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INDEPENDENT STATE AUDITOR'S REPORT ON CERTAIN ACTIVITIES OF THE TRIAL COURT LAW LIBRARY SYSTEM OF THE MASSACHUSETTS TRIAL COURT JULY 1, 2006 TO NOVEMBER 30, 2008

> OFFICIAL AUDIT REPORT

NOVEMBER 30, 2009

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INTRODUCTION

Chapter 94 of the Acts of 1842 authorized the first Massachusetts law libraries. In 1978 the Massachusetts Legislature passed Chapter 478 of the Acts of 1978, which reorganized the Massachusetts court system and created a central administrative office managed by a Chief Administrative Justice (CAJ), who is responsible for the overall management of the Trial Court. The CAJ charged the central office, known as the Administrative Office of the Trial Court (AOTC), with developing a wide range of centralized functions and standards for the benefit of the entire Trial Court, including the Trial Court Law Library (TCLL).

A Law Library Coordinator, who oversees the development of coordinated library services to justices, lawyers, and the general public, heads the TCLL. There are 17 individual law libraries located throughout the state as well as an Electronic Resources Librarian who works out of the TCLL's Norwood location. The TCLL also oversees providing legal resources to the Commonwealth's Superior Court Department and its various judges lobby locations. According to the Commonwealth's records, expenditures associated with the operation of the TCLL for fiscal years 2007 and 2008 were \$6,366,498 and \$6,550,753, respectively.

The purpose of our audit was to review the TCLL's internal controls and compliance with state laws and regulations regarding administrative and operational activities, including payroll, purchasing, inventory, security, revenue, and statistical usage data for the period July 1, 2006 to November 30, 2008.

AUDIT RESULTS 4 1. INTERNAL CONTROL IMPROVEMENTS NEEDED 4 Our review found that although the TCLL has made progress in assessing risks and developing an internal control plan, additional work is needed, as discussed below.

Risk Assessments and Internal Control Plans a.

Our audit found that the TCLL has made progress in conducting risk assessments and updating its internal control plan, as required by state law and AOTC rules and regulations. Once these plans are completed, AOTC's efforts to ensure the integrity of TCLL records and assets will be improved.

b. Segregation of Duties with Friends of the Library Associations

Our audit found that the TCLL should review its internal controls to ensure that there is adequate segregation of duties between TCLL employees and the not-for-profit Friends of the Library associations. We found three instances in which TCLL employees held positions on the Friends of the Library organizations, resulting in weakened internal controls and the perception of a potential conflict of interest.

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c. Controls over Photocopy Machine Revenue

We found that, although the TCLL locations adequately safeguard cash on hand generated from public use coin-operated photocopiers, improvements are needed over the collection, deposit, and transfer of such revenue to the Commonwealth. We reviewed cash collection activities at the various TCLL locations and the related revenue transmittals, which totaled \$21,591 and \$17,052 for fiscal years 2007 and 2008, respectively. Current procedures vary by library location and allow for errors and irregularities to occur and not be detected in a timely manner, leaving the Commonwealth's assets subject to potential loss, theft, or misuse. Provisions of AOTC's Fiscal Systems Manual establish policies and procedures that, if followed, would minimize such risks.

d. Inventory Controls

Our audit found that, although the TCLL central office and library locations conducted an annual physical inventory and reconciled it to the TCLL's perpetual inventory records, the inventory records were not maintained in the AOTC format and varied by location. As a result, the TCLL's inventory records were not readily compatible with AOTC records, which hinders the development of a complete inventory at the AOTC level.

2. PROPERTY MANAGEMENT IMPROVEMENTS NEEDED AT VARIOUS TCLL LOCATIONS

Our audit found ongoing health, safety, and security concerns at various TCLL locations. These conditions leave Commonwealth assets susceptible to damage and misappropriation as well as TCLL employees being potentially at risk. These circumstances are generally beyond the immediate control of the TCLL system, as the libraries are generally in courthouse space under the control of either the county or the Commonwealth.

a. Water Infiltration

We found that six libraries had various water infiltration issues, which leave Commonwealth assets susceptible to damage and TCLL employees subject to potential health risks.

b. Security Issues

Our audit identified eight libraries that had potential security issues, which leave Commonwealth assets susceptible to damage or theft and TCLL employees being potentially at risk.

3. POTENTIAL SAVINGS OF \$500,000 POSSIBLE BY CONSOLIDATING PURCHASES OF LAW BOOKS FOR COURT DEPARTMENTS

Our audit found that cost savings are possible by having the TCLL purchase law books for all court departments. The TCLL is able to negotiate discounts on "sole source" traditionally non-discounted items because of its large purchasing power. We estimate that if the TCLL was responsible for purchasing law-related books for all AOTC departments, annual savings of approximately \$500,000 could be realized.

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4. ESTABLISHING A PRESENCE IN SUFFOLK COUNTY

We noted that Suffolk County residents do not have ready access to a TCLL location. Specifically, although Suffolk County does have a law library that receives an annual appropriation from the Commonwealth and is located on state property, it is generally open only to dues-paying members, unlike other TCLL locations, which are open to the public. We recommend that AOTC and TCLL management review the long-range feasibility of opening a TCLL location to serve the needs of Suffolk County residents.

APPENDIX

LAW LIBRARY LOCATIONS

INTRODUCTION

Background

The first Massachusetts law libraries were authorized by Chapter 94 of the Acts of 1842, which provided that "Attorneys may organize law libraries in counties and inhabitants will have access to the library and books." These libraries were organized and administered in the respective counties by associations of attorneys and funded by the counties. In 1978 the Massachusetts Legislature passed Chapter 478 of the Acts of 1978, which reorganized the Massachusetts court system and created a central administrative office managed by a Chief Administrative Justice (CAJ), who is responsible for the overall management of the Trial Court. The CAJ charged the central office, known as the Administrative Office of the Trial Court (AOTC), with developing a wide range of centralized functions and standards for the benefit of the entire Trial Court, including the Trial Court Law Library (TCLL); budgets; central accounting and procurement systems; personnel policies, procedures, and standards for judges and staff; and the management of court facilities, security, and automation.

A Law Library Coordinator, who oversees the development of coordinated library services to justices, lawyers, and the general public, heads the TCLL. There are 17 individual law libraries located throughout the state as well as an Electronic Resources Librarian who works out of the TCLL's Norwood location. The mission statement of the TCLL reads:

As the public law libraries of the Commonwealth, the Trial Court Law Libraries provide legal information to the Trial Court, legal community and general public. This library network strives to develop specialized collections and services to address the legal reference, research, educational and community information needs of library patrons. The staff of the Trial Court Law Libraries are committed to facilitating access to their collections and services.

The TCLL also oversees providing legal resources to the Commonwealth's Superior Court Department and its various judges lobby locations.

The TCLL's funding is provided as part of an allocation of an AOTC appropriation. Expenditures¹ for the past two fiscal years are as follows:

¹ Expenditure amounts arrived at by performing a query on the Office of the State Comptroller's accounting system. Certain expenditures (e.g., certain utility costs) are not readily identified as pertaining to the TCLL in the Commonwealth's accounting system, since law libraries are generally located in state-owned buildings.

Account Description	Subsidiary	July 1, 2007 to June 30, 2008	July 1, 2006 to June 30, 2007
Employee Compensation	А	\$2,914,718	\$2,925,614
Employee-Related Expenses	В	888	5,765
Pension and Insurance	D	39,971	39,203
Administrative Expenses (Mostly Law Book Purchases)	E	3,431,790	3,194,754
Programmatic and Operational Expenses	J	34,614	16,495
Programmatic Equipment	К	3,481	18,744
Improvements	Ν	450	4,396
Information Technology Expenses	U	124,841	161,527
Total		<u>\$6,550,753</u>	<u>\$6,366,498</u>

Annual revenues were \$17,052 and \$21,591 for fiscal years 2008 and 2007, respectively. The primary source of these revenues is income from photocopy machines at the individual law library locations.

TCLL provides services to people who physically visit a TCLL location and access the TCLL database through the Internet. In the average year, there are approximately 300,000 walk-in customers and 60 million Internet web page hits through its web site: http://lawlib.state.ma.us. The TCLL also has an "Ask a Librarian" service to provide guidance to customers either in person, through the Internet, or by telephone.

Audit Scope, Objectives, and Methodology

In accordance with Chapter 11, Section 12, of the General Laws, the Office of the State Auditor conducted an audit of the financial and management controls over certain operations of the TCLL. The scope of our audit included a review of the TCLL's controls over administrative and operational activities, including payroll, purchasing, inventory, security, revenue, and statistical usage data for the period July 1, 2006 to November 30, 2008.

Our audit was conducted in accordance with applicable generally accepted government auditing standards for performance audits and, accordingly, included such audit procedures and tests as we considered necessary under the circumstances.

Our audit objectives were to (1) assess the adequacy of the TCLL's internal controls over payroll, purchasing, inventory, security, revenue, and statistical usage data and (2) determine the extent of controls for measuring, reporting, and monitoring effectiveness and efficiency regarding the TCLL's compliance with applicable state laws, rules, and regulations; other state guidelines; and AOTC and TCLL policies and procedures.

To achieve our audit objectives, we conducted interviews with management and staff and reviewed prior audit reports, the Office of the State Comptroller's Massachusetts Management Accounting and Reporting System reports, TCLL statistical reports, and the TCLL's organizational structure. In addition, we obtained and reviewed copies of statutes, policies and procedures, accounting records, and other source documents. We also conducted site visits at the TCLL central office and all 17 library locations. Our assessment of internal controls over financial and management activities at the TCLL was based on those interviews and the review of documents.

Our recommendations are intended to assist the TCLL in developing, implementing, or improving internal controls and overall financial and administrative operations to ensure that the TCLL's systems covering payroll, purchasing, inventory, security, and revenue operate in an economical, efficient, and effective manner and in compliance with applicable laws, rules, and regulations.

Based on our review, we determined that, except for the issues noted in the Audit Results section of this report, the TCLL (1) maintained adequate internal controls over payroll, purchasing, inventory, security, revenue, and statistical usage data, and (2) complied with applicable laws, rules, and regulations for the areas tested.

AUDIT RESULTS

1. INTERNAL CONTROL IMPROVEMENTS NEEDED

Our review found that the Trial Court Law Library (TCLL) has made progress in assessing risks and developing an internal control plan. However, as discussed below, the TCLL needs to (a) complete its risk assessments and finalize its internal control plan, (b) improve segregation of duties with the not-for-profit Friends of the Library associations, (c) strengthen its internal controls over public use copy machine revenues, and (d) comply with Administrative Office of the Trial Court (AOTC) requirements regarding property and equipment inventory procedures.

a. Risk Assessments and Internal Control Plans

Our audit found that, although the TCLL has made progress in developing an internal control plan, additional work is needed to complete the plan. Specifically, the TCLL had not updated its internal control plan as of the start of our audit engagement. However, while our audit was in progress, the TCLL conducted risk assessments and prepared internal control documents that outline overall internal control procedures and concepts for the overall TCLL system. The TCLL needs to continue its efforts by using the results of the risk assessments to develop internal control plans at its law library locations. Once these plans are completed, AOTC's efforts to ensure the integrity of TCLL records and assets will be improved.

Chapter 647 of the Acts of 1989, An Act Relative to Improving the Internal Controls within State Agencies, states, in part: "Internal control systems for the various state agencies and departments of the commonwealth shall be developed in accordance with internal control guidelines established by the Office of the Comptroller." Subsequent to the passage of Chapter 647, the Office of the State Comptroller (OSC) issued written guidance in the form of the Internal Control Guide for Managers and the Internal Control Guide for Departments. A revised Commonwealth Internal Control Guide subsequently replaced these internal control guides by streamlining the information contained in the previous guides and incorporating additional internal control principles. The OSC again stressed the importance of internal controls and the need for departments to develop internal control plans, defined as follows:

An internal control plan is a description of how a department expects to meet its various goals and objectives by using policies and procedures to minimize risk. The Commonwealth has defined the internal control plan to be a high-level summary supported by lower level policy and procedures.

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Further, AOTC issued Internal Control Guidelines for the Trial Court, which established requirements for department heads when developing an internal control plan, including the following important internal control concepts:

[The internal control plan] must be documented in writing and readily available for inspection by both the Office of the State Auditor and the AOTC Fiscal Affairs department, Internal Audit Staff. The plan should be developed for the fiscal, administrative and programmatic operations of a department, division or office. It must explain the flow of documents or procedures within the plan and its procedures cannot conflict with the Trial Court Internal Control Guidelines. All affected court personnel must be aware of the plan and/or be given copies of the section(s) pertaining to their area(s) of assignment or responsibility

The key concepts that provide the necessary foundation for an effective Trial Court Control System must include: risk assessments; documentation of an internal control plan; segregation of duties; supervision of assigned work; transaction documentation; transaction authorization; controlled access to resources; and reporting unaccounted for variances, losses, shortages, or theft of funds or property.

AOTC, in addition to issuing the Internal Control Guidelines, Fiscal Systems Manual, and Personnel Policies and Procedures Manual, has issued additional internal control guidance (administrative bulletins, directives, and memorandums) in an effort to promote effective internal controls in court divisions and offices.

The TCLL indicated that it anticipates completing the development of internal control plans at its local library locations shortly.

Recommendation

The TCLL should continue with its plan of developing internal control plans at the local library locations. The TCLL and individual library locations should then conduct annual risk assessments and update their internal control plans based on the results of these risk assessments, as necessary.

Auditee's Response

The Law Library Coordinator provided the following response:

Utilizing the Risk Assessment and Internal Control Plan as a foundation document, each Law Library will write a Risk Assessment and Internal Control Plan which outlines specific risks and procedures for that location.

b. Segregation of Duties with Friends of the Library Associations

Our audit found that the TCLL should review its internal controls to ensure that there is adequate segregation of duties between TCLL employees and the not-for-profit Friends of the Library associations.

Friends of the Library organizations, which are commonplace in public and private libraries, serve to help raise community awareness of library resources, educate the public about library issues, promote good will, and raise much-needed funds to benefit the library and its patrons. For the TCLL, the Friends of the Library organizations mostly operate photocopy machines whose proceeds support the library. Although not a significant source of funding, the Friends of the Library help provide some reference material or other resources that may be of specific interest to certain libraries.

However, we found instances in which TCLL employees were also involved with the Friends of the Library organizations. Specifically, from our review of the corporate database maintained by the State Secretary, we identified six Friends of the Library² organizations, three of which listed a TCLL employee as Treasurer. We are also aware that other Friends of the Library organizations exist that are not listed in the corporate database. Additionally, we noted that certain TCLL employees had involvement with financial and administrative operations of the Friends organizations. Such involvement included maintaining the public use copy machines owned by the Friends groups placed in the law libraries, handling donations, reconciling Friends bank accounts, maintaining the books of account, and handling supply orders. Although this list of involvement may seem long, the volume of work involved is relatively small and the TCLL is the eventual benefactor. TCLL employees holding positions on the Friends of the Library organizations or being involved with the financial and administrative operations of the Friend benefactor. TCLL employees holding positions on the Friends of the Friend organizations weakens internal controls and could create a perception of potential conflict of interest.

TCLL representatives with whom we spoke indicated that they agreed with our observations and intended to adopt corrective action in this area.

² Most Friends of the Library organizations are established as not-for-profit corporations, but one is set up as a Trust and one as a Foundation. For the purposes of our report, we consider them all to be Friends of the Library organizations.

Recommendation

The TCLL should review its employees' participation on Friends of the Library organizations and adopt a policy limiting participation of TCLL employees in such associations.

Auditee's Response

The Law Library Coordinator provided the following response:

We agree and accept this recommendation. The TCLL is in the process of creating a policy to limit staff involvement with Friends Groups.

c. Controls over Photocopy Machine Revenue

We found that, although TCLL locations adequately safeguard cash on hand generated from public use coin-operated photocopiers, improvements are needed over the collection, deposit, and transfer of such revenue to the Commonwealth. Current procedures vary by library location and allow for errors and irregularities to occur and not be detected in a timely manner, leaving the Commonwealth's assets subject to potential loss, theft, or misuse. Provisions of AOTC's Fiscal Systems Manual establish policies and procedures that, if followed, would minimize such risks.

We reviewed cash collection activities at the various TCLL locations and the related revenue transmittals, which totaled \$21,591 and \$17,052 for fiscal years 2007 and 2008, respectively. While revenue transmittals reconciled with the OSC's records and agreed with the collections sent in by the various TCLL locations, the deposit, recording, and transmittal methods utilized by the various TCLL regional locations were not standardized and did not always comply with AOTC's policies and procedures. For example, certain locations would first replenish the change mechanism and deposit the remaining cash removed from the copy machine without verifying revenue collections to copier meter readings rather than depositing all the cash collected from the public use copy machines. We also found that deposits were not always made to a TCLL-authorized bank account. Instead, some TCLL regional locations converted revenue collections into money orders, bank checks, or personal checks for transmittal to the TCLL administrative office. Additionally, we noted that revenue transmittals did not always occur on a monthly basis. In fiscal 2007 there were four transmittals, and in fiscal 2008 there were nine transmittals.

AOTC established internal control guidelines to ensure that Trial Court departments, divisions and offices provide accountability, encourage sound management practices, and ensure proper resource management. Additionally, AOTC's Fiscal Systems Manual provides TCLL with specific policies and procedures to properly deposit, account for, and transmit revenue.

As a result of not following AOTC internal control guidelines and Fiscal Systems Manual policies and procedures, photocopy machine revenues are vulnerable to errors and irregularities that may occur and not be detected in a timely fashion.

TCLL officials indicated that, due to limited staffing, low volumes of copier revenue, and the expense of establishing small bank accounts at each law library location, each library instituted its own system to account for and transmit revenue to the administrative office as promptly as possible. TCLL is looking at establishing a standardized system throughout the regional locations, which will comply with AOTC internal control guidelines and its Fiscal Systems Manual policies and procedures.

Recommendation

The TCLL should continue its efforts to standardize its revenue collection, accountability, and transmittal system. If it determines that it cannot fulfill the requirements provided by AOTC guidance, then it should request an exemption from that procedure, but take steps to ensure that adequate controls over the process exist to protect Commonwealth assets.

Auditee's Response

The Law Library Coordinator provided the following response:

We agree and accept this recommendation. The Revenue Management Section of the Internal Control Plan will be expanded to include a procedure for standardizing the collection of revenue. If the procedures cannot be followed at a Law Library, an exemption will be sought.

d. Inventory Controls

Our audit found that, although the TCLL central office and library locations conducted an annual physical inventory and reconciled it to the TCLL's perpetual inventory records, the inventory records were not maintained in the AOTC format and varied by location. As a result, the TCLL's inventory records were not readily compatible with AOTC records, which hinders the development of a complete inventory at the AOTC level.

Effective for fiscal year 2004, the responsibility for preparing and reporting the fixed asset inventory was transferred from AOTC to each individual division. With this revision, AOTC locations became responsible for maintaining a fixed asset inventory of items valued over \$100 in their care and control. These revised inventory procedures were communicated to all court officials in a May 28, 2004 memorandum from the Chief Justice for Administration and Management, which stated, in part:

The fixed asset inventory must contain all fixed assets with a value over \$100 that is in the care and control of a court/office. There should be one fixed asset inventory for each court division or office. The fixed asset inventory is an integral part of the internal control plan for a court/office.

In conjunction with the Trial Court Information Technology Department, the Fiscal Affairs Department has developed a spreadsheet utilizing Microsoft Excel that captures the essential inventory information [current tag number, equipment type, source, date received, site location, room location, description, cost] the new procedures require courts and offices to initially enter their inventory data into the Excel spread sheet and make additions and deletions as equipment is received and disposed.

The information on the inventory spreadsheet must be reconciled by courts and offices at the end of each fiscal year. The information must then be reported, via email, to the Fiscal Affairs Department no later than October 1st each year.

Fixed assets that are provided to a court or office as part of a capital project, e.g. a new or renovated courthouse or fixed assets that are purchased centrally by the AOTC, Office of the Commissioner of Probation, et al., must be included in the inventory of the court/office which has possession of the asset. In such instances, the court/office should consult with the organization that procured the fixed asset to obtain the pertinent data.

Although the TCLL performs annual inventories, it has yet to adopt the AOTC-required use of the Microsoft Excel template for recording and reporting inventory information. As a result, the TCLL's inventory records were not readily compatible with AOTC records, which hinders development of a complete inventory at the AOTC level.

The TCLL Head Librarian acknowledged the differences with inventory reporting formats and indicated that the TCLL has started to standardize the inventory process using the prescribed AOTC format.

Recommendation

The TCLL should continue its efforts to standardize the inventory process using the required ATOC format. Once completed, this system should be used when conducting the annual TCLL inventory.

Auditee's Response

The Law Library Coordinator provided the following response:

We acknowledge this recommendation. The AOTC Fiscal Affairs Department shared the electronic format (Microsoft Excel Spreadsheet) for the standardized inventory listing and assisted in the tailoring and inclusion of names of equipment used in libraries to make the inventory more practical when including library equipment. The completed inventory was submitted on a CD to the Fiscal Affairs Department in December 2008 and will be updated annually.

2. PROPERTY MANAGEMENT IMPROVEMENTS NEEDED AT VARIOUS TCLL LOCATIONS

Our audit found ongoing health, safety, and security concerns at various TCLL locations. The most common problem observed related to water infiltration problems (water leaks, high humidity) at a number of locations. We also noted security issues at certain TCLL locations. These conditions, if left uncorrected leave Commonwealth assets susceptible to damage and misappropriation as well as TCLL employees being potentially at risk. It should also be noted that these circumstances are generally beyond the immediate control of the TCLL system, as the libraries are generally in courthouse space under the control of either the county or the Commonwealth.

Sound business practices advocate that TCLL adequately safeguard its assets and employees from potential harm.

a. Water Infiltration

Our audit identified six libraries that had issues with water infiltration. These conditions leave Commonwealth assets susceptible to damage and TCLL employees subject to potential health risks. Specifically, we identified water infiltration issues at TCLL locations identified in the following chart.

TCLL Location	Issue
Berkshire	Water damage on walls and ceiling. Suspended ceiling collapsed in public stairway.
Brockton	Occasional flooding issues brings water level near electric outlets
Franklin	Water damage on ceiling
Hampden	Water leaks around windows
Hampshire	High moisture requiring dehumidifiers during high humidity periods
Lowell	Ceiling water damage

Water and moisture problems are particularly problematic in a library setting because of the large number of books that are present to absorb moisture and increase the likelihood of mold or mildew.

We discussed this situation with the Law Library Coordinator, who agreed with our observations. She also noted that she believes certain buildings are scheduled for exterior "envelope" work, which should help alleviate some of the conditions found.

Recommendation

The TCLL should monitor conditions regarding water-related problems and coordinate with the AOTC to determine whether any building repairs can be expedited to alleviate the conditions found.

b. Security Issues

Our audit identified eight libraries that had potential security issues. These conditions leave Commonwealth assets susceptible to damage or theft and TCLL employees being potentially at risk. Specifically, we identified security related issues at TCLL locations, as identified in the following chart.

<u>TCLL</u>	ation Issue	
Berkshire	Multiple unsecured entrance and exit points inclue stairways, elevator, and back door	ding
Essex	Lack of security personnel after 4:30 p.m.	
Fitchburg	Only full-time tenant in building	
Lawrence	Back door accessible by non-library personnel	
Lowell	Unsecured storage area on third floor	
Norfolk	No security personnel in building	
Plymouth	Room within library under control of another asso controlled by library personnel	ciation not
Worcester	Only tenant in building	

We discussed this situation with the Law Library Coordinator, who agreed with our observations. She noted that certain locations are scheduled to be relocated, specifically Fitchburg and Worcester. We were subsequently informed that Worcester has relocated.

Recommendation

The TCLL should monitor conditions regarding security-related issues and coordinate with the AOTC to determine whether any building repairs can be expedited to alleviate the conditions found.

3. POTENTIAL SAVINGS OF \$500,000 POSSIBLE BY CONSOLIDATING PURCHASES OF LAW BOOKS FOR COURT DEPARTMENTS

Our audit found that cost savings are possible by having the TCLL purchase law books for all court departments. The TCLL is able to negotiate discounts on "sole source" traditionally non-discounted items because of its large purchasing power. We estimate that if the TCLL was responsible for purchasing law-related books for all AOTC departments, potential annual savings of approximately \$500,000 could be realized.

Law books and related publications are limited-production specialty items, and publishers do not generally offer discounts off of their standard pricing. However, because of the volume of purchasing done by the TCLL as well as aggressive negotiation, the TCLL is able to obtain either

discounts or additional services (e.g., additional on-line subscription services) from most suppliers.

In addition to purchases of law books by the TCLL, the various AOTC departments also purchase law books for use at local court department locations. Judges, Clerk-Magistrates, and Assistant Clerk-Magistrates use these publications. For the fiscal year ended June 30, 2008, approximately \$4.9 million was spent on law books and related publications for both the courts and the TCLL system. If the TCLL were to purchase these publications, we estimate that potential savings on these purchases of approximately \$500,000 annually could be realized. These savings would be the result of increased purchasing power as well as the elimination of duplicate or limited-use publications and the transfer to more on-line resources rather than more expensive print or CD-ROM publications.

Recommendation

AOTC should explore the potential cost-effectiveness of having the TCLL purchase law books and publications for AOTC court departments.

Auditee's Response

The Law Library Coordinator provided the following response:

We acknowledge this recommendation. The Trial Court began consolidating the purchase of legal materials into the Law Library Department in November 2008. This consolidation was not in response to the audit. As of FY2010, the Law Library Department is responsible for all purchases of law books and publications for the Trial Court Departments.

4. ESTABLISHING A PRESENCE IN SUFFOLK COUNTY

We noted that the TCLL has at least one library location in almost every county except for Suffolk County. In the past, people from Suffolk County could travel to Cambridge and use the TCLL location there. However, that location was transferred to Woburn, which is not readily accessible to Suffolk County residents.

In the Commonwealth of Massachusetts, access to justice is a constitutional right guaranteed by Article XI of the state constitution's "Declaration of Rights":

Every subject of the Commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and justice freely, and without being obliged to purchase it; completely, and without any denial, promptly, and without delay; conformably to the laws.

Access to justice, however, involves more than simple access to the courts and to the state's legal process. In accordance with current legal tradition, access to the courts must include access to primary and secondary sources of law (e.g., executive orders, statutes, regulations, and judicial precedents) along with the array of digests, citators, indexes, loose-leaf services, treatises, and supplements necessary to locate and make use of these primary sources.

In summary, restrictions on access to information limits one's access to justice itself and runs counter to the "Declaration of Rights," which protects the right of equal justice under law for the citizens of the Commonwealth of Massachusetts.

Although Suffolk County does not have a TCLL law library location, there is a privately operated law library in Suffolk County that received an annual appropriation of approximately \$2.2 million from the Commonwealth for the fiscal year ended June 30, 2009. However, even though this private law library received state funding and is located on state property, it is generally open only to dues-paying members. Unlike this private law library, all TCLL locations are open to the public. As a result, the citizens of Suffolk County do not have ready access to a law library location.

Recommendation

AOTC and TCLL management should review the lack of TCLL services and evaluate the longterm feasibility of opening a TCLL location to serve the needs of Suffolk County residents.

APPENDIX

LAW LIBRARY LOCATIONS

County	Library Name	Address
Barnstable	Barnstable Law Library	Main Street, Route 6A Barnstable, MA 02630
Berkshire	Berkshire Law Library	76 East Street Pittsfield, MA 01201
Bristol	Fall River Law Library	441 North Main Street Fall River, MA 02720
Bristol	New Bedford Law Library	441 County Street New Bedford, MA 02740
Bristol	Bristol Law Library	9 Court Street Taunton, MA 02780
Essex	Lawrence Law Library	2 Appleton Street Lawrence, MA 01840
Essex	Essex Law Library	34 Federal Street Salem, MA 01970
Franklin	Franklin Law Library	425 Main Street Greenfield, MA 01301
Hampden	Hampden Law Library	50 State Street Springfield, MA 01101
Hampshire	Hampshire Law Library	99 Main Street Northampton, MA 01060
Middlesex	Lowell Law Library	360 Gorham Street Lowell, MA 01852
Middlesex	Middlesex Law Library	200 TradeCenter Woburn, MA 01801
Norfolk	Norfolk Law Library	57 Providence Hwy. Norwood, MA 02062
Plymouth	Plymouth Law Library	52 Obery Street Plymouth, MA 02360
Plymouth	Brockton Law Library	72 Belmont Street Brockton, MA 02301
Worcester	Fitchburg Law Library	84 Elm Street Fitchburg, MA 01420
Worcester	Worcester Law Library	184 Main Street Worcester, MA 01608