



The San Francisco Law Library: A noble retrospective

As a result of increased demand, earthquake retrofitting and lack of space, the historic law library may soon be “homeless.”

MARJORIE DORFMAN

*“The medicine chest of the soul”
– Library at Thebes
(inscription over the door)*

The origins of the San Francisco Law Library are deeply entwined in the history of that city’s bar association. From the rugged years following the Gold Rush to the present day, the building stands as a well-respected repository of accumulated research and knowledge. Read on and learn more about its formidable history and enduring legacy, and remember the immortal words of Groucho Marx who once said, “Outside of a dog, a book is a man’s best friend. Inside of a dog it’s too dark to read.”

The early years [1853-1870]

During the colorful days of the post-Gold Rush California, San Francisco was a pioneer town with a population of 119,000. Only 376 of its less wild and woolly citizens practiced law. The city’s very first attempts at establishing a law library occurred in 1853 when William B. Olds, an enterprising attorney (who is in no way connected to the creator of the Oldsmobile), opened up a law library in San Francisco’s City Hall. Creating a law library was a good idea, but like many such ideas, it was ahead of its time. The law library met with little support from the legal community and soon folded.

The year 1865 was a time of great tragedy and jubilation for Americans. It marked the death of Abraham Lincoln and the culmination of the bloody devastation wrought by the War Between the States. It was also the year of the establishment, via the auspices of a group of leading attorneys, of the San Francisco Law Library Association and the subsequent creation of a law library for use by its members. By 1869, the law library boasted 2,000 volumes. Beset with lack of support and financial problems, it too met the same fate as its predecessor.

However, the founders of the law library had learned an invaluable lesson: a law library supported by private funds could not possibly serve the entire bar, courts and various government departments. Members of the San Francisco Bar Association petitioned the state legislature to establish a public law library.

In 1870, the San Francisco Law Library became the first public law library in the state of California and was dedicated to serving members of the bar, the judiciary and the public.

The 1906 quake and beyond: 1870-1916

There have only been 11 law library directors from 1870 to the present day. Frank P. Deering, who was a prominent member of the San Francisco Bar, was one of the earliest librarians. Although you may not have heard of Frank Deer-



Pre-1906 City Hall and Law Library, from private collection of Suzanne Smith

ing, you will certainly recognize his brother, James H. Deering, who was the editor of *Deering’s California Codes* and the first editor of the *Annotated Digest of California*. James H. Deering succeeded his brother Frank as the director of the law library in 1888. James served as the director and as the law librarian for more than 40 years. He worked tirelessly to gain national status for the San Francisco Law Library, which occurred following the San Francisco earthquake in April 1906.

Prior to the 1906 earthquake and fire, the San Francisco Law Library had been located in the old City Hall at the corner of Larkin and Grove Streets, where the main branch of the San Francisco Public Library now stands. The unforgiving earthquake and subsequent blaze destroyed the old City Hall building and nearly all of the law library’s 46,000-volume collection.



They say that guardian angels proliferate in times of tragedy, and for the San Francisco Law Library, this guardian angel arrived in the guise of a synagogue located on the corner of California and Webster Streets. It was here that the legal books salvaged from the ruins were taken and placed in the balcony pews. The Temple Sherith Israel generously allowed the use of its quarters as both a law library and a makeshift courthouse during the post-1906 reconstruction period.

Within a year of the Great Earthquake and Fire, and under the tireless leadership of James H. Deering and the San Francisco Law Library's board of trustees, the law library's collection grew from nearly nothing to 7,580 volumes. At the time, resources were extremely limited. James H. Deering's staff consisted of three assistants and Deering's annual salary was \$2,400, which was a pittance even by the standards of the day.

Many of the books were generous donations from private collections and law libraries all over the country. By the time the law library moved into the newly constructed City Hall in 1914, the collection had grown to an amazing 37,720 volumes!

During the post-earthquake reconstruction period of 1910, San Francisco architects Rushforth and Cahill were drawing plans for a new hotel. The proposed site at Eighth and Market Streets faced the Civic Center and attracted the attention of city leaders who needed a temporary City Hall while the original was being rebuilt. Inspired by a sense of civic pride, the Whitcomb Estate agreed to have their hotel serve as City Hall. Between 1912 and 1915, Hotel Whitcomb served as the seat of government for San Francisco. According to Gladys Hansen, the curator of the Virtual San Francisco History Museum site, the Hotel Whitcomb housed the Mayor's office, the courts and the San Francisco Law Library. In fact, even today, curious hotel guests can arrange a private tour of the jail cells in the basement. See

<http://www.hotelwhitcomb.com/html/historic-hotel-northern-california.asp>.



View of the "new" City Hall

The Modern Age: 1914-1995

The "new" City Hall housed the San Francisco Law Library for almost 75 years. According to Legal Reference Librarian Richard Schulke, the law library at City Hall was so antiquated that there were no electrical outlets in the reading room. To accommodate the needs of the modern patrons, the law library staff snaked a tangle of electrical extension cords from an office, pinned them to the high ceiling, and dropped them down into the reading room just to provide power for the photocopiers and a few lights. Many attorneys recall with fondness the historical feel of the room and the simplified technology options, such as the antique typewriter used by lawyers and pro per litigants to fill out Judicial Council forms.

Still, it was home from 1914 until October 17, 1989, when the Loma Prieta earthquake shook the Bay Area. Yet again, San Francisco's City Hall was the victim of an earthquake, wreaking havoc on the building's elevators, damaging the plaster, and cracking the marble on the walls. Along with the crumbling walls, many bookshelves collapsed, toppling and destroying many of the law library's materials. In order to walk through the aisles, you had to climb over piles of books, waist-high in some places. In spite of the damage, the law library reopened in less than a week.

In 1995, City Hall was closed for earthquake retrofitting and seismic repairs. By this time, the law library was crammed into 14,000 square feet, even though it needed more than twice that much (36,000 square feet) in order to function properly. Since there was no room to expand out, the law library expanded up. People frequenting the reading room during this time would have faced high, steep bookshelves crammed with books. If anyone needed anything from one of the top shelves, they would have to summon help – the law library couldn't risk lawsuits from attorneys injured by falling off ladders while getting books. As a result, the library staff became quite skilled in climbing the tall, spindly ladder to retrieve books from the uppermost shelves.

The Rare Book Collection

According to Richard Schulke, one of the most interesting portions of the law library's collection is the Rare Book Collection, which contains an estimated 11,000 volumes of significant international and scholarly importance dating back to the 15th century. A large portion of the collection consists of medieval English law practice materials. The oldest volume, Statham's Abridgement, was published in 1490 and contains the first compilation of English law.



Statham's Abridgement,
www.columbia.edu/cu/lweb/eresources/exhibitions/treasures/html/long_topic10.html

Since nearly all of the law library's rare books were destroyed after the 1906 earthquake and fire, James H. Deering was determined to rebuild the rare book collection. The rebuilding included the acquisition of an extensive collection of rare legal works, which were mostly from England and other parts of Europe,



something highly unusual for a public law library to have. By the late 1940s, the rare book collection totaled nearly 11,000 volumes.

Many of the titles in the rare book collection were acquired by Robert Carswell (a legal publisher) and his son who explored antique shops and bookstores in Europe in the 1930s and 1940s. They would offer some of their finds to a list of favorite law libraries, and the San Francisco Law Library was third on the list after Harvard Law School and the United States Supreme Court. Frequently the Supreme Court turned down these offerings, much to the benefit of the San Francisco Law Library.

In 1995, the Rare Book Collection was moved to a special climate-controlled warehouse. Because the library lacks a permanent location and sufficient space at the present time, these fascinating materials are not accessible.

Some notable library tales

The trustees of the San Francisco Law Library have included prominent members of some of the country's most prestigious law firms. Included are William H. Orrick, Sr. and Eric Sutcliffe of Orrick, Herrington & Sutcliffe LLP, founded in 1863; Sydney M. Ehrman of the now defunct Heller, Ehrman, White & McAuliffe, founded in 1890; John A. Sutro, Sr. of Pillsbury, Madison & Sutro, founded in 1874 (presently known as Pillsbury, Winthrop, Shaw & Pittman, LLP); Burnham Enerson, of McCutchen, Doyle, Brown & Enerson, founded in 1883 (presently known as Bingham McCutchen); and Sherman Chickering, a longtime trustee of the California Academy of Sciences and partner with the securities firm of Chickering and Gregory, which was founded by Sherman's grandfather in the 1870s.

Attorney Melvin Belli, whose celebrity clients included Zsa Zsa Gabor, Errol Flynn, Chuck Berry, Muhammad

Ali, Sirhan Sirhan, Lana Turner, Tony Curtis and Mae West, was both a frequent user and contributor to the San Francisco Law Library. Librarians would often chuckle about the fact that when some of his books were out of date and no longer on display, he would go to the stacks, retrieve the books he authored and personally place them on the display shelf at the front of the law library!

The law library expands to serve more attorneys

In 1947, the law library acquired a private law library and a local bar association collection and opened a downtown branch located in the Mills Building to better serve local attorneys. The law library was open on evenings and weekends, a first for a law library, because having access to legal materials outside of business hours was of paramount importance to practicing attorneys. (This was long before the days of photocopiers, faxes and other electronic access.) In the mid-1980s, the law library's downtown branch moved to the Monadnock building on Market Street.

In the mid-1990s, another branch of the law library was established at the San Francisco Superior Court courthouse that is used by many members of the bar, as well as numerous pro per litigants.

The law library's future is uncertain today

Today, the law library's greatest challenge is to find a permanent location for its main branch. When City Hall closed for retrofitting, the law library moved across Van Ness Avenue to a temporary location in the Veterans War Memorial building, along with the mayor and Board of Supervisors. It was expected that the law library would return to City Hall after the retrofitting was completed. Because the temporary location was very small and only supposed to be used for two years, nearly two-thirds of the law library's collection was put in storage and is inaccessible.

When City Hall reopened, there was no room for the law library. At the time, the law library was promised a new building that would be built near the courthouse. That building was never constructed, and the law library remains in the "temporary" location 14 years later. If another location is not found, the law library may be homeless again because the Veterans War Memorial building is closing soon for retrofitting.

Filing fees pay for library services

The San Francisco Law Library is a nonprofit corporation that provides services to the City and County of San Francisco. The law library is funded by civil court filing fees, with a small appropriation from the City and County of San Francisco for rent and utilities. The collection and all operating expenses are paid for with the money the law library receives from a small portion of the City and County's filing fees.

Today, the San Francisco Law Library boasts 300,000 volumes and over 400 law reviews and periodicals as well as an extensive range of legal software (the law library offers free onsite access to Lexis and Westlaw), practice guides, treatises, restatements and other useful resource materials. The law library's collection can also be found online at <http://www.sfgov.org/sfll>.

The law library also offers a number of personal services, including fax and e-mail research services. Anyone can use the law library's resources, but only attorneys living in or having offices in San

Francisco may borrow materials. For more information, contact the law library at 415-554-6821 or visit the law library's Web site at <http://www.sfgov.org/sfll>.



Dorfman

Marjorie Dorfman is a freelance writer and former teacher from Brooklyn, New York. Branching out from the world of ghost and horror fiction, she specializes in humorous



non-fiction and historical writing. She writes feature articles for several local newspapers.

San Francisco Law Library locations: Civic Center Main Law Library, 401 Van Ness Avenue, Room 400, San

Francisco, CA 94102, telephone 415-554-6821. The Financial District Branch, located in the Monadnock Building at 685 Market Street, Suite 420, San Francisco, CA 94105, telephone 415-882-9310, and

the San Francisco Courthouse Reference Room at 400 McAllister Street, Room 512, San Francisco, CA 94102, telephone 415-551-3647. More information can be found at <http://sfgov.org/sfl>.