LAW LIBRARIES AND **ACCESS TO JUSTICE**

A Report of the American Association of Law Libraries
Special Committee on Access to Justice

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Introduction

The primary goal of the "Access to Justice" movement is to improve the quality of participation in the justice system by all. It also envisions an even "playing field" for the disadvantaged by removing barriers to access, such as income, literacy, mobility, and language, for those individuals with civil legal needs. The movement is a multifaceted one, consisting of a variety of institutions, including courts, other government stakeholders, legal services providers, bar associations, and other advocates of enhanced legal assistance. Such entities, either individually or collaboratively through state-level commissions, seek to discern unmet legal needs, devise and implement services to address them, and evaluate program outcomes. For the public to have trust and confidence in the justice system, and indeed in the rule of law, all citizens must possess an equal opportunity to resolve their disputes during their "day in court."

From the earliest days of their profession, law librarians have facilitated access to legal information. At first, their services were extended primarily to judges, legislators, and attorneys, but in the last part of the 20th century, the public came to rely on public law librarians to locate information to assist them in handling their own cases, without the assistance of counsel. The number of self-represented litigants accessing the courts continues to grow rapidly. For many self-represented litigants, who may not have civil legal aid available to them, attorneys' fees can be a burdensome expense. Still, they may find the legal system to be highly complex and often more favorable to those parties with sufficient resources, such as the benefit of counsel. In spite of this, the number of self-represented litigants accessing the courts is rapidly growing.

The Access to Justice movement challenges society to seek ways to educate citizens about the law and legal procedure, expand the appearance of counsel to those most in need, and provide information and programs for those handling their own cases. By providing a wide array of services, the movement hopes to allow disadvantaged and self-represented litigants to gain a more equitable foothold when resolving disputes with those parties who bear greater resources.

As the principal providers of legal information, law libraries are an indispensable part of the services that can be provided to those with legal needs. Law libraries make "The Law" available, and law librarians serve as guides to finding the most relevant legal information. Some may think that only court librarians can play a role in fostering access to justice. While it is true that they have such a core responsibility, law school and private firm libraries, by fostering the rule of law, can also be leaders in promoting access to justice in their communities.

The goal of this White Paper is to outline in detail the many valuable ways in which law libraries can take an active part in improving access to justice. It should serve as an important guide for stakeholders in the Access to Justice community as they consider the implementation of services to benefit those in need.

Finally, I am most grateful to the members of the AALL Access to Justice Special Committee. Their rich expertise, in-depth research, and creative ideas have made this document a significant contribution to the Access to Justice movement.

Steven P. Anderson, AALL President 2013-2014

I. WHAT IS ACCESS TO JUSTICE?

> Just as health is not found primarily in hospitals or knowledge in schools, so justice is not primarily to be found in official justice-dispensing institutions. Ultimately, access to justice is not just a matter of bringing cases to a font of official justice, but of enhancing the justice quality of the relations and transactions in which people are engaged.[1]

Access to justice is common parlance in our society. The phrase is heard everywhere – in the media, in the classroom, in the street, and of course in the courthouse. We all have an idea of what it is, though we may be unable to articulate it. It's a universal concept with definitions influenced by individual attitudes and experiences. Access to justice is open to interpretation.

Webster's Ninth New Collegiate Dictionary defines **access** as the ability or freedom to obtain or make use of something.[2] The American Heritage Dictionary defines **justice** as the upholding of what is just (rightful, equitable), especially fair treatment and due reward in accordance with honor, standards, or law.[3] According to Webster's Ninth, the word justice, as commonly used today, comes from Middle English by way of Latin and Old French. Its earliest recorded use in the English language, as far as could be determined, is the 12th century.[4] Access to justice could be defined as the freedom to obtain fair treatment and due reward in a court of law. Equal access to justice suggests that everyone, even those with severely limited financial resources, legal knowledge, and time, can navigate the legal system and obtain a just outcome.

Certainly, this notion of justice is not novel. We could go back millennia in human history and find marvelous examples of legal codes that sought to apply the law evenly in the societies for which they were written. The Code of Hammurabi (1771 B.C.), Torah (ca. 1312 B.C.), Law of the XII Tables (ca. 450 B.C.), Justinian Code (6th century A.D.), and Magna Carta (13th century A.D.) are several of them.

Magna Carta is sometimes viewed as the antecedent to cornerstone justice documents in the U.S. - the Constitution and Bill of Rights. The quarrel between King John of England and his barons resulted in John signing the Great Charter in 1215, which advanced the idea that rulers are not above the law and the people by right are entitled to certain protections. Magna Carta essentially limited the power of the government and advanced and protected the rights of the citizenry.[5] Habeas corpus, due process, right to a speedy trial, and trial by a jury of peers have their foundation in this document. Some argue that Magna Carta supported the concept that a litigant's ability to pay should be irrelevant when taking a dispute to court. U.S. Supreme Court Justice

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[1] Marc Galanter, "Justice in Many Rooms" in M. Cappelletti (ed.), ACCESS TO JUSTICE AND THE WELFARE STATE, 1981. Sijthoff, Alphen aan den Rijn, 147-81 p. 161-2.
[2] WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY. Springfield, Massachusetts: Merriam-Webster Inc., 1984. p. 49.
[3] AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE. 4th ed. Boston: Houghton Mifflin, 2000. p. 951.
[4] WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY. p. 655.
[5] Helen M. Cam, "Magna Carta – Event or Document?" SELDEN SOCIETY LECTURE. London: Bernard Quaritch, 1965.

Hugo Black stated in 1964 that "there can be no equal justice where the kind of trial a man gets depends on the amount of money he has."[6]

The phrase access to justice was popularized in 1978 with the Cappelletti and Garth report.[7] In an essay, Mauro Cappelletti and Bryant Garth stated:

> The words 'access to justice' are not easily defined but they focus on two basic purposes of the legal system – the system by which people may vindicate their rights and/or resolve their disputes under the general auspices of the state. First, the system must be equally accessible to all; second, it must lead to results that are individually and socially just.[8]

Law librarians and law libraries have a keen interest in and a duty to promote access to justice in the various law libraries in which we work, be they academic, firm, state, court and county, or special. We have the knowledge, skills, and resources to provide self-represented litigants with needed information and assistance and provide referrals to legal resources in the community. It is important to distinguish between providing information and engaging in the unauthorized practice of law, however, e.g., giving legal advice. It is also important to maintain impartiality and neutrality.

Access to justice includes affordable legal services; readily available legal information and forms; the ability to bring a case to trial without hiring an attorney; the unbundling of legal services; fair treatment and equality in the justice system regardless of social standing; and confidence that the outcome will be fair and just. It is all these things and more.

A. Challenges/Opportunities

For almost a year, members of the AALL Access to Justice Special Committee met for monthly conference calls involving lively discussion about law libraries and access to justice. Committee members included representatives from academic, private firm and state, court, and county law libraries. In a spirit of collaboration, committee members shared information about specific access to justice efforts in their libraries. While the description of programs in specific libraries was informative, the members also readily identified common concerns and opportunities for all law libraries, irrespective of library type.

Noting their elevated importance, the committee defined several challenges and opportunities as worthy of special attention by law librarians seeking ways to make a productive impact on access to justice. One challenge involves geographic disparities in law library service. Another challenge regards the ongoing need to train librarians, especially public librarians, about the unauthorized practice of law from the perspective of permissiveness rather than restrictiveness. Opportunities emerged with members' evolving consideration of core collections, partnerships

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[6] *Griffin v. Illinois*, 351 U.S. 12, 19 (1956).
[7] THE WORLD BANK. LAW AND JUSTICE INSTITUTIONS. ACCESS TO JUSTICE – TOPIC BRIEF. 2012. http://go.worldbank.org/ZELBVA60W0
[8] Mauro Cappelletti and Bryant Garth, "Access to Justice: The Newest Wave in the Worldwide Movement to Make Rights Effective," 27 BUFF. L.REV. 182 (1978).

(especially with public librarians), and involvement with Access to Justice Commissions. Law librarians' strengths with regard to technology and online resources were detailed, with the opportunity to advocate the law librarians' special expertise with regard to centralized websites and technology principles. The White Paper describes these challenges and opportunities as experienced by academic, state court and county, and private firm librarians.

Committee members also believed that strong programs in the three types of law libraries offer models for similarly typed law libraries. Thus, sections detailing access to justice efforts in private firm; state, court, and county; and academic law libraries are separately reported below. Various suggestions and recommendations, and references to good examples of law library programs, offer ideas for each library type. It is the hope of this committee that the White Paper is sufficiently informative to describe ways for other law libraries to develop and enhance their own efforts to expand access to justice, in collaboration with others or independently.

B. Geographic Disparities

Geographic diversity among state, court, and county law libraries is multifaceted, including urban, rural, and large regional variations. Even in large urban areas, courts may split off certain service areas and locate them in separate buildings away from the central court law library. Among the states, state, court, and county law library services vary depending upon political governance, funding issues, and whether the court law library is a public or private entity. Some county law libraries are hybrid operations that are combined with law school libraries or public libraries. However, for most self-represented litigants, the best location for the law library is in the courthouse.

Most state, court, and county law libraries are governed by state law. Some states require a public law library in every courthouse, and some do not. Some states have courthouse law libraries, but they are not open to the public. Some law libraries in rural areas are open to the public but lack funding to sustain a viable access to justice program. Court law library locations, governance, and organizational information are well documented in other sources.[9] With regard to geographic disparity, the access to justice concern is to address deficiencies in law library service that are surmountable. The access to justice challenge is to try to offer guidance on how these particular law libraries can be improved. If there is no possibility for enhancing courthouse locations, then partners in public and academic law libraries are most important.

Probably the biggest difference occurs among urban and rural libraries—i.e. well-funded and well-staffed metro area county law libraries in contrast to small county courthouse operations. While staffing and funding are major obstacles for small rural libraries, many access to justice resources can be added to the law library, particularly in those states where access to justice commissions or courts are providing resources freely on the web. Larger law libraries that are

[9] Laurie Selwyn and Virginia Eldridge. "Governance and Organizational Structures," IN PUBLIC LAW LIBRARIANSHIP: OBJECTIVES, CHALLENGES, AND SOLUTIONS. INFORMATION SCIENCE REFERENCE (an imprint of IGI Global), 2013, pp. 41-71; and STATE, COURT AND COUNTY LAW LIBRARIES IN THE U.S. (2014) produced by the Law Library for San Bernardino County, Map at http://www.sblawlibrary.org/find-a-public-law-library-in-the-us.html.

engaging in access to justice programs have first-hand knowledge of many basic services that are very helpful to self-represented litigants. Many of them are low or no cost. Efficient use of technology may also be a boost for linking small libraries to remote but helpful services. Recommendations on ways to improve services apply not only to small rural operations but also to any urban courthouse law library that has not been properly staffed or funded, without regard to location.

While no formal guidelines exist to define levels of courthouse library service, a tiered approach can have broad applicability. Recognizing that no one size fits all, this committee's recommendations for three levels of law library service are defined elsewhere in this report (see State Court and County Law Library report, Section II.B. of this White Paper). For small law libraries, especially those in rural areas, the recommendations are very basic. However, they provide a checklist for improving services for self-represented litigants.

Like the access to justice issues that arise in the context of state, court, and county law libraries, academic law libraries present their own challenges for self-represented litigants. These challenges include limited numbers of academic law libraries; inconsistent opportunities to access libraries due to restricted hours, public patron policies, etc.; and varying service priorities of the academic law libraries.

The lack of a local law school presents the first barrier to library access and assistance for those seeking legal research assistance. For example, Alaska does not currently have an accredited law school.[10] In other states, such as South Dakota, Hawaii, and Maine, there may be only one law school and thus only one academic law library. It may be extremely difficult, if not impossible, for library patrons to visit the law school library. Generally, availability of academic law libraries is more limited for those living in rural areas compared to those living in urban areas.

Assuming that a researcher could travel to a law school, academic libraries are not uniformly open to the public, and restricted access to the library presents a barrier to conducting legal research to address legal problems. Private law school libraries often have policies that provide access only for students and alumni. Although some self-represented litigants may be able to make appointments to view government publications in depository libraries (assuming that the private law school library participates in the Federal Depository Library Program), that access may be extremely limited and may not come with any assistance using the materials. Finally, even law schools otherwise generally open to the public may limit library access at specific times of the year, such as final exam study periods.

There are many ways that law schools provide resources that promote access to justice, but there is significant variation in the access to justice tools available across the country. For example, schools offer their students a variety of clinics that provide access to justice assistance to

[10] Seattle University School of Law is currently seeking approval of the American Bar Association for a satellite campus in Anchorage, Alaska. Seattle University School of Law, Law School seeks ABA approval of Alaska satellite campus. Http://www.law.seattleu.edu/news-and-features/news/2013-news-archives/law-school-seeks-aba-approval-of-alaska-satellite-campus last visited 5/10/2014.

members of the public for a variety of issues, including applying for veteran benefits, legal support for domestic abuse survivors, criminal defense, environmental law, consumer protection, investor advocacy, tax assistance, health law, etc. Because of differing regional needs and priorities, there is no guarantee that the presence of a law school means that somebody seeking assistance with a tax issue would be able to receive it from a clinic of that school. For example, the school may have a veterans' legal assistance clinic instead of a tax clinic. Law schools' interest in promoting experiential learning and producing "practice-ready" graduates, with an end goal of improving graduate employability, suggests that clinics will continue to be an important part of law school education.[11]

There is also regional variation in the programs law school libraries provide to assist public libraries in improving their ability to provide access to justice services for their patrons. In some states, such as South Carolina, strong partnerships—or strong training programs—exist. South Carolina's Circuit Riders Outreach Program that teaches legal research for non-lawyers is a great example of a law school working to promote access to legal information.[12] In other states, training provided by law librarians for other librarians may take the form of a webinar[13] or may not happen at all. Academic law librarians often must prioritize their services first for staff, students, and faculty of their institutions, and there may be insufficient time or resources available to support outreach by academic law librarians to public librarians.

C. Core Collections

a. Core Collections for Public Libraries

While core collections for court law libraries are well established, there are fewer standard guides for public library legal collections. Given some of the geographic disparities and unevenness of public law library access in the states, public libraries can provide basic legal resources and serve as gateways to access to legal information. Public libraries are more prevalent than law libraries; they also typically offer evening and weekend access. Thus, partnerships with public libraries to expand access to core legal resources are critical.

Law librarians can teach public librarians basic legal research skills, how to conduct an effective legal reference interview, and how to avoid the unauthorized practice of law (UPL)—all to better serve the legal research needs of their patrons and thus promote access to justice. To accomplish

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[11] Todd A. Berger, *Three Generations and Two Tiers: How Participation in Law School Clinics and the Demand for 'Practice-Ready' Graduates will Impact the Faculty Status of Clinical Law Professors*, 43 WASH. U.J.L. & POL'Y 129, 152 (2013), http://digitalcommons.law.wustl.edu/wujlp/vol43/iss1/10.

[12] Coleman Karesh Law Library, Circuit Riders Outreach Program: Legal Research for Non-Law Librarians, http://www.law.sc.edu/library/circuit_riders/ last visited 5/10/14.

[13] Georgia Library Association, Professional Development Events in May http://glanews.blogspot.com/2014/05/professional-development-events-in-may.html, last visited 5/10/14, listing Basic Legal Research for Any Librarian webinar.

this goal, however, public libraries need to acquire and maintain core collections of legal materials, print and online, that are "appropriate, current, accurate, and accessible."[14]

AALL's State, Court, and County Law Libraries Special Interest Section has developed standards for county public law libraries, appellate court libraries, and state law libraries, which include recommended core legal collections.[15] AALL could assist public (non-law) libraries as well, particularly in states without public law libraries, by recommending a core legal collection for public libraries. AALL special interest groups—Legal Information Services to the Public (LISP) and Research Instruction and Patron Services (RIPS) both of which include academic and public law library members—could combine their shared interests, expertise, and experience serving the legal research needs of self-represented litigants to develop and maintain a current recommended core legal collection for public libraries. LISP has in fact begun the process with its Public Library Toolkit project.[16]

It must be kept in mind, however, that given the broad missions and recurring funding problems of public libraries in many states, maintaining a core collection of legal materials for many public libraries may depend on sharing agreements with other public libraries, along with effective referrals to local law libraries open to the public. Limited budgets of public libraries might also necessitate reliance upon electronic government resources, particularly those that are official, authenticated, and provide permanent public access.

Law library groups in each state could then adapt AALL's recommended core collection for public libraries to include their state-specific primary and secondary resources. Law librarians in some states have already created their own recommended core collections. For example, the Minnesota Association of Law Libraries' (MALL's) *Legal Resources for Public Libraries* is a comprehensive list of print materials that incorporates reliable online resources and includes purchasing and law library referral information.[17] In each category, MALL's list recommends *basic* and *enhanced* materials for small and larger public libraries and library systems, respectively.

b. Core Collections for Academic Libraries

Academic libraries (law and non-law alike) that are open to the public could also adopt similar standards for a core legal collection. The extent of the academic libraries' core legal collections could vary depending on the availability of public library legal collections in their respective communities and states. Just as academic and law school libraries within the same institution combine their resources to serve the needs of their law and law-related curriculums, so can

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[14] *Guidelines for Medical, Legal, and Business Responses,* REFERENCE AND USER SERVS. ASS'N, http://www.ala.org/rusa/resources/guidelines/guidelinesmedical (last visited 05/02/2014).
[15] *Standards,* AM. ASS'N OF L. LIBR., http://www.aallnet.org/sections/sccll/leadership/Standards (last visited 05/05/2014).
[16] *Public Library Toolkit,* AM. ASS'N OF L. LIBR., http://www.aallnet.org/sections/lisp/Public-Library-Toolkit (last visited 05/05/2014).
[17] *Legal Resources for Public Libraries,* MINN. ASS'N OF L. LIBR, http://www.aallnet.org/chapter/mall/legrespublib.pdf (last visited 05/05/2014).

academic libraries work with their local public libraries to serve the legal research needs of their communities.

Once developed, a key next step would be to promote AALL's recommended core legal collection for public libraries through national groups such as the American Library Association and local state library associations for adoption by its members.

Core collection requirements are available at AALL's State, Court, and County Law Library Special Interest Section website at http://www.aallnet.org/sections/sccll/docs/2013 appellate-standards.pdf , part VIII (Collection) of the Standards for Appellate Court Libraries and State Law Libraries (revised June 2013) (1). Part VIII of the Standards is divided into three broad categories: (A.) Home State Resources, (B.) Federal Resources, and (C.) National Publications. Types of materials are listed within categories A-C: legislative, administrative, judicial, finding aids, and other secondary sources. Further breakdowns are listed and in some instances with specific titles.

D. Working with Public Librarians and the Unauthorized Practice of Law

As noted by Paul Healey in his book *Legal Reference for Librarians*: "Most state, county and court libraries, and many academic law libraries, have a mandate to serve the public. As part of this mandate, law librarians from such libraries participate in efforts to support and assist general academic and public libraries as they try to service pro se library users."[18] In fact, law librarians and public librarians have come to rely on each other to enhance access to justice. While public librarians refer patrons to the law library, the law library relies on the public library for easy computer access, services during non-courthouse hours, and as gateways to law library and legal information service providers. With the advent of pro se e-filing, the connection between public and law librarians should only grow stronger.

Law librarians and public librarians share many common characteristics in the delivery of library services to the public. As trusted information providers they are each guided by their own professional principles to avoid UPL.[19] Although rules defining the unauthorized practice of law differ from state to state, [20] as do opinions among academics on how concerned librarians should

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[18] PAUL D. HEALEY, LEGAL REFERENCE FOR LIBRARIANS: HOW AND WHERE TO FIND THE ANSWERS 21 (2014).

[19] *AALL Ethical Principles*, AM. ASS'N OF L. LIBR., http://www.aallnet.org/ main-menu/Leadership-Governance/policies/PublicPolicies/policy-ethics.html (last visited 05/02/2014); *Guidelines for Medical, Legal, and Business Responses*, REFERENCE AND USER SERVS. ASS'N, http://www.ala.org/rusa/resources/guidelines/guidelinesmedical (last visited 05/02/2014).

[20] *See* AM. BAR ASS'N, 2012 SURVEY OF UNLICENSED PRACTICE OF LAW COMMITTEE, http://www.americanbar.org/ content/dam/aba/administrative/professional_responsibility/2012_upl_report_charts.authcheckdam.pdf (summary *available at* http://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/2012_upl_introduction.authcheckdam.pdf)

be about violating these rules,[21] for many public librarians, this is a troubling area. In a survey conducted in 2012 by Minnesota Legal Services State Support, 77% of public librarians were concerned about providing legal information. A common concern in about 25% of these responses was crossing the line from legal reference to legal advice.[22]

As Richard Zorza points out in his 2012 White Paper, "The Sustainable 21st Century Law Library and Access to Justice," the "best protection" for "anxiety" over violating UPL rules is "clear written guidelines and a robust and ongoing staff educational program for all staff, well integrated into operations and staff development."[23] Law librarians are valuable resources for teaching public librarians about the unauthorized practice of law. They are very familiar with the types of issues self-represented litigants bring to the library, and they are experienced in techniques for drawing the line. While law librarians may have a greater zone of comfort when it comes to providing legal information, they also have a good perspective on ways to provide encouragement and guidance for public librarians trying to tread these waters.

a. Training

Training for public librarians might involve giving classes in the public library, creating PowerPoint presentations for public librarians to train their own staff, placing helpful materials on centralized websites, and encouraging public librarians to contact the law library. One challenge for some public librarians is the infrequent occurrence of legal questions, which necessitates regular formal training opportunities to serve as both a refresher for all library staff and to train new hires. Placing materials on centralized websites for well-timed consultation by public librarians is a good solution for ongoing professional development needs, which is a key component of the American Library Association's Code of Ethics.[24]

In fact, the Reference and User Services Association division of the American Library Association has developed Guidelines for Medical, Legal, and Business Responses that address many of the recommendations that are typically part of any training provided by law librarians. These guidelines include acquiring appropriate resources that are current, comprehensive, accurate, and accessible; clarifying their roles and developing written disclaimers; and making referrals to published resources as well as individuals as necessary, without recommending a specific lawyer.[25]

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[21] *See* Paul D. Healey, *Pro Se Users, Reference Liability, and the Unauthorized Practice of Law: Twenty-Five Selected Readings*, 94 LAW LIBR. J. 133, 134 (2002).
[22] MN Legal Services State Support, 2012 Survey, summary http://www.lawhelpmn.org/resource/public-libraries-access-to-justice-project.
[23] RICHARD ZORZA, THE SUSTAINABLE 21ST CENTURY LAW LIBRARY AND ACCESS TO JUSTICE: VISION, DEPLOYMENT AND ASSESSMENT FOR ACCESS TO JUSTICE 23-24 (2012), http://www.zorza.net/LawLibrary.pdf.
[24] *Code of Ethics of the American Library Association,* AM. LIBR. ASS'N, http://www.ala.org/advocacy/proethics/codeofethics/codeethics (last visited 05/02/2014).
[25] Reference and User Services Association, *supra* note 19.

b. Resources

With regard to traditional services, law librarians and public librarians have much in common. In addition to good customer service, librarians have skills for finding information in print and online. General guidelines regarding currency of legal materials, finding and evaluating authoritative legal websites, and acquiring materials from reputable publishers are valuable business practices in both the law library and the public library. Law librarians can partner with public librarians on collection-building projects to arrive at the best possible resources for the public library collection.

c. Policies and Disclaimers

Public librarians should also develop policies and disclaimers for specific responses to challenging patrons. Law librarians who work with public librarians can share their policies. Policies can offer established guidelines for ethical legal reference. When a librarian cannot provide an answer expected by the patron, policies decrease the likelihood that a patron will take it personally. Law librarians can also suggest positive verbal disclaimers such as, "I can point you to some helpful information, but I cannot give you legal advice," rather than discouraging statements like, "I cannot help you. I cannot give legal advice."

d. Referrals

A key aspect of training for public librarians is encouraging the use of referrals. For many public librarians who are accustomed to finding the patron's exact answer, referrals can offer an escape route when a patron demands an immediate solution to a legal problem. These may take on a variety of formats, including legal aid; pro bono help; brief advice clinics; and phone, email, and chat services.

E. Centralized Websites

One area in which libraries can serve self-represented litigants is through operation of or contributions to legal information websites designed to assist those with low and moderate incomes. One example of such a site is Maryland's People's Law Library, which is managed by the Maryland State Law Library, a court-related agency of the Maryland Judiciary.

The State Law Library assumed responsibility for the site from the Maryland Legal Aid Bureau in 2007, but retained the concept of a stakeholder advisory committee primarily comprised of judiciary staff and representatives of organizations funded by the Maryland Legal Services Corporation. This Content Advisory Committee continues to provide feedback on development priorities and suggests new resources and services. Additionally, library reference staff and other court librarians in Maryland offer recommendations for new content based on incoming reference questions from the general public. The State Law Library staffs the site with a full-time employee, who possesses both legal and computer experience. The web content coordinator is responsible for daily site administration, technology planning, legal updates to existing content, and developing new information resources in collaboration with the Content Advisory Committee and other contributors to the site. The director of the State Law Library and several

members of the Content Advisory Committee serve on the Maryland Access to Justice Commission, which has the positive result of clear and effective communications between stakeholders and website management.

In order to strategically orient the site to assist potential users most effectively, the site adheres to strict collection development guidelines. According to the site:

> The purpose of the People's Law Library is to provide self-represented litigants access to justice in Maryland state courts information about the law, including summaries of the law, links to primary and secondary legal sources and referrals for legal services. The site gives the highest priority to selecting for content development topics that closely relate to civil case types most frequently handled in Maryland state courts by self-represented parties.[26]

Therefore, much of the information focuses on family law, domestic violence, housing, and consumer law, as well as background procedural material for self-representation. Federal, administrative, and criminal law is ranked as a second content development priority.

Stakeholders are encouraged to contribute their own articles in their fields of expertise to the People's Law Library. The web content coordinator also writes articles to fill possible gaps in needed information and edits contributions before final posting. Article guidelines stress clear writing and recommend that readability be set at the sixth grade reading level. Recently, with assistance from Maryland's Pro Bono Resource Center, the web content coordinator has begun a successful project that taps volunteer attorneys for creating and updating articles on the site. The site has several pages in Spanish and additional content in other languages is planned.

The Maryland State Law Library has been able to provide this service in part because expenses can be kept modest. In addition to the full-time staff member, other direct costs include hosting, translation services, and the printing of brochures and posters. These purchases are made even more affordable by leveraging existing state government contracts and the professional expertise provided by the judiciary's procurement department. There are numerous efficiencies to be gained, such as ease of research and collaboration with colleagues, by having the site physically located in a large public law library.

The web content coordinator, with assistance from the State Law Library's head of reference and outreach services, promotes the site in a variety of settings. They have made numerous presentations to public librarians, conferences of court leaders, and legal services stakeholders. Statistics show that such efforts are worthwhile. The People's Law Library currently receives approximately 2 million hits and 300,000 page views per month, which demonstrates significant usage.

The People's Law Library furthers the Maryland State Law Library's mission to serve "the needs of Maryland's government and citizens by: building and preserving collections of legal information resources, promoting access to these collections, and creating educational

[26] Introduction to the People's Law Library, http://www.peoples-law.org/about.

opportunities that enhance the understanding of legal information."[27] The site has become a vital resource for Maryland's self-represented litigants and an effective tool for colleagues in the access to justice community to provide accurate and current legal information to those in need.

F. Access to Justice Involvement

a. Access to Justice Commissions

State, court, and county law librarians have benefited from membership on Access to Justice Commissions. The commissions exist in many states to implement access to justice initiatives. Commissions vary in size from state to state, so opportunities for involvement may vary. Nonetheless, any level of engagement would be a good place to start.

Some states have entities similar to Access to Justice Commissions—for example, in Minnesota the state court led the development and implementation of access to justice collaboration. The commissions are usually collaborative groups that combine many legal access stakeholders. For state, court, and county law libraries this is a critical partnership, on both formal and informal levels.

While librarian involvement is still limited, there are various ways for law librarians to get involved with these commissions. In Washington, the Public Law Library of King County (Seattle, Washington) law librarian requested to apply to be on the commission, and she was invited to be on the technology subcommittee. In Maryland, the state law librarian and several other librarians are on the commission. For state, court, and county law libraries, having a judge on the law library board and on the commission may be very influential in getting a law librarian appointed.

Access to Justice Commissions and law library purposes align in important ways. Aside from the overarching interest of expanding access to justice, in some instances, the law library may demonstrate that it has a specific strength—e.g., technology or document assembly services, access to plain language court forms, and ability to provide a wide array of educational resources for self-represented litigants. In Maryland, the Maryland State Law Library is the provider for a major access to justice web resource—the People's Law Library of Maryland. The law librarian's membership on the commission helps promote the People's Law Library and provides a mechanism for obtaining feedback about this important online resource.[28]

b. Reasons or Benefits for State, Court, and County Law Libraries

- Promoting law library services and gain visibility
- Networking
- Partnerships
- Advocacy - Law library members gain insights into court and access to justice projects

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[27] Maryland State Law Library, http://www.lawlib.state.md.us/.

[28] Steve Anderson, D4: Access to Justice Committees and the Growing Importance of Law Librarian Involvement: The View from Maryland, July 23, 2012, AALL ANNUAL MEETING PROGRAM, July 2012.

- Referrals - State, court, and county law librarians become more aware of legal aid organizations and services

There are many benefits for law librarians who collaborate with formal and informal access to justice groups. The goal is to expand access to justice while also promoting the law library's unique value. State, court, and county law librarians should seek ways to become involved with their state's Access to Justice Commission or their equivalents. In some states, the commissions may be small—but there may be a variety of subcommittees where smaller working groups would welcome a law librarian's expertise. Within the courthouse, this active role is appreciated and acknowledged by judges and court staff.

G. Technology

a. Technology Principles

In early 2000, members of the Communications and Technology Committee of the Washington State Access to Justice Board discussed the diverse ways that advances in technology can create and eliminate barriers to the justice system. The committee discussed a survey conducted by National Public Radio (NPR), the Kaiser Family Foundation and Harvard University's Kennedy School of Government[29] where they defined the digital divide as one not limited to race, income, or education. Rather, the survey found the persistent divide to be access to technology and the Internet.[30]

The committee considered that a technology bill of rights (which was adopted as technology principles) could:

1. Be shared with content providers in both private and public sectors
2. Serve as a framework for encouraging government and private sector entities to create new resources to fill service gaps
3. Function as a tool for reviewing existing technology applications and assisting their functionality as enablers of justice
4. Ensure that developers of new products and services for access to justice clients consider and create design functionality to help bridge the digital divide.[31]

In 2001 the Access to Justice Board empowered and charged a Board committee to engage in a broad-based and inclusive initiative to create a body of authoritative fundamental principles and proposed action based thereon to ensure that current and future technology both increases opportunities and eliminates barriers to access to and effective utilization of the justice system, thereby improving the quality of justice for all persons in Washington State.[32]

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[29] http://www.npr.org/templates/story/story.php?storyId=1071196 (last visited June 9, 2014)
[30] Jean Holcomb, "The Digital Divide and Digital Justice: Do Clients Need a Technology Bill of Rights?" WASH. ST. BAR NEWS, May 2000, 40, 41.
[31] *Id*.
[32] Washington Supreme Court Order, December 3, 2004, at http://www.courts.wa.gov/court_rules/?fa=court_rules.rulesPDF&groupName=am&setName=ATJ&pdf=1 (last visited February 20, 2014).

The six Technology Principles[33] are:

1. REQUIREMENT OF ACCESS TO JUSTICE

Access to a just result requires access to the justice system. Use of technology in the justice system should serve to promote equal access to justice and to promote the opportunity for equal participation in the justice system for all. Introduction of technology or changes in the use of technology must not reduce access or participation and, whenever possible, shall advance such access and participation.

2. TECHNOLOGY AND JUST RESULTS

The overriding objective of the justice system is a just result achieved through a just process by impartial and well-informed decision makers. The justice system shall use and advance technology to achieve that objective and shall reject, minimize, or modify any use that reduces the likelihood of achieving that objective.

3. OPENNESS AND PRIVACY

The justice system has the dual responsibility of being open to the public and protecting personal privacy. Its technology should be designed and used to meet both responsibilities. Technology use may create or magnify conflict between values of openness and personal privacy. In such circumstances, decision makers must engage in a careful balancing process, considering both values and their underlying purposes, and should maximize beneficial effects while minimizing detrimental effects.

4. ASSURING A NEUTRAL FORUM

The existence of a neutral, accessible, and transparent forum for dispute resolution is fundamental to the Washington State justice system. Developments in technology may generate alternative dispute resolution systems that do not have these characteristics, but which, nevertheless, attract users who seek the advantages of available technology. Participants and actors in the Washington State justice system shall use all appropriate means to ensure the existence of neutral, accessible, and transparent forums which are compatible with new technologies and to discourage and reduce the demand for the use of forums which do not meet the basic requirements of neutrality, accessibility, and transparency.

5. MAXIMIZING PUBLIC AWARENESS AND USE

Access to justice requires that the public have available understandable information about the justice system, its resources, and means of access. The justice system should promote ongoing public knowledge and understanding of the tools afforded by technology to access justice by developing and disseminating information and materials as broadly as possible in forms and by means that can reach the largest possible number and variety of people.

[33] Holcomb, *supra* note 30, at p. 4-6.

6. BEST PRACTICES

To ensure implementation of the Access to Justice Technology Principles, those governed by these principles shall utilize "best practices" procedures or standards. Other actors in the justice system are encouraged to utilize or be guided by such best practices procedures or standards. The best practices shall guide the use of technology so as to protect and enhance access to justice and promote equality of access and fairness. Best practices shall also provide for an effective, regular means of evaluation of the use of technology in light of all the values and objectives of these Principles.

How can law libraries adopt the Technology Principles?

1. Create research guides and pathfinders that take into consideration the principles to make sure the documents are written in plain language, understandable at the fifth grade reading level.

2. Use clear and concise descriptions, incorporate lots of white space, use appropriate graphics, etc.

3. Design pages on library websites that are clearly accessible to the public. Review the pages so that library jargon and legalese do not provide barriers to the public. Arrange information by subject or function. Arrangement by jurisdiction is confusing. The patron just wants information on how to file for a divorce or how to file for bankruptcy.

4. Create more research guides or pathfinders on small, discrete topics, i.e., how to file a witness list or how to do service of process, rather than one encompassing guide on court procedures from beginning to end.

5. Alert administrators to the Principles and encourage their application when creating new procedures within the courts, law schools, etc. or when purchasing software that will be used by the public, including court software for accessing court dockets or e-filing.

II. LIBRARY TYPES

A. Private Firm Librarians

a. Why Should Private Firm Librarians Consider Involvement in Pro Bono?

As private firm librarians provide research support to the attorneys within their firms, they can also use this as an opportunity to partner with firm attorneys in their mission to support pro bono needs. Attorneys have requirements, in some states "aspirational," to provide pro bono service—this opens the door to private law librarians to join the attorney's initiative by providing librarians an arena outside the firm to showcase their talents and to increase visibility in their respective legal communities. Librarians are well equipped to assist. Librarians have strengths that may enable the lawyers to service greater numbers of pro bono clients in a more efficient manner, such as:

- Knowledge of legal resources and information organization
- Working knowledge of legal research
- Understanding of efficient workflow and work product in the form of knowledge management.

b. How Do Private Firm Librarians Get Started?

Visit the American Bar Association, Standing Committee on Pro Bono & Public Service and Center for Pro Bono Directory of Pro Bono Programs—
http://apps.americanbar.org/legalservices/probono/directory.html
This site provides a listing of statewide pro bono organizations sponsored for every state. The site offers all the basic contact information for each organization and a description of the types of case support provided.

The Volunteer Librarian Coalition (VLC) in Minnesota selected the Volunteer Lawyers Network (VLN) as the organization to support. VLN is an independent, non-profit organization and the oldest and largest pro bono referral organization in the state. Founded in 1966, VLN serves the legal needs of the economically disadvantaged primarily in Hennepin County by reaching out to eligible clients and providing them with quality legal services through volunteer attorneys. VLN, the only pro bono legal services organization providing legal advice and full representation in almost all civil case types in Hennepin County, serves an area that is home to 20% of the poverty population in Minnesota.

VLN also provides consultants, training, and materials on a statewide basis. VLN consists of approximately 1,000 lawyers, many of whom are private firm lawyers, providing support either directly to VLN as member attorneys or indirectly as their firm elects to support VLN in their respective firm pro bono committee programs. Because of librarian experience with VLN, in supporting lawyers within their respective firms, librarians gained familiarity with VLN and its mission; it seemed natural to provide direct support to this organization.

The VLN homepage directs volunteer attorneys to VLC, stating: "VLC WIKI - created by our valued partners, the Volunteer Librarians Coalition, this includes up-to-date research links for every VLN volunteer area and free Westlaw research, conducted by private firm librarians, for your VLN client issues. It also includes all forms that our resource attorneys have created for the various areas of law. All VLN volunteers are eligible to be members of this valuable resource! To join the wiki go to www.vlcmn.info and click on 'join' in the upper right corner of the webpage." Currently, VLC's membership consists of 475 attorneys.

The next step is to determine whether the firm has an established relationship to support the pro bono needs of one of the organizations. Explore in-house client and matter databases to determine who provides the greatest support for an established pro bono organization. Contact that attorney requesting to present a proposal to support pro bono needs. Another option is to seek permission to attend a firm pro bono committee meeting to present the proposal for providing pro bono support and then determine if there is interest or support to go forward.

Present the proposal for private law librarian support of pro bono to the local chapter of AALL. In VLC's case, the proposal was presented to the Consulting and Community Outreach Committee of MALL to gain their approval and support to go forward. Local chapter support is very important for success. MALL provided VLC the sponsorship needed financially, by funding the annual subscription to Wikispaces; subsidizing the annual renewal payment to *Minnesota Lawyer*, a publication important to VLN; and, in essence, providing VLC the clearance to go forward with respect to non-authorized practice of law issues. The sponsorship by MALL also provided access to a highly qualified membership of law librarians from which to recruit volunteers.

c. What About Licensing of Fee-Based CALR Databases?

Seek partnership with the firm's online Computer Aided Legal Research (CALR) legal provider, whether it is Lexis or Westlaw, empowering the contract negotiation skills that most private law librarians have developed. VLC librarians forged a partnership with Thomson Reuters via the local representative. VLC was successful in negotiating a slice of Westlaw (WL) to be used by VLC librarians and staff attorneys at VLN. The slice of WL included Minnesota state and federal case law; Minnesota state and federal statutes and regulations; and secondary resources in the form of Minnesota Practice materials and legal journals, law reviews, and newsletters. Seeking such partnership is only advisable when an ad hoc committee of librarians has been established to provide pro bono service for a pro bono organization within a state and has developed a centralized portal of resources on which the access to Westlaw or Lexis may reside.

Use of firm CALR resources for supporting pro bono needs outside the firm is not advisable and would be in violation of the firm's license. Most private firm librarians are asked on occasion to assist with a firm pro bono matter that has an established client and matter number. Use of the firm's CALR tools is acceptable for this kind of internal pro bono project.

d. What Private Firm Librarian Skills May be used to Support Pro Bono Efforts?

Leveraging contract negotiation skills, as discussed above, may also be used to seek discounts on secondary print legal resources. For example, VLC was successful in negotiating a discounted cost for a subscription to the *Minnesota Lawyer*, a weekly newspaper often covering pro bono matters.

Private law firm librarians also are responsible for creating and or managing law firm Knowledge Management (KM) applications. This expertise was useful for VLC librarians as they indexed VLN's internal work product, including forms, pleadings, and memos. The entire collection of VLN internal work product is now available on the VLC wiki and is searchable only by VLN member attorneys. Searching may be done at home, within attorney offices, or at the legal aid clinic for immediate access to forms and work product. Prior to this, all work product was available in hard copy in various files at the VLN office.

e. What About the Time Commitment Necessary to Provide Librarian Pro Bono Support?

Many firms track time for pro bono and community service support projects into either a time and billing database or an internal database for annual reporting purposes. Draft a detailed document outlining interest in supporting pro bono needs and quantifying the time requirement. Seek firm support for pro bono involvement with management and with the pro bono committee. Most firms have a strong commitment to public service and will indeed support the time away from normal work duties. Once the initiative to support pro bono needs has been established, meeting once a week for one hour may be enough time for a group of interested librarians to form a formal strategy for support. Strategies may include:

- Creating a wiki, which provides access to organized collections of legal resources
- Volunteering at a community legal clinic
- Researching legal issues on behalf of volunteer attorneys for the established legal organization.

f. What Other Ways May Private Firm Librarians Support Pro Bono?

One private law librarian expressed interest in VLC volunteerism. Her focus is hands-on, contributing two hours twice a month to serve at the Legal Access Point (LAP) clinic of the VLN. She partners with the attorneys from her firm by accompanying them on their visits to LAP. Her role is to help the pro bono client and the lawyer make the most effective use of the 15-minute time limit per client. She may interview clients to summarize their concerns, assemble documents, and retrieve information resources, often on the VLC wiki, before the client meets with the lawyer. Often the librarian's contribution is in the form of assisting the lawyers in areas of law outside of their daily law firm experience. Librarians are most often generalists and can quickly point the attorney in the right direction. This is beneficial to the volunteer lawyer so that he/she may potentially provide quicker service, reaching more pro bono clients within the two-hour visit. The experience is beneficial to law librarians at large; it is an opportunity to showcase librarian skills and an opportunity to partner with law firm lawyers, hopefully increasing their profile with the legal community.

g. Rewards for Private Firm Librarians' Support for Pro Bono

The rewards for private law librarians' support of pro bono are many. First and foremost, there is the personal satisfaction of knowing that, in some small way, one is making a difference by serving the legal needs of those who cannot afford attorney representation. Second, the personal and professional friendships that develop in the process of working together to develop content, answer questions, and expand legal knowledge are truly rewarding and long-lasting.

Another significant reward is exemplified by co-founder Jennifer Doyle's appointment to the Board of VLN. Beginning with her firm's desire for a VLN liaison, Doyle fit the role because of her involvement with VLC and her status as an attorney. In her role as liaison, her relations with VLN staff attorneys led her to be appointed to the board. Jennifer brings a non-practicing attorney perspective to the board, along with her librarian skills and knowledge. Her role on the board has expanded to chair of the Volunteer Committee, and she has served on the fundraising committee as well. In addition, she occasionally volunteers at the Housing Law Clinic.

h. Testimonials for the VLC Wiki and Librarian Support

"VLN has so appreciated the expert help of volunteer librarians! They have supported the quality of our services by organizing our substantive resources for our volunteers in a way that is accessible and intuitive. They have supported individual attorneys by one-on-one phone calls to share case-specific information about the resources we have. They have researched various topics for us, including pro bono resources and substantive legal issues. They have increased the level of service our clients receive at walk-in legal clinics by providing one-on-one follow-up support to clients after the advice session. They have supported efficient board meetings by creating wikis on which we may upload and share board information. It has been a pleasure working with the librarians, not only for the unique perspective and skills that they bring but also for their enthusiasm to participating in our mission to provide access to justice to those in poverty."

…..Martha Delaney, Esq.
Deputy Director at Volunteer Lawyers Network

"For librarians the work of the clinic places us in a new role. Working directly with clients, but the service we provide calls upon skills we have in abundance. The clients are grateful for the assistance they receive, even when it does not favor them; at least they understand the legal issues and their options. The attorneys who may have little experience with this type of legal work are grateful for the information that the librarians provide, to find appropriate statutes, forms, and other documents. I am rewarded with the gratitude of clients who really need someone to hear them, to understand their issues, their confusion, and their fears."

…..Leslie Kallas
Coordinator of Research Systems/Services
Nilan Johnson Lewis P.A.

"The VLC wiki has been created with passion and dedication of the MALL members below, to serve the needs of the Volunteer Lawyers Network; thereby, facilitating access to justice to the economically disadvantaged people with legal problems."

…..Trudi Busch
Director of Information Resources
Oppenheimer Wolff & Donnelly LLP

B. State, Court and County Law Librarians

a. On Defining Access to Justice

> For both low- and moderate-income persons, the concepts of access to justice and delivery of legal services should not be viewed as synonymous with access to an

> attorney, access to judicial process, or individual representation. For both groups, a broad range of strategies, services, providers, and forms should be available.[34]

The above statement, made at an American Bar Association (ABA)-sponsored conference on access to justice in the 1990s, points to a challenge for discussions about access to justice—that is, there are different conceptions of access to justice and the strategies for achieving it. A more traditional view associates access to justice with access to a lawyer or some other legal assistance. Others make arguments for a much broader conception of access to justice. Richard Zorza, for example, has written extensively on these broader conceptions of access to justice.

In his introduction to his access to justice blog, Zorza defines access to justice "broadly to include innovations in courts, the bar, legal aid, and community that make it easier for people to obtain access to justice institutions, and to just results within those institutions.[35]

Many of the innovations, experiments, and research described by Zorza have been achieved because of close collaboration between the courts and other "access to justice" partners, including law libraries. Zorza has also written extensively on the importance of law library support to access to justice:

> Law libraries have long served a variety of constituencies, and are well-positioned to assume a broader role, with a particular focus on those historically excluded from access to justice. Put another way law libraries have great potential to play an important role in making the judicial system more user-friendly and accessible for people without lawyers.[36]

This was the focus of Massachusetts trial court judge Dina Fein's address at a 2012 AALL program entitled "Access to Justice Committees and the Growing Importance of Law Librarian Involvement." Judge Fein spoke about the critical role law libraries play in the access to justice movement and reminded librarians to not let the courts off the hook in providing access to justice. She was quoted as stating that law librarians are part of the access to justice movement, and they shouldn't let access to justice go into a silo. It is the center of the court's work.

The justice gap that exists for both poor people and the middle class is widely documented in the literature. For example, a 2009 Justice Gap report issued by the Legal Services Corporation

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[34] American Bar Association Consortium on Legal Service and the Public and Tulane Law School, Civil Justice an Agenda for the 1990s, REPORT OF THE AMERICAN BAR ASSOCIATION NATIONAL CONFERENCE ON ACCESS TO JUSTICE IN THE 1990S (June1989), available at http://www.americanbar.org/content/dam/aba/migrated/legalservices/downloads/sclaid/accessconf.authcheckdam.pdf (last visited March 27, 2014).

[35] Richard Zorza's Access to Justice Blog, http://www.accesstojustice.net (last visited March 26, 2014).

[36] Zorza, Richard, THE SUSTAINABLE 21ST CENTURY LAW LIBRARY: VISION, DEPLOYMENT AND ASSESSMENT FOR ACCESS TO JUSTICE (April 2012), available at http://www.zorza.net/LawLibrary.pdf (last visited March 27, 2014

(LSC) notes that roughly half of the people who seek help from LSC-funded legal aid providers are denied service.[37]

As the barriers to adequate representation for poorer members of society persist, prominent advocates are calling it a "human rights crisis." A recent blog post on NPR cited a new report from Columbia Law School's Human Rights Clinic confirming that women, minorities, and immigrant communities struggle disproportionately to access justice in the United States.[38]

Many middle-class Americans face similar challenges in accessing legal assistance. As stated in a 2009 Symposium "Access to Justice: It's Not for Everyone," the middle-class in the United States is often priced out of the legal system because their income level disqualifies them from being eligible for legal aid services, but they cannot actually afford to hire an attorney.[39] The focus on access to justice has grown recently, fueled by the economic downturn, the rise in the number of people without attorneys, and significant cuts in funding for legal aid organizations.

Not only has the number of self-represented litigants been growing in state courts over the last few decades, but self-representation has also become increasingly prevalent in federal courts. In light of the widening justice gap and continuing financial difficulties, self-representation will continue to be a significant trend, and one that impacts accessibility of access to justice institutions to low income individuals and those who are otherwise economically vulnerable.

The 2013 Court Technology Conference, held in Baltimore September 17-19, featured a full track on the use of technology to assist in court access for the self-represented. Presenters included a number of key stakeholders in the access to movement, including Dr. Julie Macfarlane, who reported on her findings from an 18-month study of the experiences of the self-represented in the Canadian courts.[40]

Dr. Macfarlane's research in Canada shows that the self-represented are frustrated with the complexity and pace of the system; shackled by the legal information/legal advice distinction; disenfranchised by the lack of transparency of costs and fees; overwhelmed by court procedures; and daunted by the accessibility and amount of information online.[41]

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[37] LEGAL SERVICES CORPORATION, DOCUMENTING THE JUSTICE GAP IN AMERICA: THE CURRENT UNMET CIVIL LEGAL NEEDS OF LOW-INCOME AMERICANS (2009), available at http://www.lsc.gov/sites/default/files/LSC/images/justicegap.pdf (last visited March 27, 2014).

[38] RIGHTS ADVOCATES SEE 'ACCESS TO JUSTICE' GAP IN U.S. (2014), available at http://www.npr.org/blogs/thetwo-way/2014/03/10/288225649/rights-advocates-see-access-to-justice-gap-in-u-s (last visited March 27, 2014)

[39] Sande L. Buhai, "Access to Justice for Unrepresented Litigants: A Comparative Perspective," 42 LOY L.A. L. REV. 979 (2009).

[40] THE NATIONAL SELF-REPRESENTED LITIGANTS PROJECT: IDENTIFYING AND MEETING THE NEEDS OF SELF-REPRESENTED LITIGANTS FINAL REPORT available at http://representingyourselfcanada.files.wordpress.com/2014/02/reportm15-2.pdf (last visited March 27, 2014.)

[41] SRL'S AND COURT TECHNOLOGY available at http://www.ctc2013.com/Education-Program/Tuesday-Sept-17/Morning/Session-

There are important takeaways here for the role of law libraries in meeting the needs and challenges of the self-represented, which include more engagement and innovation in the following:

- A rethinking of our legal information/legal advice distinction
- Promoting unbundled legal services to the self-represented and legal community
- Increased partnerships and collaboration with the courts and other access to justice partners on online information resources tailored to the self-represented including simplified plain language forms and instructions in multiple languages and going to court videos and/or screencast tutorials
- Greater access to simplified information about court processes and procedures, including causes of action, presentation of evidence, discovery, negotiations, trial preparation, etc.
- Accessibility to online legal information resources and library services on mobile devices
- Increased advocacy for non-lawyer options for legal assistance to the self-represented
- Greater access to legal education and information for the public on alternatives to litigation
- More serious engagement in statewide access to justice commissions and committees.

Law libraries serve as a resource for state and federal courts working to address the challenges raised by self-represented litigants. They have implemented processes to provide initial triage and referrals and the direct assistance of library staff or other legal aid groups. They also provide information about substantive and procedural law, implement various forms of live assistance in the library (e.g., Lawyers in the Library, clinics, library-based self-help centers, videoconferencing); provide simplified, plain language guides, form templates, and instructions; and use technology to increase accessibility to the courts (online chat, e-filing, automated forms, etc.). Law libraries can both enable the development and expansion of these innovations to assist the person without a lawyer in meeting their needs and challenges. These are ways in which law libraries can both provide the self-represented with the information needed to know when they should be in court, and, if in fact they should be in court, to truly have access to justice.

i. What Are Law Libraries Doing—What is the Scope of Self-Help Centers in Libraries?

State, court, and county law libraries have a long history of serving all users, from court and bar to non-attorney users. However, self-help legal resources and self-represented litigants have uniquely impacted law library services over the past 20 years. The growth of resources and access to justice poses opportunities and challenges for all types of law libraries. State, court, and county law libraries have met some of the challenges by proactively replicating certain legal self-help services that originated in courts, law schools, and legal aid programs. These new law library services have the essential requirement that law libraries collaborate with outside partners, to determine what works and to implement successful solutions.

1/~/media/Microsites/Files/CTC2013/Classes%20Round%202/TUES_10am_Litigants_Expect.ashx (last visited March 27, 2014).

Historically, public law libraries have offered print and online resources, including legal materials for non-attorney users. Many past law library patrons have tried to navigate court rules, cases, and statutes to avoid attorney costs. With the explosion recently in access to justice, the response by the legal community has been overwhelmingly positive. The "do it yourself" (DIY) strategies of non-attorneys have been bolstered in recent years to provide resources to make them more successful. Law libraries play critical roles in connecting individuals with these resources. Luckily, many vibrant, well-staffed public library programs provide a visionary framework for the future services for all public law libraries. While many law library programs are underfunded and understaffed, there is great promise for their vitality and expansion. Because many good working examples exist, law librarians can learn from those who have embraced new services and programs to reach self-represented access to justice in public law library settings.[42]

Zorza, the former coordinator of the Self-Represented Litigation Network (SRLN), published a 2012 report on the 21st century law library. Zorza challenges law librarians and defines new roles for public law libraries. Zorza sees the opportunity for law libraries "to transform themselves as leaders in providing access to justice for all as part of a broad realignment of the legal system as a whole."[43] In his report, he cites the need for law libraries to move toward a broader range of services. He recommends enhancements in space, technology, and ambitious partnerships to bring this about.

A 2013-14 survey and study of SRLN's law library subgroup describes what some libraries are doing.[44] One hundred and fifty-three respondents—largely from state, court, and county law libraries—described their current efforts to support access to justice and self-help center programs. The analysis describes basic services as well as self-help center support in three scenarios: in the library and coordinated by the law library; in the library but coordinated by an outside organization; and physically located outside of the library. Largely, courts are the primary partners for these libraries that support self-help centers. Other partners include local legal service providers and bar associations. Resources more prevalent in these library operations include legal research help, referrals to other legal programs, computers, court forms, email reference, telephone reference, and professional collections for the person without a lawyer. Some libraries also reported their involvement with services that are less frequently deployed in law libraries, including creating their own court forms, maintaining a website to provide legal information for the person without a lawyer, producing classes and webinars for patrons, and maintaining legal advice clinics.

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[42] DIRECTORY OF LIBRARY-BASED SELF-HELP PROGRAMS: SELF-REPRESENTED LITIGATION NETWORK; LAW LIBRARIANS' WORKING GROUP, 2009 http://www.aallnet.org/sections/sccll/toolkit/Self-Representation-Resources/directory.pdf (last viewed March 27, 2014).

[43] Zorza, *supra* note 34, at p.1.

[44] SELF-REPRESENTED LITIGATION NETWORK, LAW LIBRARY SUBGROUP. "LIBRARY SELF-HELP PROGRAMS AND SERVICES: A SURVEY OF LAW LIBRARY PROGRAMS FOR SELF-REPRESENTED LITIGANTS, INCLUDING SELF-HELP CENTERS, April, 2014, https://www.surveymonkey.com/sr.aspx?sm=47PgaiH6n0dBEv_2bqeBqXA5WLA3ccQk3V7zOlvkKD8IA_3d (last visited 6/4/2014) and Report also at http://selfhelpsupport.org/surveys.

Given the background of the SRLN survey, description, and observation of long-standing self-help centers in law libraries, there is validity in recommending what self-help centers in law libraries might look like. Since there are many law libraries that have yet to implement self-help centers, this report offers three levels for service. However, very basic service for any viable public law library includes a core list of basic services including staff, collection, computers, phone, fax, scanner, and photocopiers.

Special benefits accrue to law libraries that perform self-help center functions, which include no income screening; no conflicting out when opposite parties come to the law library for service; and assistance in triaging the issue. The triaging benefit involves the ability of the law librarian (or the self-help center attorney) to direct the patron to internal resources, other self-help centers, or refer the patron to other service providers. For example, at the Ramsey County Law Library (St. Paul, Minnesota), a person with a landlord tenant issue met with a volunteer attorney. The attorney learned that the person also had a harassment issue. The law library was able to immediately connect the person with harassment services in the court.

The self-help center in the law library also benefits from the additional resources and services of expertly trained information staff, computers, print, and online resources, often in multiple languages, which can be folded into services provided to the self-help center users, depending upon the user's needs. If someone visits a brief advice clinic held in the law library and the attorney volunteer recommends a certain form to be completed, the user can consult with the librarian about accessing and completing the form in the law library. The packaging of document assembly technologies with a self-help center depicts one of the unique strengths that law libraries contribute to centers located within them. Libraries that are more equipped both on the staffing and resource end can assist even more. Some law libraries provide scanners for patrons who must now e-file documents to the court.

Considering three levels of self-help center programs in law libraries, a number of services may exist in some or all of these centers. The following list describes some of the services that law libraries provide, whether the self-help center is a formalized operation or the law library is simply the default self-help center resource in the courthouse.

ii. Law library Self-Help Resources and Services

More common:

- Make available existing forms and instructions packets
- Create and make available forms and instructions packets (such as Travis County, Texas)
- Make referrals to other legal service providers
- Coordinate "attorneys in the library programs" (staffed by volunteer attorneys)
- Sponsor clinics in library (organized by others)

Less common:

- Attorney/paralegal on library staff

- Assistance with procedures
- Assistance with filling out forms
- Assistance with reviewing forms
- Assistance with instructions to completion of matter
- Assistance to the consumer from other personnel/library staff (if the self-help center is too busy, Kern County (California) law library staff supplement the self-help center staff)
- Assistance with filling out forms
- Assistance with reviewing forms
- Contract with staff of state's legal services to be in the library, (such as Stearns County, St. Cloud, Minnesota)

iii. Gather Prospective Partners

As indicated above, access to justice requires cooperation and collaboration with many parties. Clearly, interaction with the courts is vital. The goal is not only to help people become better prepared to navigate the legal system, but also to relieve some of the stress on the courts. The judge may be able to rule on an issue more effectively and not send the person out to gather more information or complete additional forms when the litigant comes to court with completed forms and all of their documentation collected and at hand. Self-help centers in partnership with law libraries, volunteer attorney programs, and other legal services providers can make a major contribution to removing some of the roadblocks in the legal process.

Local legal aid services are also essential to providing services to the person without a lawyer. Often a person who needs legal services is unsure of where to turn. Many show up at their local law library or public library. Referrals to legal services providers allow the patrons to connect with an attorney, if they meet certain qualifications.

The state and local bar associations may offer services specific to an area. In Seattle, a regional planning committee, composed of representatives of legal service providers, meets regularly. Law library participation in such a group is an excellent way to stay informed and connected.

Public libraries continue to be on the front line, assisting patrons with legal questions regularly. Partnering with the public libraries is an excellent way to assist the librarians and to reach the public who may not be aware of the local public law library and its services.

Other partners include local senior centers or neighborhood centers, social services agencies, and other departments of the local governmental entities.

iv. Best Practices

Geographic disparities, staffing, and funding impact the levels of service a law library self-help center might provide. However, as more county law libraries embrace access to justice and self-help center programs, law librarians can better define elements of basic, intermediate, and advanced self-help center programs in libraries. These three levels are described below and are recommended as best practices; each level includes the level(s) preceding it as a part of the program.

One previous attempt to define different levels of service for county law libraries was reported in Minnesota in the 2007 Report of the Statewide Law Library/Self-Help Center Project Advisory Work Group.[45] The workgroup recognized that urban, suburban, and more rural county law library programs would differ based upon the populations served and patron demands. The report estimated that 63 percent of Minnesota's population was exposed to quality county law library services due to the existence of well-staffed suburban and urban county law libraries in the more highly populated areas of the state. However, the workgroup recognized that it was worthwhile to define three levels of service—from very basic to the larger funded metro area county law libraries in Minneapolis and St. Paul. One of the objectives in defining basic levels of service was to acknowledge that very minimal service could only exist if the county law library had certain core characteristics.

One of this Special Committee's goals is to offer assistance to those law librarians who wish to advance their library self-help programs. Ongoing discussion among law librarians regarding their roles in supporting self-help and access to justice can be distilled into some basic criteria for the three service levels.

b. Levels of Service

i. Basic Level—Best Practices for Small Libraries or Those Just Starting to Implement a Law Library Self-Help Center

At a very basic level, the law library may only provide space and books—the sad relegation in many unstaffed, small, and rural courthouses. However, seen in a different light, these same resources may be viewed as providing very basic self-help center services. In *The Self-Help Friendly Court: Designed from the Ground Up to Work for People Without Lawyers*, Richard Zorza recommends an approach to creating self-help friendly environments. Specific courthouse amenities he describes include spaces that allow connection and privacy, problem-solving

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[45] Report of the Statewide Law Library/Self-Help Center Project Advisory Workgroup, Minnesota, January 17, 2007, http://mn.gov/lawlib/StatewideLLReport.pdf (last visited March 27, 2014).

Executive Summary P. 3—"According to the Minnesota State Demographic Center's 2005 population figures, 63% of Minnesota citizens are served by ten county law libraries with full-time staffing. These libraries offer an impressive array of services to the public and most have collaborative programs addressing the needs of self-represented litigants. However, in the 77 law libraries with minimal or no staffing, resources are underutilized by the public. There is great potential for improving the county law libraries of greater Minnesota in a manner that will both help the libraries and further court programs directed at the public, especially in the area of assisting self-represented litigants".

See Appendix C: Minimum Standards and Best Practices for Minnesota County Law Libraries, at p. 18-20. Breaks standards into three tiers of service with regard to the facility and its location (recommending that all law libraries, even those at the most basic level, be located in the court house and including such essentials as chairs, tables air conditioning, lighting, signage—it also describes staffing and resources for the three tiers.)

resources, and an educational environment that promotes access technologies.[46] While these attributes alone vastly oversimplify the overall design that encompasses his vision for the self-help friendly court, they match, on a very basic level, the role of the small courthouse law library. Specific recommendations for Basic Level courthouse law libraries are described below:

- The law library should employ a librarian or a person functioning as a librarian, with the library open during court hours Monday through Friday.
    - If the state has developed online resources (created by the access to justice initiatives, courts, or legal services providers) for forms/instructions, the library should promote and support those materials. The library should also support document assembly programs for the online production of forms if they are available.
- Access to Justice Principles should be embraced by the public law library.
- The law library should develop a list of local referrals, if there is not a list in place, as well as identify and create mechanisms to share the list with people in need.
- Adapt core collection requirements as described above.
    - While budgets are very limited, access to the Internet in the public law library will provide easy access to many of these items.
- Develop and maintain access to centralized websites that provide links to legal resources.
    - The law library may develop its own website with related links to helpful information; utilizing an "askalawlibrarian" email reference. If the law library doesn't have its own website, it should promote other good legal information provided in the state or county.
- Make note of what the law library needs and what their patrons are requesting or where they need assistance.
    - Articulating these needs will guide the library in links to post on their website, items to purchase, etc.
- Provide basic equipment, workspace, telephone, computers, copiers, scanners, reference tools, and plain language forms/resources, as available.

ii. Intermediate Level—Next Steps, Expand Services

The next level of service will incorporate the recommendations above plus those listed in this section. Law libraries will need the support of their communities and partners to develop and maintain these services. Libraries may become host sites for other legal service providers to hold clinics that they operate. They may host "Attorney in the Library" programs or coordinate similar programs hosted in public libraries or in other community gathering places. Not only can law libraries host seminars or continuing legal education programs for both attorneys and the public, they can also create guides of resources available in their library on specific topics, highlighting not only books but links to resources found on their website or the Internet. They can also create and make available forms and instructions packets authored by the library, with one of their partners, the courts, or other agencies, etc.

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[46] Richard Zorza, THE SELF-HELP FRIENDLY COURT: DESIGNED FROM THE GROUND UP TO WORK FOR PEOPLE WITHOUT LAWYERS, National Center for State Courts, Williamsburg, VA, 2002, at p. 29-30 http://www.zorza.net/Res_ProSe_SelfHelpCtPub.pdf .

New York State has incorporated many of these steps in the development of their Judicial District Help Centers. There is at least one publicly accessible law library in each of the 62 counties in New York State. Two counties—Monroe, the city of Rochester is the county seat, and Suffolk, the city of Riverhead is the county seat—have two. The New York State Courts Access to Justice Program oversees the 24 Court Help Centers located in Family, Surrogate's, Supreme, Civil Courts, or their law libraries throughout the state. The mission of the program is to ensure access to justice in civil and criminal matters for New Yorkers of all incomes, backgrounds, and special needs, by using every resource, including self-help services, *pro bono* programs, and technological tools, and by securing stable and adequate non-profit and government funding for civil and criminal legal services programs.[47]

The 7th Judicial District Help Center, which opened in January 2013, is located in the law library at the Monroe County Hall of Justice (Rochester), a multiple court facility, and is managed by the law librarian. It is a collaboration between the New York State Unified Court System and Volunteer Legal Services Project of Monroe County, Inc. (VLSP), a pro bono program and not-for-profit organization that provides civil legal services to the poor and needy. The initial category of cases focus primarily on civil matters, starting with family law, child custody and visitation, support, and paternity and domestic violence, as well as some other civil services such as landlord-tenant issues and small claims.[48]

The Centers were established to provide self-represented litigants with the tools and resources to help them navigate the court system without hiring an attorney. Legal information is given rather than legal advice. Access to free Internet and selected legal databases and an Internet-based user-friendly DIY Form program, some with branch logic (http://www.nycourts.gov/ip/nya2j/diyavailable.shtml), among other resources, are available. There are no income restrictions for receiving assistance; anyone seeking help receives it free of charge. Access to justice remains anonymous, but home postal zip codes are requested in an effort to identify geographic locations in need of services. Statistics are logged regarding the kinds of questions asked and the kinds of forms requested.

The Help Center is open Monday through Friday, 10 a.m. to noon and 1 to 4 p.m. It is staffed Monday, Wednesday, and Friday by trained 7th Judicial District staff and Tuesday and Thursday by paid VLSP attorneys and paralegals and also attorneys doing pro bono work through VLSP. Along with other Centers, it provides help for people representing themselves in their legal matters, education for the public about the role and function of the courts, information on access to justice and the public and about alternatives to civil litigation, and networking with and referrals to other community and public social service agencies to assist access to justice.[49] The law librarian is part of the staff rotation and is otherwise on hand to give assistance.

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[47] NEW YORK STATE COURTS ACCESS TO JUSTICE PROGRAM, REPORT TO THE CHIEF JUDGE AND THE CHIEF ADMINISTRATIVE JUDGE OF THE STATE OF NEW YORK. February 2014. P.29.

[48] Champagne, Denise M., "Doren: HOJ to set up legal help center." NY DAILY RECORD, 8 October 2012.New York (State).

[49] 7TH JUDICIAL DISTRICT COURT HELP CENTER AT ROCHESTER, N.Y. A GUIDE TO SERVICES. Rochester, N.Y. ca. 2013.

Local governance resides with the Court Help Center committee, which meets quarterly. The committee is composed of an array of court staff and local organizations, including the law librarian, 7th Judicial District Judges (Administrative; City, Family, and Supreme Court) representatives from the Center for Dispute Settlement, VLSP attorneys and support staff, and the chief clerks from City, Family, and Supreme Court. The governance committee is also a knowledge and procedures resource, available to answer specific questions about procedures and amend forms and brochures. The Help Center is a collaborative and evolving effort.

iii. Advanced Level—Self-Help Center of the Future

Is there a place for expanded self-help centers in law libraries beyond the services discussed previously? The description of services listed above provided by the law library are an extension of what a law library typically does—conduct the reference interview, point the patron to information contained in the library and available on the Internet, and refer patrons to attorneys to help them complete forms, identify issues, answer questions regarding court procedures, etc. What is missing here? These services come with limitations such as patron's income, delay in obtaining assistance, out-of-town visitors handling a local issue, or limits on the amount of time an attorney can spend with a patron (usually 30 minutes).

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). The self-help center is a place where all people who need legal assistance can meet with an attorney within appropriate time frames to not only help them begin addressing their legal needs but also to provide assistance in completion of the legal process. If the needs of the patron fall out of the range of the self-help center, patrons can be referred to attorneys and technicians who can provide limited representation or unbundled services, or to other legal services providers.

Law libraries are in a unique position to assist self-represented litigants. Law librarians are skilled in the reference interview, i.e., asking appropriate questions to determine the legal concern of the patron after they have told their story. They have legal reference materials at their fingertips, in print or on the Internet. They have a more comprehensive knowledge of primary resources in multiple subject areas. They are skilled at searching the Internet for appropriate items. The synergy between the librarians and the staff attorney, with their expertise in court procedures, identifying the legal issues, and their skills in the interview, along with the availability of legal resources at their fingertips, provides a richer and more complete environment with which to serve the person without a lawyer. Zorza notes the following:

> For law libraries (and indeed public libraries too), the task is how to make sure that the patron gets to the needed information or legal or social service referrals (if that is more appropriate). While the online finding tools are getting better and better, and while our ability to write it in comprehensible form is also improving, there are still significant barriers to finding, understanding, and applying the law, even in this form.

> It is at this crucial interface that the law library role must be most innovative. Library staff need to be able to help people actually find the information they need and to understand it. This is different from being the source of legal judgment. … But, it is necessary to underscore, *this function is also more than just pointing at the relevant material and walking away.*[50] (emphasis added)

Law libraries are perceived as neutral locations.[51] Patrons feel less intimidated entering a law library where the library's mission is to help people to the extent possible. Attorneys employed by the courts for the courts' self-help centers may have a conflict of interest with the operations of the courts if they are also part of the adjudicative process.

The future is the integration of a self-help center within the law library's organizational structure. What will the center look like?

Patrons who access these services will:

- Not be limited to low income individuals or families
- Be able to seek assistance on a point of need basis, or very close to it, and not have to wait a week or more to see an attorney
- Be able to draw on the expertise of both the librarian and the attorney
- Have legal reference materials at hand
- Have the opportunity to seek assistance for longer than a 30 minute session
- Be able to seek assistance for all legal questions, not just a few
- Be able to have access to tools such as research guides, videos, or court practice tips for the most frequent issues.

The law librarians and the attorney will:

- Create tools such as research guides, videos, forms, and court practice tips for the most frequent issues
- Create workshops to address specific legal needs
- Address the patron's issue at their point of need
- Provide a neutral environment for discussing their needs
- Provide referrals to appropriate legal services agencies and other services as needed
- Partner with the court to design methods to assist the patron move through the court process more smoothly
- Partner with other legal services to provide effective referrals.

C. Academic Law Librarians

a. Academic Librarians and Access to Justice

[50] Zorza, *supra* note 36, at p. 19-20.
[51] Zorza, *supra* note 36, at p. 21.

Law schools and particularly academic law librarians are keenly aware of the gap in legal services in the United States, a situation that has only worsened with our recent economic downturn.[52] However, as Professor Roy Stuckey notes in his seminal work, *Best Practices for Legal Education*, "[t]he legal profession, due in part to the shortcomings of legal education, is failing to meet its obligations to provide access to justice."[53] Professor Gene Nichol in his foreword written for Harvard Law School's 2011 symposium on Jobs and the American Worker further submits that "[m]ost of our legal education occurs as if there were no poor and near poor persons in America."[54]

Regardless of the degree to which these statements relate to any particular law school, academic law librarians must rise to the challenge presented by Professor Deborah Rhode in her book *Access to Justice*: "As gatekeepers to the profession, law schools have a unique opportunity and obligation to make access to justice a more central social priority."[55]

b. Law School Values and Standards

The American Association of Law Schools (AALS) requires certain core values of its members, which include a faculty "devoted to fostering justice and public service in the legal community."[56] The preamble to the 2013-2014 ABA Standards and Rules of Procedure for Approval of Law Schools states that an approved law school

> must provide an educational opportunity that ensures that its graduates: (1) understand their ethical responsibilities as representatives of clients, officers of the courts, and public citizens responsible for the quality and availability of justice; … and (3) understand the law as a public profession calling for performance of pro bono legal services.[57]

Chapter 3 of the ABA standards addresses the program of legal education for law schools. Standard 302(b)(2) under CURRICULUM mandates that "[a] law school shall offer substantial opportunities for:… (2) student participation in pro bono activities."[58] Interpretation 302-10

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[52] *See, e.g.,* LEGAL SERV. CORP, DOCUMENTING THE JUSTICE GAP IN AMERICA: THE CURRENT UNMET CIVIL LEGAL NEEDS OF LOW-INCOME AMERICANS (Sept. 2009), *available at* www.lsc.gov/sites/default/files/LSC/pdfs/ documenting_the_justice_gap_in_america_2009.pdf.; Deborah L. Rhode, *Access to Justice: An Agenda for Legal Education and Research*, 62 J. LEGAL EDUC. 531 (2013).

[53] ROY STUCKEY, BEST PRACTICES FOR LEGAL EDUCATION 24 (2009).

[54] Gene R. Nichol, *Wages, Work, Privilege, and Legal Education*, 5 HARV. L. & POL'Y REV., 2011, at 12.

[55] DEBORAH L. RHODE, ACCESS TO JUSTICE 193 (2004).

[56] *Bylaws Section 6-1, in* ASS'N OF AM. LAW SCH., ASSOCIATION HANDBOOK 61 (2013).

[57] AM. BAR ASS'N, 2013-2014 ABA Standards and Rules of Procedure for Approval of Law Schools, at ix (2013), *available at* http://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2013_2014_final_aba_standards_and_rules_of_procedure_for_approval_of_law_schools_body.authcheckdam.pdf.

[58] *Id* at 22.

encourages law schools to "be creative," but requires that such opportunities "at a minimum involve the rendering of meaningful law-related service to persons of limited means or organizations that serve such persons."[59]

Chapter 4 of the ABA standards addresses the faculty. Under RESPONSIBILITIES OF FULL-TIME FACULTY, Standard 404(a)(5) states: "Law schools must develop policies with respect to a full-time faculty member's responsibilities in teaching, scholarship, service to the law school community, and professional activities outside the law school. The policies need not seek uniformity among faculty members, but should address:… (5) Obligations to the public, including participation in pro bono activities."[60]

Furthermore, upon graduation, law students must be prepared to fulfill their ethical duties as practitioners. According to Rule 6.1 of the ABA Model Rules of Professional Conduct, "[e]very lawyer has a professional responsibility to provide legal services to those unable to pay."[61]

c. Law Librarian Duties and Responsibilities

Academic law librarians are obvious candidates for promoting access to justice. Not only are they experts at providing access to legal information, but they are also in constant contact with students preparing to become lawyers. Academic law librarians are involved in research instruction through their duties at the reference desk. They conduct legal research workshops and seminars, teach legal research courses, supervise student papers, and advise journals and student organizations.

In addition to these unique opportunities to positively influence their primary patrons—future lawyers, judges, and legislators—other opportunities for academic law librarians to promote access to justice exist in the form of library services, collection development, legal research instruction, scholarship, and service.

However, library services and collections cost money, and in academic law libraries public patrons are typically at the bottom of the priority list of patron groups served, after law students and faculty, other university students and faculty, and the bench and bar. Nevertheless, in promoting and supporting access to justice initiatives, academic law librarians not only help the law school meet its standards, they also fulfill their own ethical obligations as members of (AALL.

The preamble to AALL's Ethical Principles aptly states:

> When individuals have ready access to legal information, they can participate fully in the affairs of their government. By collecting, organizing, preserving, and

[59] *Id* at 23.
[60] *Id* at 34.
[61] *Rule 6.1: Voluntary Pro Bono Publico Service*, AM. BAR ASS'N, http://www.americanbar.org/groups/probono_public_service/policy/aba_model_rule_6_1.html (last visited 04/28/2014).

> retrieving legal information, the members of the American Association of Law Libraries enable people to make this ideal of democracy a reality.
>
> Legal information professionals have an obligation to satisfy the needs, to promote the interests, and to respect the values of their clientele. Law firms, corporations, academic and governmental institutions *and the general public* have legal information needs that are best addressed by professionals committed to the belief that serving these information needs is a noble calling and that fostering the equal participation of diverse people in library services underscores one of our basic tenets, open access to information *for all individuals* (emphasis added).[62]

AALL's Ethical Principles also encourage access to justice through service:

> We promote *open and effective access* to legal and related information. Further, we recognize the need to establish methods of preserving, maintaining, and retrieving legal information in many different forms.
>
> We provide zealous service using the most appropriate resources and implementing programs consistent with our institution's mission and goals (emphasis added)."[63]

Even if promoting access to justice is not central to the mission of a particular law school or law library,[64] doing so will help that law school meet its AALS and ABA values and standards as well as help academic law librarians satisfy their ethical obligations as members of AALL. Moreover, it is simply good public relations for law schools seeking to attract the best and the brightest, to support open and equal access to the system they promote.

d. Access to Justice

Academic law librarians can and do promote access to justice through library services, collection development, legal research instruction, scholarship, and service. Following is an examination of the varied access to justice services and initiatives academic law librarians support and suggestions for ways they can do more, including, where relevant, results and conclusions

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[62] *AALL Ethical Principles*, AM. ASS'N OF L. LIBR., http://www.aallnet.org/main-menu/Leadership-Governance/policies/PublicPolicies/policy-ethics.html (last visited 04/28/2014).
[63] *Id*.
[64] See, e.g., *Mission and Vision*, UNIV. OF ST. THOMAS SCH. OF LAW, http://www.stthomas.edu/law/about/mission/ (last visited 04/28/2014); *Mission and History*, N.Y. LAW SCH., http://www.nyls.edu/about_the_school/mission_and_history/ (last visited 04/28/2014); *Spirit of Service*, FORDHAM LAW, http://law.fordham.edu/about-fordham/6268.htm (last visited 04/28/2014); *About Us*, SEATTLE UNIV. SCH. OF LAW, http://www.law.seattleu.edu/about-us (last visited 04/28/2014).

gleaned from the informal survey the Access to Justice Special Committee (the committee) recently conducted entitled *Academic Librarians Providing Access to Justice.*[65]

e. Library Services

Of the 89 libraries that responded to the committee's survey, all but six allow some type of public access. Two-thirds provide unlimited access, while others limit access to the public by number of hours or types of materials, or require a pass from another library. Academic law libraries that are open to the public typically provide reference assistance to public patrons, along with computers for access to free online legal resources, government documents, and legal research databases such as LexisNexis Academic. Only 28 of the survey respondents, however, indicated that they provide computers for word processing, a responsibility surely passed on to public libraries, but one that academic law libraries could share.

Twenty-seven of the 89 libraries responding to the survey provide check-out privileges for public patrons, which could become standard in academic law libraries, as it is with public libraries and friends and alumni groups associated with academic libraries. Only 24 libraries responded that they provide document delivery services for public patrons, mostly for a fee. Inmates without adequate prison libraries often seek to obtain legal research materials from academic law libraries. Academic law librarians could form alliances with prison librarians in their states to better serve this vulnerable patron group.

f. Collection Development

Academic law libraries can maintain print collections that are geared toward serving the research needs of persons representing themselves in a legal matter, i.e., self-represented litigant patrons. Some integrate these materials into their general collections, while others maintain special collections with titles such as Self-Help.[66] Fifty-three of the libraries responding to the committee's survey provide public access to online legal research databases. By doing so, these libraries are serving not only the legal research needs of self-represented litigant patrons, but also those of solo practitioners and attorneys from small firms who cannot afford to pay for such services. The same is true of print materials, which are often published for lawyers, but prove helpful to self-represented litigant patrons as well.

A wealth of legal information is now available on the Internet for free. Both public and private academic law librarians can help public patrons identify and access the best legal resources by creating websites for public patrons on free and low-cost legal research,[67] as well as research

[65] We surveyed librarians using law library and non-law library discussion lists. Respondents included law school (60), college or university (16), community college (1), and technical college (3) libraries. A summary of the survey results is available at https://www.surveymonkey.com/results/SM-8CL779L/ and also at http://selfhelpsupport.org/surveys.

[66] Seventeen survey respondents maintain special collections, which may be used more if they are visible and easily accessible without asking for assistance.

[67] See, e.g., *Free and Low Cost Legal Research Guide*, GEORGETOWN LAW LIBRARY, http://www.law.georgetown.edu/library/research/guides/freelowcost.cfm (last visited

guides on topics of interest to public patrons, such as family, consumer, employment, and criminal law, starting a small business or nonprofit, or copyrighting a work of art, to name a few.[68] These websites could also include information on how to access free or low-cost legal representation from state agencies, legal aid organizations, and pro bono programs and how to navigate the various courts and court forms in that jurisdiction.

Unfortunately, only 23 of the survey respondents maintain websites, and 26 reported that they provide online research guides geared toward public patrons. Academic law librarians must focus their limited time on their primary patrons (students and faculty), and many teach now more than ever. Nevertheless, if access to justice issues and serving the needs of the unrepresented were to become more integrated into law school curriculums, priorities could change. With software such as LibGuides now more available, it is becoming easier for academic law librarians to create and share materials for the Web. Additionally, academic law librarians can form partnerships to promote access to legal information. For example, Louisiana State University Law Library responded to the committee's survey that they are working with their bar association group to create LibGuides for public patrons and public librarians assisting the self-represented.[69]

Another way academic law libraries can use the Internet to promote public access to legal information is to digitize print and archival materials, such as state codes, state registers, and appellate court records and briefs, and make them available on their websites. In fact, 17 survey respondents indicated that their library digitizes primary legal materials for public access.

g. Legal Research Instruction

i. Workshops and Training for Librarians

Academic law librarians appreciate the difficulties non-law librarians face when assisting patrons with legal research. Academic law librarians are expert legal researchers and enjoy sharing their knowledge about legal research strategies and resources. One very effective way they can promote access to justice is to teach public and academic non-law librarians basic legal research skills and advise them on how to provide legal reference without giving legal advice.

Of the 89 libraries that responded to the committee's survey, 17 provide workshops or related training for other librarians and 12 advise other librarians on how to avoid the unauthorized practice of law. This takes time, commitment, and money, particularly if traveling is involved,

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04/28/2014); *Free and Low Cost Resources for Legal Research*, PACE LAW LIBRARY, http://libraryguides.law.pace.edu/free (last visited 04/28/2014); *Online Legal Research: Beyond LexisNexis & Westlaw*, UCLA SCH. OF LAW, http://libguides.law.ucla.edu/onlinelegalresearch (last visited 04/28/2014); and *Guide to Free Internet Legal Resources*, UNIV. OF S.C. SCH. OF LAW, http://guides.law.sc.edu/internetlegalresources (last visited 04/28/2014).

[68] See *The Colorado Law Project*, UNIV. OF DENVER, http://www.law.du.edu/index.php/the-colorado-law-project/topical-research-guides (last visited 04/28/2014).

[69] In fact, the University of South Carolina recently shared its Circuit Riders Outreach LibGuide template with Louisiana State University.

but is another area where technology can help. For example, the online book entitled *Locating the Law: A Handbook for Non-Law Librarians* created by the Public Access to Legal Information Committee of the Southern California Association of Law Libraries is now in its 5th edition.[70]

Tutorials and training materials can be posted online, and software is available for taped or live interactive lectures and presentations. For example, the University of South Carolina law librarians began their Circuit Riders Outreach Program as a traveling workshop series in 2007, but are now transitioning to an online guide (using LibGuides) with materials and videos for non-law librarians to use for professional development or to teach public patrons about legal research.[71] Academic law librarians can also teach legal reference courses and conduct continuing education seminars in person and online through their local library schools and library associations.

Another way academic law librarians can help public and academic non-law librarians to best serve the legal research needs of their patrons is to recommend core collections of primary and secondary legal materials for self-represented patrons.[72] Ten of the libraries surveyed provide collection development assistance to other librarians. The University of Florida law librarians even helped their local public library organize its materials when it became the county law library.

h. Access to Justice in the Law School Curriculum

Academic law librarians in law schools across the country teach first-year (1L) and advanced legal research courses and are always in search of interesting real-life research problems for their students. In "*Engaging First-Year Law Students Through Pro Bono Collaborations in Legal Writing,"* Professor Mary Nicol Bowman describes the Legal Writing Collaborative that the legal research and writing faculty at Seattle University School of Law (SU) created, in cooperation with its Access to Justice Institute and the local legal services community, to provide SU's 1L students with current legal research problems from lawyers in the legal services community.[73]

Deborah Hackerson calls on those who teach practical skills in law schools to ensure access to justice by preparing their students to "enter the legal profession with the level of competence needed to provide assistance to all potential clients."[74] Even without a formal program like SU's Legal Writing Collaborative, academic law librarians know the typical legal issues of their self-represented litigant patrons and can use those issues as examples and assignments in their 1L and

[70] *Locating the Law, 5th edition*, S. CAL. ASS'N OF L. LIBR. http://www.aallnet.org/chapter/scall/locating.htm (last visited 04/28/2014).
[71] The Circuit Riders Outreach Program: Legal Research for Non-Law Librarians is located at http://www.law.sc.edu/library/circuit_riders/.
[72] *See*, the Core Collections section I.C. of this White Paper.
[73] Mary Nicol Bowman, *Engaging First-Year Law Students Through Pro Bono Collaborations in Legal Writing*, 62 J. LEGAL EDUC. 586 (2013).
[74] Deborah K. Hackerson, *Access to Justice Starts in the Library: The Importance of Competent Research Skills and Free/Low-Cost Research Resources*, 62 ME. L. REV. 473, 486 (2010).

advanced legal research classes. Academic law librarians can also teach their students to use free and low-cost resources for their legal research. Both help students to become competent legal researchers by preparing them to "represent all types of clients."[75]

Academic law librarians can also promote access to justice beyond graduation as well by providing continuing education training for practicing attorneys on the efficient and effective use of free and low-cost legal research resources to support their pro bono activities.

Just as academic law librarians agree that legal research should be a part of the law school curriculum beyond the first year[76] and have suggested innovative ways to teach it,[77] so should law schools agree that access to justice issues and public service be incorporated throughout the law school curriculum. In "*Beyond Externships and Clinics: Integrating Access to Justice Education into the Curriculum*,"[78] Professor Cynthia Adcock presents the research to support teaching law students throughout their three years of law school about access to justice issues and their professional responsibility to engage in pro bono service, so that they may learn not only how to *think* like lawyers, but how to *be* lawyers.[79]

Promoting access to justice in law schools typically involves traditional volunteer experiential learning opportunities for students through clinics, pro bono, and self-help programs. One example of a model volunteer law school pro bono program recognized by the National Center for Access to Justice as worthy of replication is the Pro Bono Collaborative at Roger Williams University, which places law students with law firms to provide legal assistance to local non-profits serving low-income clients.[80] Academic law libraries can certainly support such programs through library services, collection development, and research instruction (e.g., collaborating with clinics and pro bono programs for research and writing problems). Incubator programs that train law graduates to operate their own small firms are also beginning to appear on law school campuses. Some programs such as City University of New York (CUNY) School of Law's

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[75] *Id* at 474.
[76] Brooke J. Bowman, *Researching Across the Curriculum: The Road Must Continue Beyond the First Year*, 61 OKLA. L. REV. 503 (2008).
[77] Vicenç Feliú & Helen Frazer, *Embedded Librarians: Teaching Legal Research as a Lawyering Skill*, 61 J. LEGAL EDUC. 540 (2012); Genevieve Blake Tung, *Academic Libraries and the Crises in Legal Education*, 105 LAW LIBR. J. 275 (2013).
[78] Cynthia F. Adcock, *Beyond Externships and Clinics: Integrating Access to Justice Education into the Curriculum*, 62 J. LEGAL EDUC. 566 (2013).
[79] *Id* at 574 (citing studies by Deborah Rhode, Robert Granfield, and Deborah Schmedemann as well as William M. Sullivan, Anne Colby, Judith W. Wegner, Lloyd Bond & Lee S. Shulman, *Educating Lawyers: Preparation for the Profession of Law* 22 (Jossey-Bass 2007) and Roy Stuckey and Others, *Best Practices for Legal Education* 8-9 (Clinical Legal Education Assn. 2007).
[80] See *Pro Bono Collaborative*, ROGER WILLIAMS UNIV. SCH. OF LAW, http://law.rwu.edu/feinsteincenter/experiential-learning/pro-bono-elr/pbc (last visited 04/28/2014); NAT'L CTR. FOR ACCESS TO JUSTICE, MODEL PROJECTS & STRUCTURES TO STRENGTHEN LAW STUDENT PRO BONO TO INCREASE ACCESS TO JUSTICE, *available at* http://ncforaj.org/wp-content/uploads/2012/10/final-models-memo-lspb-2p.pdf.

Incubator for Justice, do so while encouraging their graduates to serve low-income clients.[81] Academic law libraries can support these incubator programs by not only providing access to library collections, print and online, but also by teaching program participants how to utilize low-cost and free legal research resources.[82]

Academic law librarians could also work with local public law librarians in training law students who could provide support for the various online and/or phone reference services provided by public law libraries. These programs may include local chat services or regional/statewide 24/7 or "Ask Now" services.

Of the 89 libraries that responded to the committee's survey, 19 support on-campus and six support off-campus clinics programs; 10 support on-campus pro bono programs and one supports an off-campus (community sponsored) pro bono program; three support on-campus and four support off-campus self-help programs; and three support on-campus incubator programs. Again, these numbers would surely increase if access to justice and pro bono service were more integrated into law school communities and curriculums.

In 2012, New York added a 50-hour pro bono service requirement for admission to the New York bar. The National Center for Access to Justice is advocating for other states to do the same and for the ABA to include 50 hours of pro bono service to its national accreditation standards for law schools.[83]

Pam Robinson, who started the first formal voluntary law school pro bono program,[84] described the University of South Carolina School of Law's approach in 1990 as sending "a message that volunteer work is worthwhile to society, will provide opportunities to expand skills, and will enhance personal growth," [85] and recommended building "a professional pro bono habit by demonstration, not by force."[86] However, after describing the "gap that grew between the law school curriculum and pro bono programs,"[87] the "resurrection of curriculum-based pro bono service" with the ABA's adoption of Standard 302(b)(2),[88] and recent studies of graduates of schools with voluntary and mandatory pro bono programs, Professor Adcock concludes that pro

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[81] *Incubator for Justice*, CUNY SCH. OF LAW, http://www.law.cuny.edu/clrn/incubator.html (last visited 04/28/2014).
[82] Tung, *supra* note 76, at 298-99; Sonal P. Desai, *Law School Firms and Incubators and the Role of the Academic Law Library*, 33 LEGAL REFERENCE SERV. Q. 68 (2014) (Describes 11 law-school-supported incubator programs and suggests opportunities for law library involvement in such programs).
[83] *Law Student Pro Bono*, NAT'L CTR. FOR ACCESS TO JUSTICE, http://ncforaj.org/law-student-pro-bono/ (last visited 04/28/2014).
[84] Adcock, *supra* note 77, at 570.
[85] Pamela DeFanti Robinson, *Insurmountable Opportunities or Innovative Choices: The Pro Bono Experience at the University of South Carolina School of Law*, 42 S.C. L. REV. 959, 970 (1991).
[86] *Id* at 971.
[87] Adcock, *supra* note 77, at 566.
[88] Id at 572.

bono service alone cannot produce graduates who engage in pro bono service—that "[p]ro bono service must be connected to or part of the curriculum"[89] and that "[l]aw schools must teach the value of pro bono services and its complexities as they teach other skills and values."[90]

Professor Rhode, writing for the Consortium on Access to Justice in "Access to Justice: An Agenda for Legal Education and Research,"[91] proposes a plan for law schools to integrate access to justice into the "traditional core curriculum,"[92] which includes offering at least one course that focuses on access to justice, covering topics "relevant to the justice gap" in first-year and upper level courses,[93] creating an online clearinghouse of teaching materials, and, encouraging editors to include relevant topics in their casebooks.[94] Rhode also recommends that law schools "promote understanding and commitment on issues involving access to justice"[95] through "lectures, panels, workshops, conferences, mentoring programs, and student initiatives."[96]

As encouragement for law schools to include more pro bono activities in their curriculums, Rhode suggests that the ABA require more detail on "their coverage of social justice issues and participation rates in pro bono activities" for accreditation purposes and that bar examiners include questions about the justice gap and pro bono obligations on bar exams.[97]

A key mission of academic law libraries is to support their law school curriculums through library services, collection development, and research instruction. If access to justice becomes more integrated into law school curriculums, law library collections will respond with materials for study and research, as will law librarians who assist students with research strategy and resources. Academic law librarians can also assist with special projects and events related to student research and scholarship.

i. Access to Justice Scholarship in Law Schools

In addition to her recommendations for integrating access to justice issues throughout the law school curriculum, Professor Rhode outlines strategies for encouraging academics to focus their research and scholarship on the justice gap so that they might "create constituencies that are more informed and motivated to address its challenges." [98] Law school rankings are affected by the scholarship of their law faculty, and scholarship is a large portion of law faculty tenure criteria. A key mission of law school libraries is to support faculty research through library services and collection development. Law librarians also provide direct research assistance to

[89] *Id* at 574.
[90] *Id*.
[91] Deborah L. Rhode, *Access to Justice: An Agenda for Legal Education and Research*, 62 J. LEGAL EDUC. 531 (2013).
[92] *Id* at 545.
[93] *Id* at 546.
[94] *Id*.
[95] *Id* at 547.
[96] *Id*.
[97] Rhode, *supra* note 90, at 549.
[98] *Id* at 532.

individual law faculty and their research assistants for specific research projects and can help develop best practices and create accessible databases of access to justice research as well as assist with conferences and symposia promoting such scholarship.[99]

Furthermore, academic law librarians can engage in their own research and scholarship about law libraries and access to justice;[100] can share their efforts to promote public access to legal information in their law libraries, law schools, and communities;[101] and can gather research and create bibliographies for others to use in their research.[102] There are many different ranks and statuses of academic law librarians but, regardless of the need to engage in scholarship for tenure or promotion, law librarians write because they are interested or even passionate about a subject. Given their ethical duty to "promote open and effective access to legal and related information,"[103] what better topic to choose? Grants could serve as incentives for such scholarship; however, none of the 89 respondents to the committee's survey had sought or received funding for scholarship about access to justice. Perhaps AALL could include the ways in which academic law libraries work to ensure access to justice in its research agenda.[104]

j. Service

Because of the realities of their jobs, tenure, and promotion requirements, academic law librarians often focus less on scholarship and more on service to their law schools, institutions, and communities. Nonetheless, AALL's Ethical Principles encourage access to justice through service without regard to rank or status.[105]

In addition to promoting access to justice programs through library services, collection development, and legal research instruction, academic law librarians can work with their legal services groups, bar associations, courts, prison systems, local and state government agencies, community groups, other librarians, library associations, and library schools to promote access to justice through access to legal information and low-cost and free legal services.

Through such partnerships, academic law librarians can add their energy and expertise to that of non-academic law librarians (state, court, county, and private), non-law librarians (public and academic), and government and private entities to better serve the legal needs of the public. Working together, they can seek funding, develop and implement access to justice programs, and

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[99] *Id* at 545.
[100] Hackerson, *supra* note 73.
[101] Marcia L. Dority Baker, *Leading Landlords to the Law Library*, AALL SPECTRUM, February 2008, at 14; James Kelly, *Going Public: How Law Libraries of all Types and Sizes Serve the General Public*, AALL SPECTRUM, March 2006, at 12; Michael Whiteman, *Fortifying the Front Lines: Providing Legal Research Training to Public Librarians*, AALL SPECTRUM, March 2011, at 18.
[102] *Legal Information Services to the Public SIS [AALL Special Interest Section Recommended Reading Lists]*, 100 LAW LIBR. J. 728 (2008).
[103] *See* AMERICAN ASSOCIATION OF LAW LIBRARIES, *supra* note 61.
[104] *AALL Research Agenda 2013-2016*, AM. ASS'N OF L. LIBR. http://www.aallnet.org/main-menu/Member-Resources/grants/research-grants/research-agenda.html (last visited 04/28/2014).
[105] *See* AMERICAN ASSOCIATION OF LAW LIBRARIES, *supra* note 61.

share their collaborations with their colleagues in the library and legal communities by writing together for legal and non-legal publications. AALL could facilitate this sharing of experiences and expertise by maintaining a clearinghouse of access to justice programs and scholarship that is accessible to all.

Finally, academic law librarians can promote access to justice through advocacy. Academic law librarians should lobby to become members of Access to Justice Commissions in all states,[106] and should support AALL's advocacy efforts to promote access to legal information, including passage of the *Uniform Electronic Legal Material Act* in all states to ensure meaningful public access to state legal materials through authentication and preservation.[107]

III. CONCLUSION

This White Paper offers general themes and specific recommendations for all types of law libraries interested in access to justice. Law librarians from the various types of law libraries will hopefully glean useful ideas from the experiences described in this report. As law libraries expand efforts to claim their unique but significant roles in this endeavor, several key areas should be highlighted. In one sense, these may qualify as best practices in the access to justice movement. They also represent obvious law library principles with an evolving focus on access to justice.

For example, partnerships are essential for law libraries to reach out to legal aid agencies and the courts; law librarians gain from these more direct providers, but they also promote their own unique resources. Likewise, partnerships with public libraries offer the opportunity to assist in collection building and legal reference and thus enhance access at the public library level. Partnership opportunities with pro bono attorney volunteers and services also offer a vital link to law library services and programs. Online resources and technology are mainstream law library components. Advocacy, development, and support for these resources help distinguish the law library's more unique contribution to access to justice goals. Finally, promoting core collections for self-represented litigants in a variety of law library and non-law library settings provides the bibliographic tools to equip all types of libraries with basic legal information resources.

Private firm; state, court, and county; and academic law librarians can offer specific strengths to the access to justice community. These distinguished law library efforts not only provide models of innovation for others, but they also help expand access to justice by supporting pro bono programs and by direct assistance to self-represented litigants.

Firm librarians can uniquely impact access to justice by collaborating to marshal their knowledge management skills, work product perspectives, and technology expertise. Law firm librarians support the practicing bar in their ethical duties as practitioners to engage in pro bono service. By reaching out to other firm librarians, a collaborative approach to developing resources for the broader pro bono community helps expand available legal resources for pro bono volunteers. The ability to utilize technologies for web collaboration enhances access by making resources more

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[106] *See*, the Access to Justice Involvement section I.F of this White Paper.

[107] *Access to Legal Information*, AM. ASS'N OF L. LIBR. http://www.aallnet.org/main-menu/Advocacy/access (last visited 04/28/2014).

widely available to volunteer attorneys. Technology promises to offer much in the future, and law firm librarians can effectively bring technical innovations into mainstream pro bono programs and services.

State, court, and county law librarians offer space and resources where self-represented litigants will hopefully find a self-help friendly courthouse. Basic, intermediate, and advanced models foster development for all state, court, and county law libraries. No matter how geographically disparate, these public law libraries can push boundaries and deploy programs that connect basic resources and services with self-represented litigants. For those law libraries with established access to justice programs, there is opportunity to partner particularly with public librarians in their roles as gatekeepers who refer self-represented litigants to viable public law library resources. Some of these public law library resources may include lawyer in the law library programs with volunteer attorneys or even attorneys employed by the law library.

Academic law librarians work in institutions that foster student values regarding ethics and pro bono service. As a core value, academic law librarians can help foster pro bono service by teaching students how to utilize low-cost and free legal research resources. Academic librarians can also promote access to standard self-represented collections in law and non-law academic libraries. These core collections can be modified for recommended collections in public libraries as well, and, along with training, they allow for wider dissemination of core collections for self-represented litigants. Academic law librarians often provide direct assistance to the self-represented by striving to help when their primary commitment to faculty and students are fulfilled. Some academic law libraries even support centralized websites with free legal resources helpful to self-represented litigants.

As all types of law librarians work together to achieve access to justice goals, they can share useful information and collectively advocate for the ongoing development of services and programs. Law librarians are an important part of the access to justice community. Not only do they offer long-standing traditional reference services, but they also develop programs that foster innovation. By pushing their own boundaries, law librarians can gain meaningful perspectives on access to justice and can boldly assert their own unique contributions.

IV. SIDEBAR—Judy Meadows on Access to Justice

Judy Meadows retired as Montana State Law Librarian in 2013. Her career has included positions in a law firm, with a legal publisher, and in state and county law libraries. She has also been a tireless advocate for access to justice and for partnerships between law librarians in any setting and organizations and individuals working toward equal justice goals. Judy is a past president of AALL, a winner of the Marian Gould Gallagher Award, and a 2013 inductee to the AALL Hall of Fame.

Q. How did you get started in law librarianship, particularly court librarianship?
A. I first worked for a law firm, then for a few years I directed the library for a legal publishing company. Then I was hired to direct a small county law library. It was there that I came to realize the great unmet needs of those who cannot afford an attorney. Accepting the challenges of being the State Law Librarian of Montana satisfied my desire to help a larger population at the same

time that moving to the Rocky Mountain West answered the desire of my family to relocate out of the Washington, D.C. area.

Q. Did you come to the court library with an interest in access to justice issues or did you develop an interest over time?
A. It really developed over time. Montana doesn't have county law libraries. When I started my 29-year stint there also was no Internet. The more outreach and training I did with both public libraries and local clerks of court, the busier we became. It was heartbreaking to hear how desperate people were.

Q. What prompted your interest in access to justice issues? Was it a single event? Did it happen over time?
A. My staff was diligent about providing legal information, and not legal advice. But we lacked basic, Montana-specific legal forms and scripts for explaining processes. I saw what was happening in other states, and was sure the legal entities in Montana could work together to create good tools and programs.

Q. How did you become involved in the Montana Access to Justice Commission? Was the fact that you do not hold a JD a hindrance?
A. The Montana Supreme Court first created its Commission on Self-Represented Litigants. I was a founding member, and was appointed Chair a few years later. At about the same time, the Court created the Equal Justice Taskforce, with designated members from various groups, such as the State Bar of Montana, the University of Montana School of Law, Montana Legal Services, and my Commission. It was this Task Force that eventually, last year, became the new Commission.

I never felt that not completing law school hindered my work or acceptance in the legal community. I had more than enough of a legal education to know and understand the milieu in which I worked.

Q. What kind of work did you do with the Commission?
A. We were never funded or provided any staff, unlike Commissions in other states. But we did have committed and caring members who gave a lot of their time and energy. We worked with Montana Legal Services to prioritize, create, and approve legal forms. We instituted a continuous and statewide training schedule for all clerks of court and their staffs, encouraging them to be more forthcoming about providing fact-based answers to litigants. We did outreach and training for public reference librarians, showing them credible and authoritative web sites to use in their work. We testified and lobbied the state legislature to fund a court-help program. This created self-help programs around the state. We also worked hard to convince our Supreme Court to adopt rules permitting limited scope representation. Our members participated in our first statewide legal needs study. Last year this was followed up by a gaps and barriers study, which I helped with.

Q. What do you see as the biggest obstacles to providing access to justice in the United States and in states like Montana?

A. I could say time and money, but that is too facile an answer! I think that we have turned a significant corner in our national efforts. More and more attorneys are recognizing that only a small percentage of the population can afford their hourly fees and hefty retainers. They are joining us by helping to come up with programmatic solutions. Pro bono work increases every year, and limited scope representation becomes more and more accepted.

Q. What can librarians do to improve the cause of access to justice where they are?
A. By being aware of programs, other entities, and opportunities for involvement. I was always the person who said that if a need existed, I personally would find a way to fulfill it. Law librarians can join their local and state bar associations. If they can't become full members, they can push for associate membership. They can volunteer for court-based committee work. They can get to know their legal aid attorneys. They need to know the people at their local court who interact with the public. You have to be aware to know how and where you can assist.

Q. Do you have advice for librarians in firm or corporate settings who don't regularly interact with the public but would like to help with access to justice issues?
A. All attorneys are required to provide pro bono work, but most large law firm attorneys shy away from family law, where the need is greatest. Librarians can help them identify other kinds of pro bono opportunities, such as volunteering a couple of hours each month at their county law library. Or they can draft or edit legal forms for legal aid programs. Firm librarians can also volunteer to help staff coordinate a "lawyer in the library" program at their local public library. Our colleagues at law schools and firms can work together to institute a "celebrate the law" month or evening at the public library, with local judges and attorneys speaking on specific legal topics or explaining how their practice or courtroom functions. Law librarians should do more outreach to public libraries, from advising what self-help materials they should have in their collections to training reference staff.

Q. Do you have any access to justice heroes?
A. Richard Zorza is the first person who comes to mind. He has championed the Equal Justice movement and was quick to recognize that law librarians were natural allies. I have some champions in Montana, especially some judges, who certainly answered my pleas for help and support.

Q. Anything else?
A. That old adage, "if you're not part of the solution, then you're part of the problem" is so relevant to this topic. There are few things as important in a democracy as the right to redress before a court of law. But if one does not know how to file a complaint or a petition, or doesn't know where to find the right form or how to fill it out, and cannot afford an attorney, then we might as well have locked the doors to the courthouse and hidden the key.

V. APPENDICIES

Appendix A

Core Collection Standards

These materials are recommended as the core of a strong appellate court library or state law library collection. Electronic resources may be substituted for print materials, provided the historical nature of the state's primary law is retained. The list may be used as a checklist for collection evaluation purposes.

When selecting materials from other states, emphasis should be given to those from surrounding states. Maintaining cooperative resource sharing agreements with libraries and other state agencies within a reasonable geographic area or providing electronic access to selected materials will satisfy the collection requirements if staff is available to assist users in effectively accessing any electronic or off-site resources.

A. Home State Resources

1. Legislative

All editions of the state constitution;
All constitutional convention proceedings and any related materials on the history and adoption of the state's constitutions;
Current official statutes and all prior editions;
Annotated statutes, if not the same as the official version, and all prior editions;
Current and historical session laws;
Complete set of House and Senate journals;
All legislative manuals; and
Municipal and county codes, plus all superseded editions, if available.

2. Administrative

Attorney General opinions;
State administrative code, plus all superseded versions;
Complete set of administrative registers, if available; and
State agency decisions when available.

3. Judicial

All published and unpublished (if available) appellate court decisions;
Appellate court briefs;
Current court rules and all superseded editions;
Annual reports of the state court administrator; and
Other reports, directories and guides of a relevant judicial nature.

4. Finding aids and other secondary resources

At least one state case law digest;
State legal encyclopedia, if available;
State citator;

The State's Bluebook, if available;
Significant treatises, form books, and practice books plus all superseded editions;
State and local bar associations' publications; and
Legal periodicals and newspapers.

5. State Depository Programs

Many states have programs which provide libraries within their respective states access to many of the state's primary legal and secondary materials in either tangible or electronic format.

B. Federal Resources

1. Legislative

Statutes at Large;
Current *United States Code* and all previous editions, plus at least one commercially published annotated version; and
Materials for researching federal legislative history, such as *United States Code Congressional and Administrative News (USCCAN).*

2. Administrative

Federal Register;
Current *Code of Federal Regulations* and all superseded editions;
Opinions of the U.S. Attorney General;
Selected federal agency decisions; and
United States Government Manual.

3. Judicial

Official *United States Reports* and at least one commercially published unofficial reporter of decisions of the United States Supreme Court;
All published decisions of the U.S. District Courts, U.S. Courts of Appeal, and U.S. Bankruptcy Courts;
At least one commercially published reporter of federal rules decisions; and
At least one complete set of federal court rules for federal circuit and district courts of the home state jurisdiction.

4. Finding aids and other secondary resources

At least one commercially published digest of U.S. Supreme Court opinions;
Federal Practice Digest, all editions; and
Citators for reports and codes.

5. Depository status

The Federal Depository Library System provides access to many of the primary federal legal materials that should be collected, either tangible copies or by providing electronic access. The highest appellate court library in each state is eligible for depository membership, as are state libraries.

Most state libraries also operate cooperative distribution systems that appellate court/state law libraries might be able to join.

C. National Publications

Access to the legislative, administrative, and judicial information from other states, particularly those sharing the same legal history as the home state;
Selected finding aids and other secondary resources, such as digests, legal encyclopedias, American Law Reports, citators, Restatements, and law reviews;
Basic collection of current legal texts and treatises;
Legal reference tools, including dictionaries, thesauri, compilations of legal abbreviations and legal quotations, and a law directory; and
General reference tools, including an unabridged dictionary, atlases, almanacs, and the *Statistical Abstract of the United States*
A comparable standard for core collections for county public law libraries is also available at http://www.aallnet.org/sections/sccll/docs/countystandards2009.pdf.
Centralized websites are another tool in the core collection repository. One such website is *Access to Justice NY State Courts* (2) a program of the New York State Unified Court System at http://www.nycourts.gov/ip/nya2j/. It provides online resources for self represented access to justice including DIY forms, publications, court facts and procedure as well as links to court-sponsored volunteer attorney program information and online application links.

Appendix B

Law Librarian Volunteerism

For the Volunteer Law Librarian Coalition (VLC) wiki project, the following law librarians dedicated countless hours to its creation and implementation:

VLC Co-founders
Trudi Busch, Director of Information Resources
Oppenheimer Wolff & Donnelly LLP
Minneapolis, MN

Jennifer Doyle, Law Library Manager
Robins, Kaplan, Miller & Ciresi LLP
Minneapolis, MN

VLC Members
Cheryl Grose, Information Research Specialist
Oppenheimer Wolff & Donnelly LLP
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Leslie Kallas, Coordinator, Research Systems and Services
Nilan Johnson Lewis, P.A.
Minneapolis, MN

Emily Klukken, MALL Member
Independent Library Professional
Cincinnati, OH

Barb Minor, Research & Technology Librarian
Robins, Kaplan, Miller & Ciresi LLP
Minneapolis, MN

Theresa J. Wolner, IR Manager & Cataloger, Technical Services
Dorsey & Whitney, LLP
Minneapolis, MN

Retirement Opportunities for Law Librarians

As law librarians retire, a window of opportunity opens to make a difference in the lives of those in need of access to legal justice.

Past professional experience, whether it was in the state, court, or county law library, academic law library, or in a private law firm library, now may continue to be channeled to serve those in need.

Technology enables librarians to work from home by updating or developing content on centralized research portals like the VLC wiki by providing access to information to volunteer attorneys or assisting attorneys locate the requisite information to answer the question at hand. Such provision of information support to volunteer attorneys assists them in potentially responding to a greater number of pro bono clients.

Librarians may also volunteer in person at legal access clinics.

Librarian's experience and knowledge of legal topics may be used to refer pro bono clients to the attorney best able to meet their need.

VI. ACKNOWLEDGMENTS

Committee Members:

Sara Galligan, Chair, Ramsey County Law Library (St. Paul)
Rita Dermody, Public Law Library of King County (Seattle)
Joan Hoolihan, Appellate Division Law Library (Rochester, NY)
Trudi Busch, Oppenheimer Wolff & Donnelly LLP (Minneapolis)
Sarah Mauldin, Smith, Gambrell & Russell, LLP (Atlanta)

Terrye Conroy, University of South Carolina Coleman Karesh Law Library
Margaret (Meg) Butler, Georgia State University College of Law Library

Ex-Officio Members:

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

Janine Liebert, Chair, Legal Information Services to the Public Special Interest Section, LA Law Library

Committee Liaisons:

Steven P. Anderson, Executive Board
Emily Feltren, AALL Director of Government Relations

AALL President Steve Anderson's quest to explore access to justice initiatives among all types of law libraries resulted in this one year Special Committee. It has been a privilege beyond expectation to serve as the committee chair this past year. Steve's inspiration and good sense to settle us together to address the topic collectively was both timely and rewarding. The informative, brisk discussions never lagged over the nine months we met for one-hour monthly conference calls. Topics, surveys, individual insights, and experiences finally jelled into an outline, and the writing began in earnest. Trudi, Terrye, and Rita led the efforts in the firm, academic, and state, court, and county law library sections—with Joan's skillful rendering of collection standards, and with important survey and data gathering completed by Meg and Sarah. Rita's adroit management of the editing and formatting is most appreciated. I am also grateful to Larry, Janine, and Emily for their astute suggestions and willing contributions. This productive group also had an AALL program proposal accepted to further describe the findings of this report during the San Antonio Annual Meeting.

I also want to acknowledge AALL Headquarters staff for their ongoing assistance and support for the committee.

Last but not least, I want to acknowledge the larger institutions, governing boards, and upper levels of management to whom all of us are accountable. Their support for the principles of access to justice is implicated by the generous information and vitality of ideas expressed by all these committee members.

Sara Galligan, Chair, Access to Justice Special Committee