

OPINION NO. 69-082

Syllabus:

A county law library association may expend its funds in order to obtain a computer communications console as a means of access to the system of computerized legal research.

To: James B. Patterson, Madison County Pros. Atty., London, Ohio
By: Paul W. Brown, Attorney General, July 8, 1969

I have your request for my opinion on the following question:

"May a County Law Library expend its funds to rent or otherwise obtain a computer communications consol (sic) in order to provide a means of access to the system of computerized law searching for judges and members of the County Law Library Association?"

The funds of a county law library association come from two separate sources. The first source is made up of contributions by private individuals. There is no limitation on the use of these funds. They may be used for any purpose, including obtaining a computer communications console. Van Wert County Law Library Association v. Stuckey, 42 O. O. 1 at 8 (C. P. Van Wert Co. 1949); Opinion No. 5308, Opinions of the Attorney General for 1955; Opinion No. 4856, Opinions of the Attorney General for 1955.

The other funds are court fines allocated to the law library association under the provisions of Sections 3375.50 to 3375.53, inclusive, Revised Code. Section 3375.54, Revised Code, provides for the expenditure of these funds as follows:

"The money paid to the board of trustees of a law library association under sections 3375.50 to 3375.53, inclusive, of the Revised Code, shall be expended in the purchase of lawbooks and in maintenance of such law library association."

While a system of computerized legal research is not specifically mentioned in this section, it is my opinion that funds may be expended for such a system. Such an expenditure can be authorized either under the authority to purchase law books or under the authority to maintain the law library.

Although a computerized legal research system is not technically a law book, it serves precisely the same purpose. Both are means of legal research; both provide access to the law. The system of computerized legal research is merely a technological improvement over law books. It is the newest development in legal research.

A statute should be construed with reference to its purpose. It should be given the interpretation which will carry out its objective.

"The primary duty of a court in construing a statute is to give effect to the intention of the Legislature enacting it. In determining that intention, a court should consider the language used and the apparent purpose to be accomplished, and then such a construction should be adopted which permits the statute and its various parts to be construed as a whole and gives effect to the paramount object to be attained." Humphrys v. Winous Co., 165 Ohio St. 45 at 49 (1956).

(See also 2 Sutherland, Statutory Construction, Sections 4704 and 5505.)

The obvious purpose of Section 3375.54, supra, is to authorize the library trustees to expend funds to provide means for legal research for the judges and other specified officials. Computerized legal research is the newest development in legal research. An interpretation of the statute which permits the use of such a system gives effect to the statutory purpose. Any other interpretation would hinder and obstruct the purpose.

The law library association can also obtain this system under its authority to maintain the law library. Under this authority the trustees may expend these funds to provide all services necessary for the maintenance of the law library except those which are required to be furnished by the county commissioners.

"The word 'maintenance' in Section 3375.54, Revised Code, denotes upkeep and contemplates the use of the fines fund to pay for all services necessary for the maintenance of the law library association, save those required by statute to be furnished by the county." Opinion No. 4856, Opinions of the Attorney General for 1955, at p. 74.

Those items which are required to be furnished by the county commissioners are set forth in Section 3375.49, Revised Code. These include physical facilities such as rooms, bookcases,

heat and light. Such items are of a different nature from a system of legal research. The expenditure of funds for maintenance of the law library was considered in the case of Van Wert County Library v. Stuckey, supra. The Court stated at page 8 of its Opinion as follows:

"The law library association may expend funds received under Sections 3056 to 3056-3 [General Code] for purchase of books, repair of books, a reasonable amount to any person acting as custodian or performing duties that are not within the usual duties of librarian; the reasonable purchase of furniture, such as tables and chairs for the use of persons using the books; and any other reasonable expenses necessary for the maintenance of the law library such as purchase of library cards, catalogs, indexes, etc."

A system of computerized legal research, while a means of legal research similar to law books, also provides a service similar to library cards, catalogs, and indexes. It operates as an index in that it furnishes citations to cases and statutes. Such a system is reasonable to maintaining a modern up-to-date law library. It would thus be authorized as a reasonable expense necessary for the maintenance of the law library.

It is, therefore, my opinion and you are hereby advised that a county law library association may expend its funds in order to obtain a computer communications console as a means of access to the system of computerized legal research.