

Members' Briefing

American Association of Law Libraries | AALL Spectrum | December 2014

Access to Justice

Steven P. Anderson, Director, Maryland State Law Library, Annapolis

Margaret (Meg) Butler, Associate Director for Public Services, Georgia State University College of Law Library, Atlanta

Sara Galligan, Director, Ramsey County Law Library, St. Paul, Minnesota

Sarah K. C. Mauldin, Director of Library Services, Smith, Gambrell & Russell, LLP, Atlanta

Collaboration among all three types of librarians can provide effective results as well as a better understanding of their unique, professional contributions to access to justice (ATJ). With ATJ as the overall goal, Access to Justice Special Committee members quickly identified several overarching objectives for achieving the goal collaboratively:

- **Overcome geographic disparities:** This multifaceted problem includes prevailing contrasts between urban and rural libraries. Free online legal resources can help, but staffing and resource management are also needed. Referrals to law school librarians, circuit-riding librarian programs, and partnerships with public libraries can help. Remote-access programs to online and telephone services can also work if staff is available.
- **Assist with core collection development:** Core collections are needed for public libraries. The Legal Interest Services to the Public Special Interest Section (LIPS-SIS) has public library toolkits; pro se collections should be defined for each state and included in the toolkits. Also, academic law libraries may wish to define pro se collections for law school libraries and even for non-law academic libraries.

- **Promote development of centralized websites for the self-represented litigant:** Some law libraries already support centralized websites with self-help legal resources. Law librarians can help develop content and provide tips on usability and navigation. Law librarians can promote and market these resources. They can also develop partnerships with other non-library entities that have mutual interest in these centralized websites.
- **Enhance access to supportive technologies:** Technology and ATJ have already produced online resources for assisting a diverse user clientele. Law libraries are places where users may access helpful online resources. Law librarians are also information system experts and can help create user-friendly resources. Law librarians have the potential to create more user-friendly systems for people accessing the courts.
- **Increase involvement with ATJ commissions or their equivalents:** More states are organizing ATJ commissions (or comparable groups). While law librarian involvement is still limited, law librarians should initiate contact with commissions and solicit invitations to serve in some capacity. These relationships help promote law librarian services and allow librarians to gain visibility and networking and partnership opportunities. Law librarian involvement also develops insight into ATJ projects, and librarians become more aware of legal aid services for referral of library patrons.
- **Increase partnerships, especially with public librarians; provide ongoing training regarding the "unauthorized practice of law":** Partnerships with others in the legal aid community are essential. Partnerships with public librarians

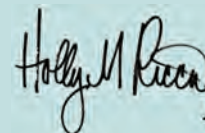
The Power of Connection

The theme for the 2015 AALL Annual Meeting is "The Power of Connection," and this concept of connection will also serve to guide my year as AALL president. As such, this year's series of *Members' Briefings* will all, in their own way, speak to the myriad ways in which we connect—with each other, with our colleagues in the legal community, and with all other individuals seeking or having a vested interest in legal information.

The focus of this *Members' Briefing* is the timely and important topic of access to justice (ATJ). In 2013, then president Steve Anderson appointed the Access to Justice Special Committee, and this year, their work has culminated in the white paper "Law Libraries and Access to Justice: A Report of the American Association of Law Libraries Special Committee on Access to Justice." The white paper explores how all types of law libraries—private; state, court, and county; and academic—make unique contributions to the ATJ movement and are key players in the administration of an effective ATJ system.

The four authors of this briefing represent the three library types and are complemented by an outside view provided by Katherine Altender with the Self Represented Litigation Network, who attended the 2014 AALL Annual Meeting in San Antonio as the VIP guest of the State, Court, and County Law Libraries Special Interest Section.

Access to justice is something that is important to all of us, and we all have a role to play. Building on Richard Zorra's report, *The Sustainable 21st Century Law Library: Vision, Deployment, and Assessment for Access to Justice*, the work of this special committee and the resulting white paper illuminate the power that comes as a result of law librarians working together, sharing our unique perspectives and experiences, and connecting to achieve a common goal.



The ATJ White Paper is available on AALLNET at www.aallnet.org/main-menu/Publications/products/atjwhitepaper.pdf.

foster opportunities for training, gatekeeping and referrals, collection building, and access during “non-court hours.” In some rural locations, the public library may offer legal resources that are unavailable at the court house. Ongoing training with public librarians regarding the unauthorized practice of law addresses concerns about legal information boundaries. However, law librarians should encourage confidence and permissiveness rather than fear and restrictiveness when training public librarians.

What Can AALL Do?

A program on the special committee's findings took place during the San Antonio Annual Meeting. Participants were asked to comment on ways that AALL might support ATJ in law libraries. Responses included creating an ATJ website, a page on AALLNET, or a summit, caucus, or SIS (including changing the LISP-SIS to the ATJ-SIS); collecting guides and resources from other groups; supporting the SRLN; promoting best practices with helpful resources; raising awareness regarding existing activities and facilitating SISs working together; advocating for better pricing for pro se materials, including contracts with NOLO; and using educational grants to promote and memorialize ATJ developments for later learning.

Perspectives by Library Type Private Law Firms

When most people think about ATJ issues and assistance to self-represented litigants, very few of them think about the role that librarians at law firms can play in these vital issues. Perhaps the last people to consider themselves qualified or able to participate in these initiatives are law firm librarians. In order to work toward solutions to the looming issues facing courts and the traditional public law library service providers, more professionals from the private sector will need to step up and provide expertise and leadership.

Although law librarians may aspire to do more pro bono work, it can be difficult to accomplish in a world of corporate law. Among the numerous hurdles are a genuine lack of time as

library staff sizes shrink and librarian responsibilities grow and a lack of interest on the part of the firm in having library staff take time away from their job responsibilities to do work that brings in “warm fuzzies” but no cash. There are also potential issues related to the use of databases that may violate a firm's license agreement, conflicts of interest, unlicensed practice of law, the need to open matter numbers for librarian work, and a general unwillingness to try something new (by firm and/or librarian).

So, how does a librarian who is looking to do good actually do it? One way is to suggest that the local law library chapter devote a meeting to the various legal aid organizations in the area. After hearing what the various groups do, it can be far easier to brainstorm how the larger law library community can participate and ways that law firm librarians can be particularly helpful. Another option is to contact groups in need of assistance, being prepared to work on these important tasks after hours and without firm resources or support. Creating partnerships is also an excellent tactic, and one way to do so is to contact local public library systems or the state library association to offer to teach a continuing education course for public librarians on the basics of legal research. This could include the difference between state and federal courts and their various levels, what is available free online, how to spot a reputable legal site, and when to refer patrons to other providers because the problems or questions are beyond the librarian's knowledge and resources. This training can also be provided through the local law library chapter.

Now, why should a private firm librarian care? For one, doing this work does provide a lot of warm fuzzy that isn't always available from helping attorneys help clients make money. It can also be considered a duty that is owed to the profession and to the public based on our training and experience. Pro bono work is also a chance to work on interesting projects that don't often come across the desk in a firm. It is also the right thing to do, even if it doesn't always feel that way when you are trudging home from the office long after others have called it a day. Get out there and do some good!

Academic

Academic law librarians are in a unique position to promote ATJ. Opportunities exist in the general provision of library services, as well as in specialized collection development, legal research instruction and curriculum support, and research and professional service, which may be encouraged or required of librarians with faculty status.

By allowing, supporting, and encouraging public patrons to conduct their own legal research, academic law libraries support ATJ for those in their communities. To the degree that institutional missions allow, librarians should consider that self-represented litigants or pro se patrons may need to use copy machines, computers, and other resources, just as students, faculty, and staff may. Thinking inclusively about users' needs, where possible, promotes ATJ for all.

Academic law librarians can foster ATJ through the traditional librarian task of collection development. Options include the development and maintenance of self-help resources within the law library's collection as well as participating in the development of standards for non-law libraries. Academic law librarians have expertise in what law materials should be purchased and may advise non-law libraries on how to support *their* patrons' needs. Additionally, academic law librarians often create online research guides listing free legal research resources for the benefit of their students. Some law schools, such as the Sturm College of Law at the University of Denver, have worked cooperatively with other entities to provide information and resources for those in need of Colorado legal assistance. Finally, academic law libraries can promote ATJ by digitizing and maintaining archival primary source materials. Some of these services may constitute professional service, valued by academic law librarians' institutions.

One core responsibility for academic law librarians is legal research instruction, whether one on one at the reference desk or in a classroom. Academic law librarians may instruct law students in legal research that helps the students gain confidence for their participation in experiential, clinical, pro bono, or other self-help programs. Academic law

librarians can extend their training efforts to public law librarians by sharing their legal research expertise and providing training on research strategies and resources, as well as tips for avoiding the unauthorized practice of law. The South Carolina Circuit Riders Outreach Program of the Coleman Karesh Law Library is an example of a longstanding training project for South Carolina non-law librarians.

As experiential learning provides opportunities for the integration of ATJ issues across law school curriculum, academic law librarians are well-positioned to support changing curricular needs. Further, they are in a position to assist law faculty members with research and scholarship regarding ATJ—and pursue their own.

State, Court, and County

Court and county law libraries open to the public are positioned to provide some of the best assistance to self-represented litigants, for several reasons. First, most law librarians working in a public setting already have many years of experience assisting self-represented litigants and are quite familiar with many of the resources they need. Second, there is the practical fact that these libraries are located inside of or near where the self-represented litigants are in need of assistance—the courthouse itself. Third, based on their location and employment position, librarians in these libraries likely have personal relationships with other key stakeholders working on ATJ issues,

such as judges, court clerks, and community-minded attorneys.

Both inside the walls of the “traditional” court or county law library and beyond, librarians are striving to create innovative new services in addition to more traditional ones. These new services, geared toward self-represented litigants, typically form key links on the long chain of civil legal services that a state or local community may offer to self-represented litigants and range from in-person representation by an attorney funded by the Legal Services Corporation to automated forms, with everything in-between.

Noting the gap that many medium-income people have between being income-eligible for legal aid programs and the high cost of attorneys, some law libraries are now hosting civil self-help centers. According to the recent AALL Access to Justice Special Committee White Paper, “The future is a self-help center as part of the library’s mission and operations, with an attorney on the library staff directing the operation of a self-help center as exemplified by Travis County Law Library (Texas) and Sacramento County Law Library (California).” Even when an attorney cannot be on staff, court and county law librarians have worked hard to arrange for volunteer attorneys from the local community to staff self-help centers.

Other court and county law libraries have undertaken other types of projects that also assist self-represented litigants. Many, for example, provide forms

packets for particular types of cases. Court and county law librarians are also frequent speakers at professional conferences and meetings of public librarians, spreading the word about the accessibility of legal resources. One noteworthy example of this is the New Hampshire State Law Library’s NHPubLaw website (www.nhpublaw.org), a legal research tool for public librarians. The more skilled public librarians become in identifying legal information needs, the more they will be able to assist customers themselves or make accurate referrals. Other libraries also contribute information to legal self-help websites. The Maryland State Law Library operates The People’s Law Library of Maryland (www.peoples-law.org), the state’s main law-related self-help website.

Court and county law libraries in many locations still face significant challenges that must be considered by the ATJ community. Stable sources of funding are often too elusive, putting the continuity of programs in jeopardy. Then there is the continuing dichotomy between relatively satisfactory legal information access in larger, urban areas compared with very limited access in most rural areas. Finally, there is the ongoing dilemma about how libraries of all kinds are going to serve those with little English reading ability. Working together, though, law librarians and ATJ stakeholders will embrace court and county law libraries’ innovative new services and find ways to solve these larger problems.

2013-2014 Access to Justice Special Committee Members:

Sara Galligan, Chair, Ramsey County Law Library, St. Paul, Minnesota

Rita Dermody, Public Law Library of King County, Seattle

Joan Hoolihan, Appellate Division Law Library, Rochester, New York

Trudi Busch, Oppenheimer Wolff & Donnelly LLP, Minneapolis

Sarah Mauldin, Smith, Gambrell & Russell, LLP, Atlanta

Terrye Conroy, University of South Carolina Coleman Karesh Law Library, Columbia

Margaret (Meg) Butler, Georgia State University College of Law Library, Atlanta

Committee Liaisons:

Steven P. Anderson, Executive Board

Emily Feltren, AALL Director of Government Relations

Ex-Officio Members:

Larry Meyer, Chair, State, Court & County Law Libraries Special Interest Section, Law Library for San Bernardino County, San Bernardino, California

Janine Liebert, Chair, Legal Information Services to the Public Special Interest Section, L.A. Law Library, Los Angeles

An “Outsider’s” View

Katherine Alteneder, SRLN Coordinator

The last decade has seen truly astounding strides in ATJ with the development of forms and instruction packets, document assembly, and webpages providing detailed legal information. Technological innovation has enabled visionaries such as Glenn Rawdon of the Legal Services Corporation, speaking at the April 2014 White House Forum on Increasing Access to Justice, to inspire us to imagine ATJ for everyone, anytime and anywhere (vimeo.com/92517868). But these tools and innovations will fail if they are chaotic or overwhelming. For me, as a non-librarian, it is at this nexus, between the patron and the resource, where the library sets itself apart.

ATJ is, at its core, access to knowledge and information, but a passive display of materials is not access. Imagine knowing that one is standing before the answer, that all of the knowledge and information one is seeking is right there, maybe literally in the palm of one’s hand, but it is rendered meaningless because it can only be “accessed” by the expert user. I often marvel at how the law library transforms extremely agitated and distressed court customers into curious and polite library patrons. Law librarians have mastered nuanced techniques to help patrons assess their information, as well as to direct patrons to self-help resources and programs. Many law libraries support court self-help centers (SHCs); some even provide a library-located self-help center for self-represented litigants (SRLs).

An April 2014 survey and report by the Self-Represented Litigation Network’s Law Librarians Working Group, “Library Self-Help Programs and

Services” (www.selfhelpsupport.org/surveys), found the following information, which suggests opportunities for growth among court and county law libraries serving SRLs.

- While 99 percent of libraries provide services to SRLs, only 35 percent have a formal affiliation with a SHC. The opportunity to close the gap is an opportunity to forge new partnerships and alliances that will sustain libraries well into the future.
- Ninety-seven percent of libraries provide internet access to SRLs, but of those that partner with SHCs, only 29 percent of the SHCs provide access to internet. I believe that in addition to the traditional digital divide of access to computers and broadband, we are beginning to see a new dimension in the digital divide of people who use the internet for movies, banking, and music but have no idea how to find information. This gap represents a huge opportunity for libraries to position themselves vis-à-vis SHCs as necessary partners to facilitate the consumer’s meaningful use of the internet.
- The library can serve a significant role as a triage agent to match a patron to the best resource (whether form, class, lawyer referral, etc.) for his or her concerns. This is slightly different than the triage we talk about in a SHC that is looking at what is the best resolution method and how much legal assistance the customer needs.
- Only 25 percent of libraries reported involvement with their ATJ commission. As a community,

we must advocate for inclusion of law librarians on commissions.

- I love the distinction between basic services and emerging services—delineating basic services from emerging service is very helpful.
- Partnerships are always critical, and it appears from the data that the development of innovative relationships with pro bono programs and bar associations is still in its nascency. Also, the SRLN Librarian’s Survey suggests, “If the concept of a SHC is being considered in your community, you may want to be a pioneer and consider partnering and/or locating it in a university or public library.”
- Finally, the report hints at a really terrific partnership between law libraries and courts, and that is to serve as the hub for consumer evaluations—as a profession, you are the most well-suited people in the court orbit to collect, organize, and engage analysis of data.

The world is quickly sorting itself between the people who can manage data and the people who cannot. As information managers, librarians have a critical role in sorting, organizing, and managing the mounds of self-help materials, services, and programs that are being created on a daily basis while also offering friendly and neutral guidance to the patron of any age or ability. As the ATJ community reaches toward 100 percent access, we need the collective wisdom of librarians who understand the nature of effective patron relations to help us build integrated systems that will offer accessible and appropriate help, at the right time, in the right place, and in the right way.