years. It is charged on January 1st of each year. Failure to pay will result in a suspension of membership.

A solo practitioner may have a second card issued for the use of other individuals acting on his/her behalf. This card may **only** be issued to the member's paralegal, law clerk, or legal secretary. It may not be issued for the use of an attorney who is serving as a paralegal, law clerk, or legal secretary. The attorney must request the second card by providing a signed letter, on office letterhead, with the name of the paralegal, law clerk, or legal secretary who will be authorized to receive the card. It is the responsibility of the attorney to inform the library of any changes regarding paralegals, clerks, or secretaries.

### 7. **Law Firm Accounts**

*Eligibility:* Law firms conducting their activities in San Diego County may set up membership at the Library for their attorneys by completing the firm borrower's application.

*Security Deposit Requirements:* The amount of the **security deposit** will be calculated by the number of attorneys in the firm. If the number of attorneys should change significantly then the required security deposit amount will change. The scale is as follows:

| <u>Number of CA Attys.</u> | <u>Deposit</u> | <u>Number of CA Attys.</u> | <u>Deposit</u> |
|----------------------------|----------------|----------------------------|----------------|
| 2-3                        | \$65           | 10                         | \$165          |
| 4                          | \$100          | 11-12                      | \$200          |
| 5                          | \$120          | 13-19                      | \$250          |
| 6-7                        | \$135          | 20-29                      | \$300          |
| 8-9                        | \$150          | 30 and above               | \$350          |

*Borrower Charge:* The annual borrower's charge is charged on January 1st of each year. It is \$45.00 for each attorney employed by the firm. The number of attorneys is based on information provided by the California State Bar Association and other sources. Failure to pay will result in the suspension of membership.

The borrower's charge for firms is based on the number of attorneys in the firm in San Diego, not the number of library cards. If a firm has over 16 attorneys we reduce the charge to 75% of the total due. If the firm has over 51 attorneys we reduce the charge to 50% of the total owed.

*Library Cards:* The library will issue one library card for each California attorney, and up to three additional general firm cards. The general cards do not bear the name of a member, but are for use by the paralegals, clerks,

secretaries, and librarians. The firm will provide, on firm letterhead, a list which contains the names of those authorized to use the general account cards.

The firm is responsible for all materials checked out using its borrower's cards. This is true even when the person presenting the card is no longer employed by the firm. If an individual is no longer eligible for membership through the firm, the firm will notify the Access Services Department in writing so that he/she will be removed as an authorized user on that account. If possible, the individual's library card should be returned to the library along with the request.

*Name Change:* Firms who change their names must inform the Library in writing. Please call Access Services for more information regarding this process.

#### **8. Business and Organizational Account Members**

*Eligibility:* San Diego County businesses other than law firms may set up membership at the Library for their employees. Non-attorney individuals who use the Library for business purposes, corporations, and other non-lawyer organizations (including not-for-profit organizations) who desire to have library cards may do so. If the legal department of a business, corporation, or for-profit organization has more than 5 attorneys, that business, corporate, or for-profit organizational membership will be treated as a law firm membership for all purposes.

A non-profit organization must be a qualified 503(c)(1) organization.

*Deposit Requirements - Businesses and Organizations - Profit and Non-Profit:* The required deposit is based on the number of members. [See firm deposit requirements above at number 7.]

*Borrowers Charge - Businesses and Organizations:* An annual borrower's charge is charged on January 1<sup>st</sup> of each year. It is \$45 for each member based on the number of staff members holding a card. The annual charge is calculated the same as for law firms. Failure to pay it will result in a suspension of the account.

*Borrowers Charge -Non-Profit Organizations:* The borrower's charge for non-profit organizations classified as 501(c)3 organizations is waived upon presentation of the paperwork indicating 501(c)3 classification.

*Library Cards:* The library issues one card for each member. If a person is no longer employed by the business or organization, it is the responsibility of the business or organization to notify the library to delete the name from the list of authorized borrowers. Notification to the Access Services Department must be in writing. If the library is not notified, the business or organization will continue to be responsible for any books checked out on the card.

#### **9. Government and Quasi-Government Organizations**

There is no annual borrower's charge for government and/or quasi-government members. There is also no security deposit account requirement for government and/or quasi-governmental agencies. However, they are responsible for overdue fines. Fines not paid in a timely manner may result in a suspension of the account. Paralegals, clerks, and legal secretaries will have privileges as affiliates of government organizations as long as they provide documentation.

#### **10. Use of Library Cards by Persons Other Than the Named Borrower**

Members are responsible for any materials checked out on their cards. A letter authorizing use by a specific individual must be placed in the member's file. We may refuse to check out materials to individuals not listed as authorized borrowers.

For general account cards, the user needs to be a paralegal, legal secretary, librarian, or law clerk with that type of card. If usage will be by a courier or runner, the library will need a signed fax or signed letter on firm letterhead authorizing check out of specific materials by the courier or runner on that card. The library has no family account. If a spouse will be coming in to check out books for the member, a signed letter authorizing such usage by the member must be in the borrower's file.

**11. Additional Library Cards**

Any requests for additional or replacement cards must be made in writing. Individual attorney members may request one additional card and designate one individual authorized to use it.(see Rule #6).

Firm members may have up to three general cards [see discussion Rule #7 - General Account cards] in addition to cards issued for each attorney employed by the firm.

**12. Circulation Service Times**

All materials must be checked out, checked in, or renewed 15 minutes before closing. New memberships and library cards must be processed 30 minutes before closing.

**13. Overdue Fines**

Overdue fines will accrue at a rate of \$2.00 per item per day. If overdue fines of \$10 or more accrue, the account will be blocked until the fines are paid.

**14. Loss or Damage to Library Materials**

When a patron loses library materials, he/she should notify the Library as soon as possible. There are two costs assessed for a lost book - the cost of the book and a replacement charge of \$90.00. Overdue fines will be assessed until the material is reported lost.

When damaged materials are returned to the Library, a charge will be assessed for the damage. If the material needs to be replaced, the borrower will be charged all costs for replacing the item.

**15. Lending Limitations**

Qualified borrowers may have up to nine publications checked out simultaneously. Each bar coded item is considered to be a separate item.

**16. Renewal of Library Materials**

Materials may be renewed one time. Items on hold for another person are not renewable.

**17. Loan Periods**

Most Library materials circulate for 4 days. Some items will not circulate including reference, archival, rare, and irreplaceable items.

**18. Holds**

Hold's may be placed on materials which are checked out or on the shelf. The user will be notified that the item is available. It will be held for two days on the "Hold" shelf. Items not picked up within two days will be returned to the stacks.

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***These Borrowers Rules supersede the "Borrowers Rules" dated December 2012, and have been approved by the San Diego County Public Law Library Board of Trustees at a regular meeting on March 20, 2013.***