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**69**

**Werner's Manual**  
**for**  
**Prison Law Libraries**

**3rd ed.**

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Rebecca S. Trammell

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Dedicated to Virginia, Jack and Bertha

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## Preface to the Third Edition

O. James Werner passed away in March 1991 at the age of 66. Born in St. Louis, Missouri, Mr. Werner was a 1948 graduate of the University of Chicago. He received his law degree in 1956 from the University of Chicago Law School and a master's degree in law librarianship from the University of Washington in 1969. He was an instructor and assistant librarian at the University of Texas at Austin School of Law and the University of Oklahoma College of Law. He served as Director of the San Diego County Law Library from 1972 until his retirement in 1987. Co-founder of the Council of California Law Libraries and president of the Southern California Association of Law Libraries, O. James Werner also served on the American Association of Law Libraries' executive board. The AALL State Court & County Law Libraries Special Interest Section makes a triennial award titled "The O. James Werner Award for Distinctive Service to Persons with Disabilities." The award describes Mr. Werner as "a gifted librarian, prolific writer and active participant in the State, Court & County Law Libraries SIS." He was a mentor and inspiration to many law librarians including Arturo Flores who prepared the second edition of this important publication.

The 1977 Supreme Court decision in *Bounds v. Smith* required that prisoners be provided access to the courts, and indicated that this access could be provided through either legal services or law libraries which would allow prisoners to help themselves.<sup>1</sup> Arturo Flores, in his preface to the 1990 revision of this title, focused on the problems inherent in making law libraries the sole vehicle available to prisoners seeking access to the courts. How do frequently illiterate, and almost always untrained inmates use a law library for meaningful access to this country's courts? As retold in the Flores preface, Mr. Werner

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<sup>1</sup> *Bounds v. Smith*, 430 U.S. 817, 828 (1977).

advocated for both legal services and prison law libraries. In fact, O. James Werner maintained that exclusive reliance on law libraries to provide prisoners with access to the courts was like referring a sick person to a medical library rather than a doctor.<sup>2</sup>

Meaningful access to the courts was a significant legal issue in the 1980s and 1990s. Courts were also frequently concerned about what materials should be contained in the prison law library. Did the law library have the “right” books and resources? Did the law library provide sufficient hours for inmate use? Did the law library provide resources to inmates in segregation or other forms of isolated confinement? These issues continued to dominate prison law library litigation until, 20 years after *Bounds*, *Lewis v. Casey* radically affected the scope and meaning of “access to the courts.”<sup>3</sup>

This third edition of *Werner’s Manual for Prison Law Libraries* is intended to follow the spirit of the original publication and the 1990 revision in providing brief, direct information for those working in prison law libraries. This revision seeks to provide basic suggestions for the operation of prison law libraries, as well as essential information about legal materials and their use. Additional readings are listed as well as suggested outside resources including valuable web sites and other relevant electronic products. Every effort has been made to include only those web sites which will continue to exist and be appropriately updated and maintained. It is recognized that not every prison law librarian will have access to these web sites or electronic resources, but given today’s technology, it is essential that this information be included in this revision. This single book will not make anyone an expert in prison law libraries, legal materials or legal research, but it will provide a solid foundation on which to build.

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<sup>2</sup>Werner, *The Present Legal Status and Conditions of Prison Law Libraries*, 66 Law Libr. J. 259, 268 (1973).

<sup>3</sup>*Lewis v. Casey*, 518 U.S. 343 (1996).

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