

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

IN RE: Fairfax Public Law Library Rules

Case No. 2009-50

ORDER

IT APPEARING to the Court that the Fairfax Bar Association has promulgated the Fairfax Public Law Library ("Law Library") Rules pursuant to VA. CODE ANN. § 42.1-65(A) (2002), and that said Rules are attached to this Order;

AND IT FURTHER APPEARING that pursuant to VA. CODE ANN. § 42.1-65(A) (2002), following the prescribing of the Fairfax Public Law Library Rules, said rules must be approved by the Circuit Court of Fairfax County in order for said Fairfax Public Law Library Rules to become operative and binding upon the Law Library and users of the Law Library;

AND IT FURTHER APPEARING that said Fairfax Public Law Library Rules have been approved by John T. Frey, Clerk of the Circuit Court of Fairfax County and by the Fairfax Bar Association, by its President and by the Chairman of the Law Library Committee, as is evidenced by their endorsements to this Order below; it is therefore

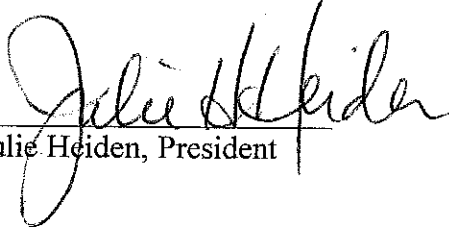
ORDERED THAT THE FAIRFAX PUBLIC LAW LIBRARY RULES, ATTACHED TO THIS ORDER, BE AND THE SAME HEREBY ARE APPROVED BY THIS COURT.

ENTERED this 3rd day of April, 2009.


DENNIS J. SMITH, CHIEF JUDGE

WE ASK FOR THIS:


FAIRFAX BAR ASSOCIATION

By: 
Julie Heiden, President

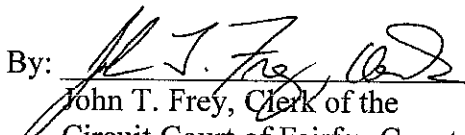
ATTEST:

By: 
Kelly Hite, Secretary

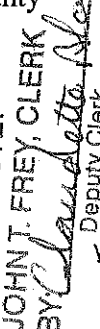
By: The Law Library Committee

By: 
Ira S. Saul, Chairman

**CLERK OF THE CIRCUIT COURT
OF FAIRFAX COUNTY**

By: 
John T. Frey, Clerk of the
Circuit Court of Fairfax County

Attachment: Fairfax Public Law Library Rules

A COPY TESTE:
JOHN T. FREY, CLERK
BY: 
Deputy Clerk
Date: 5-6-2009
Original retained in the office of
the Clerk of the Circuit Court of
Fairfax County, Virginia

FAIRFAX PUBLIC LAW LIBRARY RULES

Pursuant to VA. CODE ANN. § 42.1-65(A) (2002), the following Rules of the Fairfax Public Law Library (the "Law Library") have been prescribed by the Fairfax Bar Association and approved by the Circuit Court of Fairfax County, Virginia. These Rules apply to all persons who use the Law Library.

1. Use of the Law Library is restricted to appropriate uses only. These include reading, researching, and photocopying legal materials and court records.
2. The Law Library is open during posted hours only.
3. The Law Library shall not be used as a substitute for an office for the practice of law, as a forum for servicing or meeting clients or prospective clients, or any other business activity that is not pre-approved by the Law Library staff.
4. Persons found loitering or sleeping in the Law Library will be asked to leave.
5. Carrels, tables, and other Law Library facilities are for appropriate Law Library uses only.
6. The Law Library staff, under the direction of the Fairfax Bar Association and the Clerk of the Circuit Court of Fairfax County, may permit the Law Library facilities to be used for Fairfax Bar Association meetings; legal education, including continuing legal education events; other activities that promote justice by providing citizens with access to legal information; and other uses supportive of the Fairfax County Courthouse facilities.
7. Users shall leave the Law Library at closing time or when asked by Law Library staff to leave, including during emergencies and evacuation drills.
8. The Law Library reserves the right to examine materials carried into and out of the Law Library. By entering the Law Library, a user is consenting to being searched and examined concerning items brought into or removed from the Law Library.
9. Generally prohibited activities while in the Law Library include eating, drinking, smoking, being under the influence of alcohol or illegal drugs, or possessing firearms and other weapons.
10. Users may not bring animals into the Law Library other than guide or assistance animals.
11. The Law Library staff shall not give legal advice or draft legal documents. Anyone needing such services will be directed to other appropriate sources.
12. Law Library staff seated at the Information Desk at the entrance to the Law Library are available to assist users in locating Law Library

FAIRFAX PUBLIC LAW LIBRARY RULES

- resources, using computer workstations and photocopiers, and in researching matters appropriate to the Law Library.
13. Law Library staff and Law Library resources are limited. Therefore, Law Library staff may limit the amount of assistance provided to an individual user.
 14. Books and other Law Library materials may not be withdrawn from the Law Library except as authorized by Law Library staff for Fairfax County judges; law clerks and other staff within Fairfax County judges' chambers; Commonwealth Attorneys, Assistant Commonwealth Attorneys, and other staff within the Commonwealth Attorney's office; the Public Defender and other staff within the Public Defender's office; attorneys and other staff within the offices of Legal Services of Northern Virginia; and clerks of the Fairfax County courts, their deputies, and other staff within the offices of the clerks of the Fairfax County courts.
 15. Law Library users shall be respectful of library furnishings, equipment and material. Users shall handle all Law Library items with reasonable care.
 16. When using books, periodicals, and other print publications, the following are prohibited: pencil or pen markings, earmarking of pages, removal of binding, tearing pages, use of repositionable (Post-It) notes in a manner that causes pages to tear or become perforated, use of paper clips in a manner that causes pages to tear or become perforated, and any type of defacing, marking, perforating or mutilation in any manner of library materials.
 17. Use of the public access computer workstations in the Law Library is restricted as follows: (a) Users may not install or uninstall any file, program, routine, or service on any computer workstation; (b) If any device or component is not operating properly, do not attempt to repair it; rather, kindly report the problem to the Law Library staff seated at the Information Desk at the entrance to the Law Library; (c) Use of a computer workstation is limited to the amount of time allocated by the Law Library staff, and a user may be asked to give other users the opportunity to use a computer workstation if all workstations are in use; (d) Computer workstations may not be used for a user's personal matters unrelated to legal research, including within this prohibition communicating using electronic mail and browsing the Internet.
 18. Users are encouraged to reshelve all books they have used. No materials will be "saved" or otherwise reserved or sequestered for use by an individual user beyond closing time on a given day. Users are advised to retain citation information for materials they will need again.
 19. Law Library telephones are for use by the Law Library staff only. The Law Library has no paging system and will not take messages for users.
 20. Law Library office supplies and equipment provided for public use (including, but not limited to, staplers, paper clips, paper cutters and



FAIRFAX PUBLIC LAW LIBRARY RULES

- shredders) are to be used in the Law Library only and only for uses appropriate to the Law Library.
21. With the sole exception of those uses identified in Rule # 22 below, all Law Library users shall pay, at the time photocopying and printouts are obtained, for photocopying and printouts of materials retrieved from computerized databases, at the posted rates per page. No credit will be extended to any users by Law Library staff.
 22. Fairfax County government employees who are provided a photocopier access number may use Law Library photocopiers without the photocopier user being charged for photocopies by Law Library staff at the time of use. Nothing contained in this Rule # 22 shall preclude the Law Library from recovering photocopy charges from or through (a) the Fairfax County government office or agency whose employee is utilizing Law Library photocopiers pursuant to this Rule, or (b) another Fairfax County government office or agency that reimburses the Law Library for such photocopier use.
 23. Any person who, on account of his or her poverty, is allowed services without fees or costs pursuant to VA. CODE ANN. § 17.1-606 (2003), shall be required to pay for photocopies and database entry printouts at the posted rates per page. Photocopies and database entry printouts obtained from the Law Library do not constitute either "needful services," or "process," or "fees," or "costs" pursuant to VA. CODE ANN. § 17.1-606 (2003).
 24. Conversation and noise must be kept at an acceptable level in the Law Library so users may have a peaceful and quiet environment conducive to study and research. By entering the Law Library, users of the Law Library consent to allowing the Law Library staff to monitor and curtail the users' conversational and noise level, particularly in those circumstances when the user's conversational and noise level has been the subject of a complaint by another user.
 25. Persons below the age of sixteen (16) years are not permitted to use the Law Library unless accompanied by a person above the age of eighteen (18) years.
 26. Users who bring a minor child or children into the Law Library with them shall maintain control of their minor child or children at all times while in the Law Library.
 27. Users shall respect the rights of others users and shall not harass or annoy others through noisy, boisterous, or other unacceptable activities, including interrupting other users, staring at other users, disturbing other users, asking other users for legal advice or assistance, or following other users about the Law Library.
 28. Solicitation, proselytizing, and distribution of literature are not allowed in the Law Library.
 29. Users are required to wear clothing permitted in the Fairfax County Courthouse generally.

FAIRFAX PUBLIC LAW LIBRARY RULES

30. Users whose bodily hygiene is so offensive as to constitute a nuisance to other persons shall be required to leave the Law Library (*Kreimer v. Bureau of Police of Morristown, New Jersey*, 958 F.2d 1242 (3rd Cir. 1992)).
31. The Fairfax County Courthouse is a secure facility. Only certain persons who have been pre-screened and approved are permitted to bring personal computers, laptop computers, electric typewriters, cellular telephones, beepers, pagers, and personal digital assistants/PDAs (*e.g.*, Blackberries, Palm Pilots, Treos, and iPhones), into the Fairfax County Courthouse. These devices shall be referred to as "Computers and Telecommunications Equipment." Only persons who have been pre-screened and approved to bring Computers and Telecommunications Equipment into the Fairfax County Courthouse may use such devices in the Law Library. However, use will be prohibited if any device poses a hazard or is a nuisance to other users.
32. Users of Computers and Telecommunications Equipment, and users of other electrical or battery-powered devices, if any, that may be permitted in the Fairfax County Courthouse, may use available Law Library electrical outlets only if the outlets are not servicing Law Library equipment or being used by maintenance personnel.
33. Computers and Telecommunications Equipment may be used in the Law Library for appropriate uses only.
34. The Law Library is not responsible for any damage, lost data, or other damages to Computers and Telecommunications Equipment resulting from power surges, electrical outages and related acts. By entry into the Law Library and use of the Computers and Telecommunications Equipment, users of the Law Library agree to hold harmless the Law Library for any claims relating to damage and lost data.
35. Users of Computers or Telecommunications Equipment with Wi-Fi connectivity may use the Law Library Wi-Fi connection for appropriate uses only ("Law Library Wi-Fi Connection"). Users of the Law Library Wi-Fi Connection must obtain connectivity information from Law Library staff at the Information Desk.
36. With the sole exception of permitted use of the Law Library Wi-Fi Connection, users of Computers or Telecommunications Equipment shall not attempt to initiate a hard-wire connection into the Fairfax County network that services the Fairfax County Courthouse, including the Law Library.
37. Radios, stereos, cassette, CD players, DVD players, MP3 players, iPods, or other audio and/or video equipment are not allowed in the Law Library unless earphones or headphones are used to prevent the sound being heard by other users and the user utilizing such equipment does not make any noise while using the equipment.
38. Users shall place their beepers, cellular telephones, and personal digital assistants/PDAs on silent or vibrate when they enter the Law

FAIRFAX PUBLIC LAW LIBRARY RULES

- Library. All cellular phone use is limited to the area outside of the Law Library.
39. Charging of cellular phones, beepers, or personal digital assistants/PDAs using Law Library electrical outlets is permitted if the user is using the charged device in connection with appropriate uses of the Law Library. Law Library staff may require that a user discontinue charging of devices if the privilege of charging devices using Law Library electrical outlets is abused by the user.
 40. Users are solely responsible for their belongings. Personal items shall not be left unattended. The Law Library is not responsible for the loss of or damage to a user's personal items.
 41. Notices are posted in the Law Library only with the approval of the Law Library staff. Commercial advertisements and personal notices are not allowed. Unauthorized postings will be removed by the Law Library staff and discarded.
 42. Persons with disabilities who require special accommodations within the Law Library should communicate with Law Library staff at the Information Desk in order to determine the accommodations, if any, that the Law Library is able to provide persons with disabilities.
 43. The Law Library Rules are enforced by the Law Library staff and/or the Fairfax Bar Association and/or the Circuit Court of Fairfax County and/or the Clerk of the Circuit Court of Fairfax County. By entering into the Law Library, users of the Law Library consent to application and enforcement of the Law Library Rules by the Law Library staff. As necessary or desirable, any person enforcing these Rules may seek the assistance of the Fairfax County Sheriff and/or the Fairfax County Police Department and/or the City of Fairfax Police Department.
 44. Violation of these Law Library Rules shall subject the offending party to one or more of the following: (a) liability for loss or damage to the Law Library physical plant or to Law Library books or other materials; (b) summary suspension from the Law Library by Law Library staff; (c) permanent deprivation of the privilege to use the Law Library facilities by Law Library staff; or (d) enforcement of these Rules by the Circuit Court of Fairfax County pursuant to VA. CODE ANN. § 42.1-66 (2002), by summary process or judgment of the Circuit Court of Fairfax County, which summary process or judgment may include one or more of the following: (i) imposition of monetary liability for loss or damage to the Law Library physical plant or Law Library books or other materials; (ii) summary suspension from the Law Library; (iii) permanent deprivation of the privilege to use the Law Library facilities; or (iv) such other summary process or judgment of the Circuit Court of Fairfax County necessary or desirable to enforce these Rules and/or the appropriate use of the Law Library.
 45. Pursuant to VA. CODE ANN. § 42.1-65(A) (2002), nothing contained in these Rules supersedes the power of the Clerk of the Circuit Court of



FAIRFAX PUBLIC LAW LIBRARY RULES

- Fairfax County, or his designee the Fairfax Bar Association, to take charge of the Law Library.
46. The Fairfax County Courthouse is a secure facility, with security guards and metal detectors at every entrance. These Rules are subject and subordinate to all Fairfax County Courthouse security requirements. If any of these Rules is inconsistent with Fairfax County Courthouse security requirements, said requirements prevail.
 47. The Fairfax Bar Association and the Circuit Court of Fairfax County reserve the right to amend these Rules at any time without advance notice to Law Library users.