A New Look at Diversity

Caucuses and committees find common ground at Diversity Symposium

By Nichelle J. Perry
photos by Brant Bender

Diversity Symposium speakers from left to right: Katie Brown, Gen X/Gen Y Caucus; Allen Moye, Black Caucus; Meg Butler, Standing Committee on Lesbian and Gay Issues; Sherri Thomas, Native Peoples Law Caucus; and Andrew Evans, Asian-American Law Librarians Caucus.

Presenters: Ron Wheeler, moderator, Georgia State University College of Law Library; Raquel Gabriel, City University of New York; Andrew Pulau Evans, Washburn University of Topeka School of Law; Allen R. Moye, Depaul University College of Law; Kathleen Brown, St. Thomas University Law Library; Ulysses Jaen, West Virginia University; Meg Butler, New York Law School; and Sherri Nicole Thomas, University of New Mexico Law Library.

In keeping with the 2009 AALL theme “Innovate,” the AALL Diversity Committee decided to re-examine the idea of what diversity is within AALL and to examine the common threads that tie the diverse groups in AALL together. Since diversity has recently been “reexamined” and “revamped” in society, the committee thought “Rethinking Diversity: Defining Ourselves for the 21st Century” was the perfect topic for this year’s Diversity Symposium.

To begin the dialogue, the committee invited representatives from some of the major groups within AALL that have established themselves as “diverse” to speak at the symposium. These are groups that many members have heard of but may not know much about. By offering these groups the opportunity to present their mission and history, the committee hoped to expand members’ understanding of diversity within AALL and to help them learn more about the goals and objectives of these groups.

Connecting and Learning from Each Other

Groups with representatives on the diversity panel included: Asian-American Law Librarians Caucus; Black Caucus of the American Association of Law Libraries; Standing Committee on Gay and Lesbian Issues; Gen X/Gen Y Caucus; Latino Caucus; and Native Peoples Law Caucus. Each representative spoke for approximately five minutes about his or her group. While all of the representatives provided “official” information about their group (such as when they were formed, their mission and projects, etc.), most gave more personal accounts, including what it meant for them to be a member of the group.

Andrew Evans of the Asian-American Law Librarians Caucus spoke of how belonging to the caucus for him was very personal. He indicated that he felt like he had found brothers and sisters in the profession that he could call on for support. Allen Moye of the Black Caucus provided the symposium with a wonderful timeline of the history of African American involvement in AALL and noted that much of the history of minorities in AALL is chronicled in the book Celebrating Diversity: A Legacy of Minority Leadership in AALL by Carol Nicholson, Ruth Hill, and Vincente Garees. There was definitely pride in his voice when he spoke about the caucus and the vital contributions the group’s members have made to AALL.

Katie Brown of the Gen X/Gen Y Caucus indicated that this newer caucus was founded in 2005 to provide a forum for younger AALL members to connect and increase their knowledge so that they may grow in the profession and AALL. Ulysses Jaen of the Latino Caucus, another fairly new caucus, shared some astounding statistics regarding the representation—or, rather, underrepresentation—of Latinos in the legal profession and librarianship. He underscored the need to recruit Latinos to make diversity a true reality for law librarianship and AALL.

Meg Butler from the Standing Committee on Lesbian and Gay issues relayed the important role this committee fills by allowing gay and lesbian AALL members the opportunity to “come out” to other members and avoid isolation within the Association. Sherri Thomas of the Native Peoples Law Caucus discussed the significant role her caucus plays in fostering the preservation of Native American law in accordance with cultural traditions. She also noted the caucus’ work with developing and maintaining an information network for tribal laws, which are often not available electronically.

It was easy to see the enormous amount of diversity in AALL from the representation of the groups that presented at the symposium. I think we could have very easily stopped right there and answered the question of whether there was diversity within AALL with a resounding “yes.” But there was more to come.

By the time moderator Ron Wheeler took over the program, it was standing room only in the meeting room. He started off the discussion by asking the panelists and symposium audience for a definition of diversity within AALL and whether we have missed the mark when it comes to defining diversity within the organization. A lively discussion ensued regarding the varying views on diversity and its ever-changing definition. I don’t think there was ever a consensus on what diversity is within the Association; however, I think it is safe to say that all seemed to recognize that diversity is a broad, subtle, and complex issue, and that AALL has always done a lot to promote diversity in the organization as well as the profession. This was most notably pointed out by an audience member who has been active in AALL for over 20 years and remembered AALL including diversity in its Strategic Plan long ago.

It appeared to me that diversity for most of the people at the symposium is more than a definition based on race, nationality, gender, or sexual orientation; rather, it is about exposure, support, and the ability to find someone you can relate to and feel comfortable with within AALL. It also appeared to me that the caucuses play a key role in keeping the profession and AALL diverse.

The Next Step for Developing Diversity in AALL

The conversation quickly and almost seamlessly turned to the need for AALL to pay closer attention to a wider range of recruiting activities to interest students of all ages in our profession. Panelists and audience members were eager to discuss how they could spread the word about our profession. Some current recruiting ideas included attending middle and high school career fairs; working with the Black Law Students Association; speaking at library school career programs; and creating internship programs for high school students. (One law librarian from a rural community volunteered that one of the ways law librarians in her state reach out to the community is by sponsoring a car in the local demolition derby with the code sections for driving infractions printed on its side.) “Reach them any way you can” seemed to sum up the feelings of most everyone at the symposium.

The final point of discussion related to the fact that everyone is doing a lot of work to recruit diverse persons to the profession, but these efforts are not being recorded or collected anywhere. Perhaps what is really needed is a place (continued on page 27)
presentation, he emphasized that the simple creation and availability of forms and pre-prepared orders go a long way toward making courtrooms more accessible to the self-represented. Websites designed specifically with self-represented litigants in mind also help.

In addition, case management services should also change from passive systems that assume all litigants have lawyers monitoring the flow of their clients’ cases and calendars. In reality, the number of self-represented litigants is growing; if case management systems could reflect this reality by being mindful of the dockets and helping cases move through the system to a resolution, fewer cases would be dismissed and, ultimately, all litigants would be better served. For instance, clerks could alert parties of calendaring deadlines for filing required documents or motions. Clerks could also simply phone or e-mail litigants to alert them of deadlines or required appearances to prevent cases from being dismissed. Zorza suggested following the hotel model by establishing a concierge desk in the courthouse to provide basic information.

**Law Librarians Leading the Revolution**

Law librarians can train public librarians or other professionals staffing court and public libraries in how to access legal information. Additionally, law librarians can create and make available legal research guides written in plain language on topics that self-represented litigants most need to research. Telephone hotlines and web chat services are other potential tools for assisting self-represented litigants. Law librarians should also take the lead in teaching classes on legal research, court procedure, and specific areas of the law most needed by self-represented litigants, including divorce, landlord-tenant, and bankruptcy. Resource sharing, referrals to pro bono programs, self-help programs, and other legal services programs could also be coordinated by law librarians. More specifically, court librarians can spearhead access to current legal authority as well as assist and train individuals in how to use and understand these materials.

Librarians can also recognize the often-forgotten distinction between providing legal information and providing legal advice. Zorza defined legal information as facts about the law and legal services; on the other hand, legal advice constitutes advice about a particular course of action to further a party’s best interest. He also provided a simple rule of thumb: if a question has more than two possible answers, then providing one would constitute providing legal advice, but if a question has only one possible answer, answering the question constitutes providing legal information. Zorza offered several examples that drove home this point. For instance, legal information is who, what, when, where, and why, whereas legal advice is the best way to proceed given the circumstances.

**Lawyers and Judges Joining the Movement**

Indeed, lawyers themselves have a role to play in revolutionizing the system to respond to the increased numbers and demands of self-represented litigants. Zorza emphasized changing the legal profession to recognize the simple fact that lawyers are available to fewer and fewer groups of people. Doing so would open the legal system to these groups and thereby entail contractual representation, the creation of incubators for new lawyers, and the unbundling of legal services.

Judges also have a role to play in the innovation and eventual transformation of the legal profession and system. Zorza offered compelling examples of how engaged and disengaged judges either stifle or empower self-represented litigants. Engaged but neutral judges can serve as true fact finders by asking litigants questions to bring out the relevant facts instead of merely leaving it to the parties to build evidentiary foundations.

**The System Revolutionized**

The result of these changes, Zorza believes, will be that the new dynamics of the legal profession and court system allow more individuals to represent themselves and get what they really need (such as a divorce, child support, repairs made to a rental unit, or a consumer dispute resolved, to name a few). He proved this by highlighting innovations occurring in courthouses throughout the country as we speak. Powerful examples also arose from audience members who discussed self-help programs and initiatives they had created to provide services to self-represented litigants in their areas.

As an academic law librarian working in a library that is open to the public, I regularly deal with self-represented litigants who are overwhelmed by a system designed to disempower and befuddle them. Zorza’s presentation gave me insight into ways that I can serve these patrons without “providing legal advice.” It also left me with some hope that courtrooms, judges, court staff, and lawyers are beginning to recognize this underserved population. Finally, I was proud to be a member of a profession that is spearheading this innovation by strategically partnering, training, creating and promoting materials, and developing programs to promote self-help and support self-represented litigants.

**Julie Graves Krishnaswami**

(see Zorza’s slides available on his website www.selfhelpsupport.org. Handouts listing resources and partnering ideas specifically for law librarians were also available at the session. There was a large amount of substantive information and specific strategies presented during the session, and I left with an understanding of the changes underfoot as well as specific strategies for dealing with self-represented patrons.)

The time allocated for the symposium flew by quickly, and attendees continued the discussion and networking at a wine and cheese reception. There never seems to be enough time to discuss an issue as vast and personal as diversity, so the thought and dialogue will continue. This dialogue was yet another effort toward rethinking diversity that will continue for quite some time. Fortunately, we have the help of the AALL caucuses and committees to lead us in the quest for diversity and how it will be defined in the 21st century.

**Nichelle J. Perry**

(njperry@email.unc.edu) is reference/electronic services librarian and clinical assistant professor of law at University of North Carolina Law School Katharine R. Everett Law Library in Chapel Hill.