

Remaking the Public Law Library into a Twenty-First Century Legal Resource Center*

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This article reviews the current operations of Multnomah County, Oregon's public law library and assesses the feasibility of creating a legal resource and self-help center within the library. The article reviews common governance models of law libraries and common self-help models, supplemented by interviews with key stakeholders. We conclude that the county could greatly benefit from a self-help center and make recommendations of best practices.

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Introduction

¶1 For many years, a number of stakeholders have worked to devise ways to more effectively meet the legal needs of people in Multnomah County, Oregon. Multnomah's Law Library (MLL) is one county resource that could serve the changing legal needs of the community. Richard Zorza, an attorney who works on issues of access to justice, writes in a paper on twenty-first century law libraries that "this is a moment of 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."¹ In 2012, Chief Juvenile and Family Court Judge Maureen McKnight and Presiding Judge Nan Waller of Multnomah County developed and circulated among a wide range of stakeholders a draft concept for a legal resource center that would provide information, resources, referrals, and support services for people with legal questions and needs. The concept paper generated much interest among stakeholders.

¶2 According to county officials, the library's extensive and ever-growing physical collection of books, law journals, and other publications is now rarely accessed or used, as legal resources are increasingly available through other means (e.g., the Internet and other digital resources). Meanwhile, Multnomah County's presiding judge noted that an increasing number of litigants—especially those for whom English is not their native language—express a need for basic assistance and accessible resources to help them in navigating the court system.²

¶3 In addition, Multnomah County is in the process of planning for a new courthouse to be complete by 2020. Part of the planning includes analyzing what functions are essential in a new courthouse to meet the needs of the community over the next fifty years and beyond. As Multnomah County develops its plans for a new county courthouse and assesses the types of support services to include in the new facility, questions about the current and future usage and services of the MLL need to be answered. For example, what different configurations and resource allocations might better serve Multnomah County residents? Are there different governance structures that might provide better service and accountability to taxpayers? To assist with this, Multnomah County engaged the help of Portland State University (PSU) in April 2014 to identify options and recommendations for transforming the MLL into a twenty-first century "Legal Resources Center" that provides necessary, appropriate, and cost-effective legal services to Multnomah County's increasingly diverse population.

Data Collection Techniques

¶4 The information collected, findings presented, and recommendations of this assessment are based on more than three dozen in-depth interviews and information sessions with service providers, state officials, judges, attorneys, law librarians, MLL Board members, other stakeholders with an interest and awareness of legal

1. RICHARD ZORZA, *THE SUSTAINABLE 21ST CENTURY LAW LIBRARY: VISION, DEPLOYMENT AND ASSESSMENT FOR ACCESS TO JUSTICE* (2012), https://www.srln.org/system/files/attachments/Zorza%2021st%20Century%20Library_0.pdf [<https://perma.cc/TZX6-H6K8>].

2. See Interview with Nan Waller, Presiding Judge, Multnomah County Court (May 28, 2014) (notes on file with authors).

needs in Multnomah County, and professionals from other jurisdictions. The team did an exhaustive literature review of best practices and research related to law libraries and legal resource centers and interviewed fourteen individuals from outside Multnomah County, including law librarians, directors of legal service centers, consultants, and attorneys in seven other jurisdictions. Overall, these findings and recommendations are informed by the views of internal and external stakeholders and leading experts in the field. The team also reviewed state and national reports on pro se litigants, legal service centers, and law libraries.

Background and Historical Context

¶5 MLL “was incorporated in 1890 as a subscription library by a group of Multnomah County lawyers. Since 1927 the county has contracted with MLL, a non-profit corporation, to provide law library service for the County’s legal community and officials. It is also open to the general public.”³ The MLL meets the county’s obligation under an Oregon statute that requires each county to operate a free law library or provide law library services at one or more locations that are convenient and available at reasonable hours.⁴ The MLL receives approximately \$950,000 per year in state funding to provide state-required legal resources to Multnomah County’s 760,000 residents—including litigants, attorneys, and the general public. The MLL occupies roughly a 9000 square foot space within the current Multnomah County courthouse. County officials hope to rebuild or replace the courthouse within the next five to ten years, which will impact the MLL.

¶6 The Oregon Statutes also state that counties with more than 400,000 residents may contract with any law library association or corporation owning and maintaining a law library in the county at or convenient to the courthouse for the use of the library by the judges of the circuit and county courts, county commissioners, district attorney, and all members of the bar.⁵

¶7 The MLL has amassed a significant collection of resources over the years. In addition to the space it occupies in the Multnomah County Courthouse, the MLL rents a storage space to store books that the library cannot contain within its operating space. Table 1 outlines the extent of the library’s collection.⁶

MLL Patrons

¶8 MLL staff estimate that between forty and sixty people access the law library each day, composed primarily of attorneys and members of the public, with minimal use by judges. In addition, the MLL provides assistance to other law libraries around the state, as it is considered to have one of the most extensive collections for a public access law library. Further, the majority of complex business litigation that

3. Laura Orr, *Multnomah Law Library in Portland, Oregon*, OREGON LEGAL RESEARCH BLOG (June 2, 2010), <http://blog.oregonlegalresearch.com/2010/06/multnomah-law-library-in-portland-oregon.html>.

4. OR. REV. STAT. § 9.815 (2017).

5. *Id.* § 9.820.

6. RUTH METZ ASSOCS., OREGON’S COUNTY LAW LIBRARIES: FINAL REPORT TO THE LSTA PROJECT PLANNING COMMITTEE OREGON COUNCIL OF COUNTY LAW LIBRARIES (2010), <http://www.oregon.gov/OSL/LD/LSTA/2010/10-06-1oconsultrpt.pdf> [<https://perma.cc/TA7Z-CVL7>].

Table 1**Multnomah Law Library Collection**

Print Collection	Additional Materials, Access, and Services
Complete Oregon reported decisions, laws and regulations from territory to date, appellate briefs and treatises	Online access to LexisNexis, Westlaw, and other leading online legal research services
Reported decisions of all U.S. state and federal courts and agencies; Canadian federal and selected provincial courts; British high courts	Public computer terminals with Internet access
All U.S. state laws and codes; all U.S. federal laws, codes, and regulations	Telephone, e-mail, and in-person customer service
Canadian and British laws and codes	Research assistance
Federal, Pacific, General, and selected state digests	Referrals to external resources, when necessary
<i>American Law Reports</i> series	Working space for attorneys
More than 500 periodicals	
Treatises	

happens in the state happens in Multnomah County, making it the de facto court for business law. Because of these factors, the MLL must meet a demand that no other court in Oregon faces.⁷ It also serves as repository for a variety of rare legal materials that are accessed by the state and other counties.

¶9 There is some disagreement as to the role the MLL is playing as a public law library. Some see the MLL as a valuable resource for attorney and general public research. Others believe that attorneys conduct the majority of their legal research online and use the MLL materials only when they need to see a specific original document. Further, they believe that the State Law Library should serve as a repository for such resources and think the MLL has become more like a “book museum” with a significant collection of rarely used materials. Finally, some believe that the public money spent on additional print materials is not “serving its highest purpose” when the community has significant unmet legal needs.

MLL Budget and Staffing

¶10 The MLL currently has two full-time, two nearly full-time, and three part-time staff. The director (full time) is responsible for daily operations, legal research and reference services, library programs and planning, finance and budgets, staff management, print and digital collection management, and policies and procedures. The library technician (full time) is responsible for the off-site storage facility, equipment and general maintenance, computer workstation assistance, and other patron services. The library technician (near full time) is responsible for acquisitions, communicating with vendors, checking in materials, filing loose-leaves and updates, and providing patron services including reference (both print and online). The library assistant (near full time) is responsible for phone queries, assis-

7. *Id.*

tance with locating and checking in and out materials, photocopiers and computer printing, stacks maintenance, and some filing. The part-time special projects librarian is responsible for reorganizing the treatise collection, reclassifying certain subject areas, and updating the online catalog. MLL also has two part-time library assistant positions. A seven-member board of directors with staggered three-year terms governs the MLL and oversees the staff.

¶11 Historically, all county law libraries received funding based on court case filing and other fees. In 2011, the Oregon Legislature passed HB 2710,⁸ which changed the way counties received funding for the purposes of mediation/conciliation services and operating law libraries. As a result, on July 1, 2011, these programs, which included the MLL, began receiving General Fund appropriations (though the allocations are still based on 2009–2011 court revenues).

¶12 In the 2011–2013 biennium, the Oregon Judicial Department (OJD) allocated \$1,917,650 for Multnomah County law library services.⁹ In the 2013–2015 biennium, the allocation decreased slightly to \$1,893,597,¹⁰ which the county passes through to the MLL at about \$79,000 per month. In fiscal year 2013, Multnomah County received one-time legislative approval to spend \$545,000 of that allocation on furnishings for the new East County Courthouse, which resulted in a twenty-eight percent budget reduction for the MLL that biennium. In the 2017–2019 biennium, MLL was allocated \$1,821,511, a slight reduction from the previous biennium.¹¹

Law Library Governance Models

¶13 Law libraries have traditionally been repositories of legal materials and resources as well as great bodies of institutional knowledge, personified by the librarians, staff, and volunteers who devote their time to maintaining their library's respective collections. Yet as more individuals have begun representing themselves in court, law libraries have become the catchall resource for people who cannot afford to hire an attorney on the one hand, and who do not qualify for legal aid assistance on the other. It is a role that some law libraries have been forced into with the explosion in the number of self-represented litigants seeking judicial assistance. Whether a law library has embraced this new charge of its own volition or merely in response to the times, the fact is clear that law libraries across Oregon and many areas of the country are now assisting self-represented litigants as much as they assist local attorneys, judges, and chambers and court staff (if not more so).

¶14 Yet the ability of a law library to serve its patrons, support the judicial process, and provide access to justice to all who come through its doors depends on many factors, including local politics, community and library needs, and funding. Important too is a law library's governance and organizational structure, as a law library's configuration will often influence, if not dictate, how it can meet its goals

8. HB 2710, Reg. Sess., 2011 Or. Laws ch. 595.

9. OR. JUD. DEP'T, CHIEF JUSTICE RECOMMENDED BUDGET, 2013–15, at 396 (2013), <http://library.state.or.us/repository/2013/201301141541401/index.pdf>.

10. OR. JUD. DEP'T, CHIEF JUSTICE RECOMMENDED BUDGET, 2015–17, at 358 (2015).

11. Sue Ludington, *Oregon's County Law Libraries: Providing Legal Information and Reference Assistance Across the Miles*, OR. LIB. ASS'N Q., Fall 2017, at 17, 19.

and serve its constituents.¹² Consequently, before discussing self-help center models or possible best practices, it is important to look to existing law library governance models. Toward that end, the county public law library and the private (nonprofit, nonfirm) county law library models will each be briefly analyzed. While other law library models do exist—such as the academic law library, private firm law library, or prison law library model—and while public law libraries can be operated under several different governing bodies—such as via a municipality, judicial district, state government, or independent library district¹³—such libraries service largely different constituencies and are driven by needs different from the Multnomah Law Library’s patrons’. Further, these models have their own inherent operational and access challenges¹⁴ and are different from the basic law library structure authorized by the Oregon Revised Statutes—that is, county-based law libraries or law library services. Thus, they are not discussed in this article.

Public Law Libraries

¶15 Public law libraries are seen as essential to satisfying the public’s need for access to legal information and legal resources.¹⁵ County public law libraries are typically created or authorized by statute and are official parts or divisions of the local county government.¹⁶ The county public law library may also have a board or committee “made up of local attorneys and judges” with either advisory or governing status as determined by the county government or the library itself, unless established by state law.¹⁷ Among its suggested standards for county public law libraries, the American Association of Law Libraries (AALL) recommends that county public law libraries have written mission and goal statements that reflect their statutory mandates.¹⁸ Such law libraries should also have a role and a voice within their governing entity; toward that end, the AALL advises that the lead librarian should be a part of the library’s management team and should report to and receive direction from superiors within the governing agency. Moreover, the AALL recommends that county public law libraries “be conveniently located in or adjacent to the county court building” and be staffed by professional personnel.¹⁹ In addition, the AALL recommends that a county public law library’s budget should be recognized as an integral part of its governing entity’s overall budget process, and the entity that oversees the law library “should be prepared to defend

12. See, e.g., LAURIE SELWYN & VIRGINIA ELDRIDGE, *PUBLIC LAW LIBRARIANSHIP: OBJECTIVES, CHALLENGES, AND SOLUTIONS* 42 (2012) (describing how nearly all public law libraries belong to larger organizations that dictate policies, procedures, and rules that influence and control library operations; though nearly a century-old example, the authors highlight one instance where, due to the organizational structure of one law library, the librarian in charge “reported having to receive approval from at least two of three directors before he could submit the bill to the treasurer for payment”).

13. *Id.* at 43.

14. *Id.*

15. Laureen Adams & Regina L. Smith, *The Evolution of Public Law Libraries*, AALL SPECTRUM, Mar. 2006, at 16.

16. SELWYN & ELDRIDGE, *supra* note 12, at 44.

17. *Id.*

18. *County Public Law Library Standards*, AALL (2009), <https://www.aallnet.org/mm/Leadership-Governance/policies/PublicPolicies/policy-county-standards.html> [<https://perma.cc/8F23-VKUX>].

19. *Id.*

the law library budget as a vital part of its mission” and provide support to the library’s budget administration.²⁰

¶16 In Oregon, Oregon Revised Statutes section 9.815 mandates that each county shall either operate or provide free library services within their respective jurisdictions.²¹ Historically, county public law library funding was tied to court filing fees collected within each library’s jurisdiction;²² however, the 2011 adoption by the Oregon Legislature of Oregon Revised Statutes section 21.005 changed that funding mechanism, mandating all court fees collected “be transferred to the State Court Administrator for deposit in the General Fund.”²³ To provide funding to county law libraries and other services that were funded through court fees, the legislature now is charged with passing appropriations for these programs each biennium.²⁴

¶17 Outside of Oregon, Minnesota’s county public law library regime is a good example of the AALL’s recommendations put into law. For instance, chapter 134A of the Minnesota Statutes grants counties the authority to establish a county law library that is free for all judges, state officials, city and county officials, members of the bar, and county inhabitants to use.²⁵ Law library governance is also established by statute, which mandates that all libraries operate under a board of trustees model, with three, five, or seven members, the composition of which must include a person appointed by the district’s chief judge, a member of the county board, and one county attorney.²⁶ The Minnesota Statutes also require that counties provide suitable space within the courthouse for an established library to use.²⁷

¶18 Similarly, county public law libraries in Washington State are statutorily mandated for all counties with more than 8000 inhabitants,²⁸ with most libraries required to be governed by a board of trustees.²⁹ The Washington State statutes mandate free library access for judges, state and county officials, and members of the state bar, but only counties with populations of 300,000 or more persons are statutorily required to provide free public access.³⁰ Additionally, the Public Law Library of King County (KCLL) in Seattle has made serving the public not just a

20. *Id.*

21. OR. REV. STAT. § 9.815 (2017). Multnomah County, however, is exempted from this requirement under § 9.820 and instead may contract “with any law library association or corporation owning and maintaining a law library in the county at or convenient to the courthouse for the use of the library by the judges of the circuit and county courts, county commissioners, district attorney and all members of the bar.” *Id.* § 9.820 (emphasis added).

22. LAURA J. ORR ET AL., STATE AND COUNTY LAW LIBRARIES, FUNDING AND GOVERNANCE GRID (2011).

23. OR. REV. STAT. § 21.005.

24. *Id.* § 21.007.

25. MINN. STAT. §§ 134A.01–134A.02 (2017); see also REPORT OF THE [MINNESOTA] STATEWIDE LAW LIBRARY/SELF-HELP CENTER PROJECT ADVISORY WORKGROUP 8 (Jan. 17, 2007), <https://mn.gov/law-library-stat/StatewideLLReport.pdf> [<https://perma.cc/Z4TA-YAVQ>] [hereinafter MINNESOTA SELF-HELP CENTER PROJECT REPORT].

26. MINN. STAT. §§ 134A.03–134A.05.

27. *Id.* § 134A.09.

28. WASH. REV. CODE § 27.24.010 (2017).

29. *Id.* § 27.24.020.

30. *Id.* § 27.24.067. However, counties with a population of fewer than 8000 persons may choose to allow others free access to the county law library if so provided by rule. *Id.* § 27.24.068.

fulfillment of its statutory charge but its central mission. On the KCLL's webpage, its mission is clearly stated: "Without access to information, there is no justice."³¹

Private (Nonprofit, Nonfirm) County Law Libraries

¶19 Private law libraries not affiliated with law firms or academic institutions also exist, but their mission, charge, and governing and funding structures often differ from county public law libraries. According to Laureen Adams and Regina Smith, private law libraries were the forerunners to the publicly funded law libraries that exist today and helped shape public attitudes about having law libraries serve the public. While the AALL provides recommended practices and governance structures for county public law libraries, no corresponding guidelines for private law libraries could be found during the course of this research. However, two of the oldest private law libraries in the United States—the Jenkins Law Library in Philadelphia and the Social Law Library in Boston—serve as examples of the private law library model in action.³²

¶20 The Jenkins Law Library³³ was founded in 1802 and touts itself as the nation's oldest law library.³⁴ Similar to the MLL, the Jenkins Law Library is a 501(c)(3) entity, is governed by a board of trustees, and provides access to the public.³⁵ Yet unlike the MLL, the Jenkins Law Library operates on a membership system, with members charged a daily or yearly fee to access the library's materials and services.³⁶ Membership dues are conditioned on several factors, including whether one is a local, regional, or remote attorney; or whether one is a retired attorney, a county law librarian, an employee of a public agency or nonprofit, or a student. Members of the public can also access the Jenkins Law Library and use its resources, but they must pay a \$5 per day access fee.³⁷ The Jenkins Law Library extends complimentary memberships to courts, governmental agencies, and legal service firms that service the public.³⁸

¶21 The Jenkins Law Library allows members of the public to use, but not to check out, volumes in its collection, and permits up to one hour of access to online databases such as Westlaw and Lexis Advance (which may be extended at the reference staff's discretion).

31. PUB. LAW LIBRARY OF KING CTY., <http://www.pllk.org/wp/> [<https://perma.cc/P3BS-G6ZX>].

32. Adams & Smith, *supra* note 15, at 16. Adams and Smith point out that the Los Angeles County Law Library (now official known as "LA Law Library") was originally a private law library that dissolved, and that its basic collection came from the Los Angeles Bar Association in 1891. *Id.* Adams and Smith tout the institution as "the largest and most esteemed county law library in the country." *Id.*; see also *About Us*, LA LAW LIBRARY, <http://www.lalawlibrary.org/index.php/about-us.html> [<https://perma.cc/BR53-2F8D>] (stating that the LA Law Library is "the second largest public law library in the United States," without identifying which other institution holds the honor of the largest public law library).

33. JENKINS, <https://www.jenkinslaw.org/> [<https://perma.cc/6P8X-3VUJ>].

34. Adams & Smith, *supra* note 15, at 16. However, the Social Law Library makes a similar claim on its website, despite the fact that the Social Law Library states that it was founded in 1803. See *About the Library*, SOCIAL LAW LIBRARY, <http://www.sociallaw.com/about> [<https://perma.cc/GL43-ZDNDV>]. Despite these competing claims, it is unclear which library definitively enjoys the honor of being the nation's oldest law library.

35. *About*, JENKINS, <https://www.jenkinslaw.org/about> [<https://perma.cc/7P9C-UD3N>]; see also Adams & Smith, *supra* note 15, at 16.

36. *Membership*, JENKINS, <https://www.jenkinslaw.org/membership> [<https://perma.cc/5LR9-A6M5>].

37. *Id.*

38. Adams & Smith, *supra* note 15, at 16.

¶22 The Social Law Library of Boston advertises itself as Massachusetts’s premier and longest-enduring public/private partnership, an institution that, despite its private character, “provides vital legal research services that inform the three coordinate branches of the Commonwealth’s government in fulfilling their respective ‘public’ mandates.”³⁹ The Social Law Library has many of the same services and structures as the Jenkins Law Library: it is a 501(c)(3) structured and membership-based institution.⁴⁰ Yet there is one notable difference from the Jenkins Law Library: the public is not generally permitted to access the Social Law Library or use its resources.⁴¹ The library will grant a one-day “courtesy pass” for pro se litigants, casual visitors, and academic researchers, as well as attorneys engaged in research, and will allow such qualified persons access to library materials.⁴²

Where Does the MLL Fit?

¶23 The MLL appears to fuse the county-run public law library model and the private nonfirm law library model. Like a public law library, it provides all persons with free access to the library and does not operate on a membership or fee-based system. Further, based on Oregon Revised Statutes sections 9.815 and 9.820, it arguably has a responsibility to serve the public (if not in the words of the statutes, then at least in their spirit), unlike the Jenkins and Social law libraries, which are private libraries.

¶24 MLL’s 501(c)(3) status is more akin to the Jenkins and Social law libraries’ governing structure, however. This nonprofit status appears to give the MLL operational autonomy from the local government it serves, yet that autonomy means that it does not enjoy many of the functional advantages inherent in being a direct part of the county government. For instance, a county public law library, integrated into the county’s government, can rely on county systems to handle the budgeting, accounting, auditing, information technology issues, and other key duties related to the library’s day-to-day operations. In a private law library, the library staff or its board must make these decisions, potentially creating more work for the library staff.

¶25 Alternatively, a private law library model, with effective board members at the helm, may be more nimble and able to respond more efficiently to new developments than can governmental departments. Further, a law library that is allowed to limit access based on membership and require members to pay dues can help relieve some of the library’s financial burdens, particularly in times of reduced budgets. Yet it is unclear whether fee-based memberships are a viable option for the MLL, given the Oregon Revised Statutes’ demand that county law libraries be operated or provided for free and remain open to the public.⁴³

39. SOCIAL LAW LIBRARY, *supra* note 34.

40. Adams & Smith, *supra* note 15, at 16.

41. *Why Is the Social Law Library Not Open to the Public Generally?*, SOCIAL LAW LIBRARY, <http://www.sociallaw.com/services/membership/why-is-the-social-law-library-not-open-to-the-public-generally> [https://perma.cc/2ZHH-EZK3]: “As a private institution, access to Social Law and its collection and services is restricted to its Subscriber-members and Governmental members and generally is not available to members of the public.”

42. *Courtesy Pass Policy*, SOCIAL LAW LIBRARY, <http://sociallaw.com/services/membership/policies/courtesy-pass-policy> [https://perma.cc/69LH-5ZR8].

43. OR. REV. STAT. §§ 9.815, 9.820 (2017). It should be noted that § 9.820, which authorizes Multnomah County to contract with “any law library . . . for the use of the library by judges . . . , county commissioners, district attorneys and all members of the bar,” lacks both the “free” and the general

Access to Justice: An Increased Need

¶26 Legal scholars and practitioners use the term “Access to Justice” to describe the efforts of the justice system to be fair and accessible to all. Access to justice issues have been a concern for a number of decades, but over the last ten to twenty years officials have become increasingly concerned at the apparent unequal access that was permeating the justice system. The issue caught the attention of the U.S. Department of Justice (USDOJ), which has called it a crisis.⁴⁴ One of the main areas of concern is with the growing number of individuals representing themselves before the court. These self-represented litigants (also known as pro se litigants) represent one of the fastest and largest growing users of county law libraries.

¶27 With the number of pro se litigants on the rise, law libraries across the country are seeing an increase in the general public’s request for legal assistance and advice from county law libraries. Many of these individuals do not know what their rights are, how to obtain legal help, or how to gain access to resources they need. Law libraries are being pressed to fill an important role in assisting individuals with navigating the legal system within a number of legal areas. One of the most notable areas is within family law, but small claims and property law, including landlord-tenant issues and small claims court, are highly represented as well.

¶28 Access to justice is an ongoing legal issue faced by numerous Americans every day. Individuals often cannot get the legal help they critically need, and those who qualify for legal assistance are frequently turned away due to the lack of resources, lack of properly trained individuals, lack of accessibility to legal aid, or statutory restrictions that hinder access. In an attempt to alleviate the issue of access to justice inequality, the USDOJ launched the Access to Justice Initiative (ATJ) in March 2010. The goal of ATJ is to aid the criminal and civil justice systems efficiently deliver fair and accessible outcomes to all individuals regardless of socioeconomic status. “ATJ staff works within the Department of Justice, across federal agencies, and with state, local, and tribal justice system stakeholders to increase access to counsel and legal assistance and to improve the justice delivery systems that serve people who are unable to afford lawyers.”⁴⁵

¶29 Three principles guide the ATJ: promoting accessibility by eliminating barriers, ensuring fairness by delivering fair and just outcomes for all involved, and increasing efficiency by delivering fair and just outcomes effectively. To successfully carry out these principles, ATJ supports the development of quality indigent defense and civil legal aid delivery systems at both state and federal levels and promotes legal solutions that are less lawyer- and court-intensive. Furthermore, ATJ aims to expand the research on innovative strategies that will bridge the gap between the need for and availability of resources such as quality legal assistance.

¶30 Currently, thirty states plus the District of Columbia have an Access to Justice commission. ATJ commissions range from nine members up to forty-five members, uniting judges, court representatives, the bar, legal aid, and other key

public availability mandates of § 9.815. However, reading these statutes in tandem, it is conceivable that the MLL would not be permitted to institute a fee-based membership system so long as Multnomah County does not institute a free law library pursuant to § 9.815.

44. *Office for Access to Justice*, ACCESS TO JUSTICE INITIATIVE, <http://www.justice.gov/atj> [<https://perma.cc/LU9P-JR8G>].

45. *Id.*

stakeholders to increase access to justice for individuals from low-income and other disadvantaged communities. Within ATJ commissions there is active engagement and leadership by individuals at the highest level of the state's bar association. Their stature and commitment bring a high level of credibility and visibility to the commission and its initiatives. The primary goal of an ATJ commission is to overcome barriers to justice created by an inability to afford counsel; however, factors such as culture, language, age, and physical or mental disability are also addressed.⁴⁶

¶31 The city of Milwaukee has gone even further in promoting equal access to justice by creating a mobile legal clinic, funded by Marquette University Law School and the Milwaukee Bar Association. The goal of the Milwaukee Justice Center Mobile Legal Clinic is to bring services provided by the Milwaukee Justice Center to isolated neighborhoods where residents have difficulty accessing free legal assistance. Working with the Marquette Volunteer Legal Clinic, the Mobile Legal Clinic offers free, brief legal advice on most civil matters, including family law, landlord-tenant issues, small claims, large claims, and credit-consumer issues. The clinic does not provide ongoing representation, but it does offer information on how to retain an attorney if needed. Also, each individual can be seen only once per legal matter.⁴⁷

¶32 Austin is another city that brings greater access to justice. The Austin case is particularly relevant here because there the law library is used as the access vehicle. Through its law library, Austin's one-stop, self-help center⁴⁸ provides online information and forms as well as a consultation with a library reference attorney who can review paperwork and explain the basic steps in an uncontested family law case.⁴⁹

¶33 Oregon does not currently have an ATJ commission; however, the state does have an ATJ Coalition. Through Oregon's ATJ Coalition which is led by a board of private practice attorneys, backed by the Oregon State Bar and the Multnomah Bar Association, private practice lawyers are encouraged to provide legal services in civil matters to low-income Oregonians at low to no cost. Oregon's ATJ Coalition recognizes the importance of coordinating legal services delivery for those who often are at a disadvantage due to their socioeconomic standing. The Coalition's primary focus is to ensure equal access to legal representation and legal aid in the form of funding. Oregon has long led the way in access to justice reforms, being the second state to adopt court-filing fee funding for legal aid.⁵⁰

Best Practices: Law Libraries and Access to Justice

¶34 When considering whether a "legal resource" or "self-help" center is needed to better serve the self-represented, it is critical to understand at the outset that assisting pro se litigants with how to navigate the sometimes byzantine worlds of

46. *Resource Center for Access to Justice Initiatives*, AM. BAR ASS'N, https://www.americanbar.org/groups/legal_aid_indigent_defendants/initiatives/resource_center_for_access_to_justice.html [<https://perma.cc/S3WV-FJD2>].

47. *Milwaukee Justice Center Mobile Legal Clinic*, MILWAUKEE JUSTICE CENTER, <http://milwaukee.gov/MJC/MJCMobileLegalClinic.htm> [<https://perma.cc/T3KM-5FN2>].

48. TRAVIS CTY. LAW LIBRARY & SELF HELP CENTER, <https://lawlibrary.traviscountytx.gov/> [<https://perma.cc/T8PL-6BDV>].

49. *Walk-In Case Review*, TRAVIS CTY. LAW LIBRARY & SELF HELP CENTER, <https://lawlibrary.traviscountytx.gov/walk-in-case-review> [<https://perma.cc/8QDV-ESDP>].

50. *Oregon Access to Justice Coalition*, THE LAWYERS CAMPAIGN FOR EQUAL JUSTICE, <http://www.cej-oregon.org/atjcoalition.shtml> [<https://perma.cc/AG3H-VYAV>].

litigation, law, and legal procedure is not a new concept for many public law libraries. According to the Law Librarians' Working Group of the Self-Represented Litigation Network, "[m]any law libraries, especially public law libraries, have always served self-represented litigants as part of their mission." In a 2009 survey conducted by the Law Librarians' Working Group, twenty-nine law libraries surveyed identified programs that they provide to assist self-represented litigants.⁵¹ Thus, delivering "self-help" or "legal resource" services is not wholly the purview of specially designated "self-help" centers; rather public law libraries have, and likely will continue to have, an important role in assisting pro se litigants.

¶35 Additionally, the idea of a "self-help center" or "self-help program" is not well defined. A 2006 report prepared by the Self-Represented Litigation Network, championing the cause, defined a "self-help program" in the most general terms. It defined a self-help program as a service or coordinated group of services that enhances the ability of self-represented litigants to secure access to justice by providing them with legal resources, which would otherwise be unavailable to them.⁵² Yet the most recent survey from the Self-Represented Litigation Network admits "[t]here is no model or standard for a self-help center."⁵³ Instead there is "a variety of operating styles across the country."⁵⁴

¶36 Further, many of the practices and services offered by such centers or programs overlap with the traditional functions of a public law library.⁵⁵ Scholarship on self-help centers often list services that are part of the traditional law library's core functions, such as legal research assistance, free computer access for online legal research, court forms and packets, staff to answer questions, and referrals to other programs.⁵⁶ Moreover, some public law librarians question whether the difference between traditional public law libraries and "legal resource" or "self-help" programs or centers is one of semantics: since there is not a strong definitional difference between the traditional law library and a self-help center, the real issue in some law librarians' minds is the notion that the word "library" represents an older, more outdated concept of information services delivery, whereas a "legal resource" or "self-help" center conveys a modern method of providing users with the information they seek.

¶37 But questions of form and semantics should not distract from the larger issue: namely, "[t]here is increasing understanding that both access to justice and effective court operations are greatly facilitated by services for those who represent themselves, and the need for the identification of best practices in such services is

51. JOAN M. BELLISTRI ET AL., LIBRARY SELF-HELP PROGRAMS AND SERVICES: A SURVEY OF LAW LIBRARY PROGRAMS FOR SELF-REPRESENTED LITIGANTS, INCLUDING SELF-HELP CENTERS 2 (Apr. 2014) (noting that "[o]f the 153 libraries answering the survey from 33 states and two other countries, 99% provided services to self-represented litigants." (emphasis added)); see also LAW LIBRARIANS' WORKING GROUP, SELF-REPRESENTED LITIGATION NETWORK, DIRECTORY OF LIBRARY-BASED SELF-HELP PROGRAMS (July 2009), <http://www.aallnet.org/sis/sccll/docs/toolkit/directory.pdf> [<https://perma.cc/HX7G-HHSU>].

52. Richard Zorza, The Self-Help Program: A Court-Based Solution for the Access to Justice Problems of Self Represented Litigants, Self-Represented Litigation Network (Feb. 9, 2006) (on file with authors).

53. BELLISTRI ET AL., *supra* note 51, at 1.

54. *Id.*

55. *Id.*

56. *Id.*; Zorza, *supra* note 52.

increasingly urgent.”⁵⁷ Or as another researcher phrased it, “there is an urgent and unmet need for access to legal help, which is the truism to end all truisms.”⁵⁸ Indeed, research over the past decade has found an explosion in the number of self-represented persons appearing before courts across the country; further, because pro se litigants often are unfamiliar with court procedures and have limited legal knowledge, these litigants “impose major burdens on judges, court staff, and on court processes.”⁵⁹ Ultimately, “[t]he self-represented need to know what to do to protect their rights, and how to move forward with their cases (exactly what lawyers need to know to do their jobs for their clients).”⁶⁰ As a result, it is more important to deliver those services that pro se litigants need rather than being bogged down in definitional differences. The next section will give a general framework for differentiating the services provided by traditional law libraries and legal resource/self-help centers.

¶38 The value of a law library providing self-help services to the public comes from the fact that law libraries are inherently “perceived as neutral locations,” as “[p]atrons feel less intimidated entering a law library where the library’s mission is to help people to the [furthest] extent possible.”⁶¹ In addition, the services provided by public law libraries and self-help centers are not wholly exclusive to one another; instead they are often complementary.⁶²

¶39 However, for the purposes of this article, it is helpful to use the structure that the Law Librarians’ Working Group outlined in its *2014 Executive Summary* as a general guideline of how to differentiate law libraries from legal resource or self-help centers.⁶³ According to the *2014 Executive Summary*, a law library’s reference and general services include (1) traditional and computerized legal research assistance, (2) program referrals, (3) explaining legal/judicial processes, (4) providing legal information websites and collections useful for nonlawyers, (5) offering document delivery of library resources (e.g., fax, scan, and hardcopy delivery), (6) chat reference, (7) providing access to court forms, (8) Internet and general computer access, (9) e-filing support, (10) materials available in multiple languages, and (11) assistance to prisoners.⁶⁴

¶40 Under this schema, self-help centers provide services that supplement those offered by law libraries while giving expanded access to legal resources. Such supplemental services include: (1) legal clinics on specific areas of law, (2) providing

57. SELF-REPRESENTED LITIGATION NETWORK, BEST PRACTICES IN COURT-BASED PROGRAMS FOR THE SELF-REPRESENTED (2008), <https://www.srln.org/system/files/attachments/SRLN%20Best%20Practices%20Guide%20%282008%29.pdf> [https://perma.cc/XCZ3-V9T4].

58. ZORZA, *supra* note 1, at 6.

59. John M. Greacen, *Self Represented Litigants and Court and Legal Services Responses to Their Needs: What We Know 1* (July 20, 2002), <http://www.courts.ca.gov/partners/documents/SRLwhatweknow.pdf> [https://perma.cc/LGD4-7AL7].

60. ZORZA, *supra* note 1, at 6.

61. LAW LIBRARIES AND ACCESS TO JUSTICE: A REPORT OF THE AMERICAN ASSOCIATION OF LAW LIBRARIES SPECIAL COMMITTEE ON ACCESS TO JUSTICE (July 2014), <http://www.aallnet.org/mm/Publications/products/atjwhitepaper.pdf> [https://perma.cc/NHR4-CRW2] [hereinafter LAW LIBRARIES AND ACCESS TO JUSTICE].

62. ZORZA, *supra* note 1, at 6.

63. Law Library Self-Help Programs and Services Summary: Executive Summary (Apr. 2014), <https://drive.google.com/file/d/0B-vVAXIrw15eGJFd2RESElzYnM/view>.

64. *Id.*

licensed attorneys in library programs for pro se litigants to seek limited assistance from, (3) mediation programs, and (4) educational workshops and webinars.⁶⁵

Best Practices for Law Libraries and Self-Help Centers

¶41 Much like there is no one model of self-help centers for public law libraries or courts to rely on in serving their pro se constituencies, there does not appear to be any one set of best practices for self-help centers that are universally agreed to by members of the law library, judicial, and legal aid communities. According to Charles R. Dyer, a current law library consultant and former director of the San Diego County Public Law Library, the tools employed and assistance efforts undertaken by self-help centers and public law libraries in different jurisdictions are shaped by the unique conditions on the ground in each community: from local needs, politics, and funding, a multitude of factors will combine to shape how to best meet the needs of self-represented litigants. As a result, the best practices highlighted here should not be seen to represent the entire universe of valuable strategies and practices. Instead, these represent what has been deemed the most essential and basic best practices that should be observed.

¶42 Self-represented individuals turning to law libraries for guidance “need information about the law and how to move forward in the system to get a decision.”⁶⁶ Indeed, as the 2007 report of the Minnesota State Law Library/Self-Help Center Project Advisory Workgroup noted in its report, “of all law library users, the self-represented litigant is the least likely to know how to access legal information, whether in print or online.”⁶⁷ Whether that information comes from the public law library’s materials, the law librarians themselves, or from attorneys and services referred, pro se litigants need both access and help. Accordingly, researchers have outlined possible services that self-help-oriented law libraries/legal service centers should offer their patrons.⁶⁸ Many of these services are inherent to the basic core functions of law libraries and should be emphasized in any self-help center model deployed.

¶43 Richard Zorza points out that currently much of the triage work done in public law libraries, where staff try to guide patrons to resources that will be of use to their legal question, “is based on the instincts of the person doing the triage, and not based on any protocol or system, [and] certainly not grounded by research.”⁶⁹ However, Zorza notes that the knowledge of skilled staff is crucial to effectively triaging and diagnosing the needs of individuals seeking assistance in how to move their matter forward in the legal system.⁷⁰ While various tools such as kiosks, form banks, and self-help websites can assist pro se litigants, the human element in the form of trained and knowledgeable staff is an essential component to assisting individuals who are unfamiliar with the legal system and its resources.

65. *Id.* Despite this schema, it should be remembered that this list of services is by no means exhaustive.

66. ZORZA, *supra* note 1, at 6.

67. MINNESOTA SELF-HELP CENTER PROJECT REPORT, *supra* note 25, at 8.

68. *See, e.g., Id.*; ZORZA, *supra* note 1, at 8.

69. ZORZA, *supra* note 1, at 18–19.

70. *Id.* at 19 (“[T]riage and diagnosis services will have to be provided by *skilled* staff, based on intuition and strong knowledge of available resources, both within and outside the library . . .”).

¶44 The number and quality of online tools to find legal information have improved significantly over the past decade. Numerous resources that used to be strictly accessible from libraries are available at near instantaneous speeds from virtually any location in the world by using a computer. For instance, the Oregon legislature and an independent organization provide the 2015 versions of the Oregon Revised Statutes for free online.⁷¹ However, serious issues surrounding online tools remain: from accessibility to cost, from accuracy and completeness of information to the trustworthiness of sources. The Internet has proven that it is not a magic salve that can cure issues involving pro se access to or understanding information.

¶45 Indeed, many of the best Internet-based resources for accessing statutes, case law, and secondary legal materials remain prohibitively expensive and complex for pro se litigants to routinely use on their own. For example, Westlaw and LexisNexis are two of the most well-known and well-used legal research resources by individuals in the legal field. Yet a common complaint is that these services, as well as others that supplement and displace other hard volume collections of legal information, are often unaffordable for small law firms, let alone pro se litigants. The costs are only increasing as the firms routinely increase contract costs by several percentage points every year, which makes these services less accessible each year. Finally, other Internet resources are often incomplete in their information and unreliable in terms of accurately stating the law.⁷²

¶46 One of the most basic needs of pro se litigants is access to the forms that they need to carry their legal dispute from conception to resolution in the courts. The Self-Represented Litigation Network states that “[s]imple, easy-to-use forms are essential for self-help programs and benefit both litigants and courts” by encouraging efficiency and clearly establishing the issues and procedures at issue in particular legal problems.⁷³ Though little hard data exists to demonstrate whether forms are a cost-savings tool for courts, there is compelling qualitative evidence that forms are helpful to the litigants themselves when trying to prepare “legally sufficient paperwork.”⁷⁴

¶47 The importance of forms for pro se litigants has not been lost on the majority of state jurisdictions or most public law libraries throughout the country. When asked what resources are most essential for a law library to provide for pro se litigants, stakeholders routinely emphasized the importance of forms. Further, in a 2012 survey the Texas Access to Justice Commission found that forty-eight states and the District of Columbia have standardized state forms available, with thirty-three states requiring their courts to accept those forms when litigants submit them to the court.⁷⁵ Oregon does not have standardized forms. Of all of the law libraries surveyed by the Self-Represented Litigation Network in 2014, nearly ninety-five

71. *Oregon Revised Statutes (ORS) 2015 Edition*, OR. STATE LEGISLATURE, https://www.oregonlegislature.gov/bills_laws/Pages/ORS.aspx (last visited Jan. 28, 2018); *2015 Oregon Revised Statutes with 2016 Amendments*, OREGONLAWS.ORG, http://www.oregonlaws.org/oregon_revised_statutes (last visited Jan. 28, 2018).

72. For example, New York Public Law is a free online resource for searching the laws of New York. NEW YORK PUBLIC LAW, <https://newyork.public.law/laws> [<https://perma.cc/7VEE-VNMD>]. Unfortunately, it is somewhat out of date; as of May 2018, it referenced only the 2016 laws.

73. SELF-REPRESENTED LITIGATION NETWORK, *supra* note 57, at 43; *see also* MINNESOTA SELF-HELP CENTER PROJECT REPORT, *supra* note 25, at 8–9.

74. SELF-REPRESENTED LITIGATION NETWORK, *supra* note 57, at 44.

75. ZORZA, *supra* note 1, at 20.

percent provide court forms to the public, with sixty-seven percent providing instructions on the forms.⁷⁶

¶48 Providing access to available technology has long been a staple of the majority of public law libraries' traditional services. According to the Self-Represented Litigation Network, ninety-seven percent of 130 law libraries that responded to its 2014 survey stated that they provide public computers with Internet access to the public, with ninety-three percent offering access to paid online legal research databases and services.⁷⁷ Law libraries also serve as valuable access points for the public to use other essential technology including printers, copiers, scanners, and microfilm and microfiche readers and printers.⁷⁸

¶49 Centralized websites providing access to legal information are another means by which law libraries and self-help centers can provide essential aid to self-represented litigants.⁷⁹ Such self-help websites are seen as a bridge between the self-represented litigant on the one hand and the information that he or she needs in order to have sufficient access to justice on the other. As the Self-Represented Litigation Network points out, "[w]ell-designed and comprehensive self-help websites are highly effective in providing the informational component of access to justice. After significant initial development costs, they can distribute information widely with little additional or marginal cost other than those [for] ongoing updates and maintenance."⁸⁰ For those law libraries that provide such websites, their online information is often regarded as an essential resource for their jurisdiction's self-represented litigants as well as other community stakeholders to provide individuals with access to accurate legal information.⁸¹

¶50 Indeed, many self-help-oriented law libraries maintain websites that provide easy access to essential court information, forms, and reference to some of the more commonly accessed websites containing information of use to pro se litigants. For instance, the Public Law Library of King County, Washington, and the San Diego Public Law Library of San Diego County, California, have their own highly organized websites containing links to forms and primers on legal topics important to the self-represented.⁸²

¶51 The Public Law Library of King County's website is perhaps one of the best examples of what a self-help-focused website can achieve. King County's website declares on its homepage that "[w]ithout access to information, there is no justice"; toward that end, the site's homepage includes information and resources important to pro se litigants. An incomplete list of such information provided includes access

76. BELLISTRI ET AL., *supra* note 51, at 2.

77. *Id.* at 3, 4, 8.

78. This last point bears elaboration. On a site visit to the Clackamas County Law Library, librarian Jennifer Daghish pointed out that the library had purchased new microfilm/microfiche readers and printers. Daghish noted that while microfilm/microfiche is dated as an obsolete technology, important records such as older versions of the Oregon Revised Statutes are presently available only on these formats. Public law libraries that continue to have microfilm/microfiche readers consequently become one of the few remaining access points for the public to use these legal resources.

79. LAW LIBRARIES AND ACCESS TO JUSTICE, *supra* note 61, at 12.

80. SELF-REPRESENTED LITIGATION NETWORK, *supra* note 57, at 4.

81. LAW LIBRARIES AND ACCESS TO JUSTICE, *supra* note 61, at 13–14 (noting that the Maryland People's Law Library's self-help website "has become a vital resource for Maryland's self-represented litigants" and the local access to justice community).

82. PUB. LAW LIBRARY OF KING CTY., *supra* note 31; SAN DIEGO LAW LIBRARY, <https://sandiegolawlibrary.org/> [<https://perma.cc/ZS6G-C7V6>].

to the library's catalog, legal guides on topics that most commonly touch the lives of the self-represented, court rules and forms, and basic information on library hours and contact information.⁸³ The library's website also includes information on upcoming legal clinics held in the library's space but conducted by outside groups, such as the King County Bar Association;⁸⁴ library classes on topics ranging from how-to-file and legal research to how to guard one's online privacy;⁸⁵ and how to obtain traditional library services such as photocopier access, document delivery, and notary services.⁸⁶ King County's website further notes that it has used funds to purchase videoconference equipment to allow inmates and their families to conference with one another free of charge.⁸⁷

Models of Self-Help Centers

¶52 The models that self-help centers take on vary considerably across the country. The effectiveness of any self-help center depends, in part, on implementing the best model for the resources, patrons, and general needs of the county. The next section will explore the types of self-help centers, services, and resources employed by county law libraries and courts in jurisdictions comparable to Multnomah County.⁸⁸

Law Library–Based and –Operated Self-Help Centers

¶53 A survey by the Law Libraries' Working Group of the Self-Represented Litigation Network (SRLN) examined the self-help services provided by law libraries and self-help centers across the country. As part of its survey, the Working Group identified three general self-help models: (1) a self-help center located within and operated by a jurisdiction's public law library; (2) a self-help center located within the public law library but operated by another entity (typically the overseeing court); and (3) a self-help center partnered with the law library through referrals and other services, but located outside of the library and operated by an external organization.⁸⁹ Other literature identifies the court-based and -operated self-help center as another model that jurisdictions have employed.⁹⁰

¶54 According to the Working Group's report, the majority of identified self-help programs were located in and run by law libraries, the key advantage of which was that the centers had access to three of the basic resources that the law libraries

83. PUB. LAW LIBRARY OF KING CTY., *supra* note 31.

84. *Legal Clinics*, PUB. LAW LIBRARY OF KING CTY., <http://www.pllk.org/wp/legal-clinics/> [<https://perma.cc/K7PM-WA5H>].

85. *Classes*, PUB. LAW LIBRARY OF KING CTY., <http://www.pllk.org/wp/classes/> [<https://perma.cc/8328-SWDT>].

86. *Services*, PUB. LAW LIBRARY OF KING CTY., <http://www.pllk.org/wp/services/> [<https://perma.cc/HDY9-H3TN>].

87. *Id.*

88. This article does not examine a third type of self-help model. That system refers to self-help centers run by bar associations, legal aid groups, and other organizations over which neither MLL nor Multnomah County have any direction or control. While these programs are beneficial for self-represented litigants, they should be in addition to, and not in lieu of, any self-help center affiliated with the MLL or Multnomah County.

89. BELLISTRI ET AL., *supra* note 51, at 3–11, 14.

90. *See, e.g., SELF-REPRESENTED LITIGATION NETWORK, supra* note 57.

offered their patrons: (1) triage and referral services, (2) access to technology, and (3) staff assistance and basic library services.⁹¹ Beyond affording access to basic law library benefits to their patrons, law library–based self-help centers most commonly provide clients the following services and resources: (1) forms and instruction packets, (2) coordination of volunteer attorney services in library space, and (3) clinics sponsored by outside organizations held in library space.⁹² Other, less commonly provided services include: (4) providing on-staff attorneys or paralegals to assist patrons, (5) contracting with state legal services staff to provide in-library assistance to patrons, (6) giving procedural assistance, and (7) assisting with filling out and reviewing the completeness of forms.⁹³

¶55 Additional benefits for law library–based self-help centers can emerge when they effectively partner with the courts in their respective jurisdictions. This is true for jurisdictions even where the “county and state law libraries are not part of the court system, [as] the services they provide to the self-represented litigant make them a great referral source for courts.”⁹⁴

¶56 In terms of implementation of effective self-help center programs, the AALL’s Special Committee on Access to Justice divides execution into basic, intermediate, and advanced levels of service. At the most basic level (ideal for a small law library or a facility just creating a law library–based self-help center), a law library with a self-help focus should employ a law librarian; embrace access to justice principles; provide a list of referral organizations to share with patrons in need of additional legal support; develop and provide access to core library collections and the Internet, in accordance with the AALL’s county public law library standards;⁹⁵ develop and maintain access to websites linking to legal resources; track what resources the law library needs and what patrons request/need assistance on; and provide basic library equipment, workspace, and reference information and forms.⁹⁶

¶57 Law libraries in the intermediate level of self-help service expand on these basic services and provide additional programs, often with the help of or in partnership with community members. A partial list of such possible expanded services could include hosting legal clinics developed and offered by outside organizations, such as legal aid or local bar associations; hosting “attorney in the library” programs in library space or out in the community, where pro se litigants can speak and ask questions to licensed attorneys; conducting seminars and continuing legal education courses for the public and attorneys; and developing guides of resources and information for some of the most frequently accessed or requested legal topics.⁹⁷

91. BELLISTRI ET AL., *supra* note 51, at 3.

92. LAW LIBRARIES AND ACCESS TO JUSTICE, *supra* note 61, at 26.

93. *Id.*

94. BELLISTRI ET AL., *supra* note 51, at 7–8.

95. A list of recommended core materials can be found in the AALL’s report on County Public Law Library Standards. *County Public Law Library Standards*, *supra* note 17.

96. LAW LIBRARIES AND ACCESS TO JUSTICE, *supra* note 61, at 29.

97. *Id.* at 29–30. New York’s Judicial District Help Centers “were established to provide self-represented [litigants] access to justice with the tools and resources to help them navigate the court system without hiring an attorney. *Legal information is given rather than legal advice.*” *Id.* at 30 (emphasis added). Unlike legal aid programs, the Judicial District Help Centers do not discriminate based on income: “There are no income restrictions for receiving assistance; anyone seeking help

¶58 Advanced-level law libraries continue to build on the basic and intermediate models by incorporating additional self-help center services into the law library's operational structure.⁹⁸ These additional expanded services include having an attorney on staff directing the self-help center's operations; providing videos, research guides, forms, and court practice tips; and working with the court and local legal services to improve self-represented litigants' experiences in the judicial system.⁹⁹

¶59 While no single law library serves as the paragon of what a self-help-focused law library could be, several county public law libraries across the country have taken on the responsibility of developing effective self-help programs. The Travis County Law Library in Austin, for instance, has been hailed as a leader for transforming its services to be more beneficial to pro se litigants.¹⁰⁰ The library's self-help center, established in 2002 and operated by the library, provides many of the services that the AALL champions in a robust self-help center. Such services include reference attorneys employed by the library to assist family law litigants with filling out forms and attend uncontested dockets; technical service librarians; two central websites containing forms (both printable and web-based interactive), do-it-yourself guides, self-help videos, legal resource information, and links to outside legal and non-legal aid programs; and an in-house attorney and dispute resolution office.¹⁰¹ Moreover, Travis County Law Library provides notary services and assistance with family law issues.¹⁰² In delivering these services, the Travis County Law Library relies on in-house attorneys and clerks, legal aid attorneys, and volunteer mediators.¹⁰³ However, only the legal aid attorney is permitted to provide legal advice; all other employees and volunteers of the law library/self-help center can provide only legal information.¹⁰⁴

¶60 Closer to Oregon and Multnomah County, the Public Law Library of King County (KCLL) employs many similar self-help services for its patrons and serves as a legal resource hub for King County by providing space for seminars, clinics, and related legal education programs. For instance, the KCLL provides space for the King County Bar Association's Young Lawyers Division and the Northwest Justice Project to host their respective weekly walk-in and debt collection defense clinics. According to the KCLL's director, there is definite value for the public to have such seminars and clinics centrally held in the law library and close to judicial depart-

receives it free of charge." *Id.* Finally, Help Centers are governed by local committees, whose members are drawn from court staff and organizations from within the jurisdiction. *Id.* at 31.

98. *Id.* at 31–32.

99. *Id.* at 32–33.

100. ZORZA, *supra* note 1, at 16 (“[T]hose law libraries which have made, or are making the change [in implementing self-help services] have found the process to be one of transition and growth, rather than disruption and conflict. One of the best examples of this impressive transition is in Austin, Texas, where the law library now provides a broad variety of services for people without lawyers, including providing ‘reference attorneys’ in the courtrooms to assist judges with moving their calendars.”).

101. LAW LIBRARIANS’ WORKING GROUP, SELF-REPRESENTED LITIGATION NETWORK, *supra* note 51, at 56; TEXASLAWHELP.ORG, <https://texaslawhelp.org/> [<https://perma.cc/VTJ4-HR5V>].

102. LAW LIBRARIANS’ WORKING GROUP, SELF-REPRESENTED LITIGATION NETWORK, *supra* note 51, at 56.

103. *Id.* at 57.

104. *Id.*

ments, as law libraries are perceived as a neutral place to go for people who often need assistance or access to helpful information immediately.

¶61 Further, the KCLL advances its mission of facilitating access to justice to self-represented litigants by supplying information about non-law-library-based self-help programs and how pro se litigants can navigate the judicial process. Toward that end, the KCLL provides educational brochures and other information relating to the clinics and self-help services that outside legal aid, bar associations, and foundations conduct for members of the public. To help individuals navigate the legal process, the KCLL provides access to a manual written by a former King County extern, appropriately titled *Preparing for Your Day in Court*.¹⁰⁵ The manual has basic court and courthouse information—from courtroom etiquette to state and local rules¹⁰⁶ to descriptions and examples of common forms and documents.¹⁰⁷ Much like Travis County Law Library, the KCLL also maintains a superb website that contains legal and research guides, forms, information on upcoming classes, and seminars and clinics within the library.¹⁰⁸

Court-Based Self-Help Centers

¶62 In addition to the law library-based self-help center model, other jurisdictions employ court-based self-help centers to assist pro se litigants. As noted elsewhere in this article, there is no universal standard for what a self-help center should look like. Curiously, in surveying literature discussing both law library-based and court-based self-help centers, the resources reviewed did not discuss what the fundamental differences between these two models are or what they might be.

¶63 Moreover, in examining various self-help centers across the country, there appear to be no services or benefits that are mutually exclusive to either the law library-based or the court-based self-help center model; instead, many of the resources outlined above could easily be found in a similarly well-designed and well-managed court-based self-help center. Indeed, many of the services described above as hallmarks of the best law library-based self-help services—readily available forms, comprehensive websites, hosting and providing sponsored workshops and clinics—are regarded as essential services for court-based self-help programs as well.¹⁰⁹ As a result, any debate concerning a law library-based or court-based self-help center may focus more on form than substance or, to put it another way, how the essential services of a self-help center are delivered rather than the services themselves.

¶64 Perhaps the greatest difference between the law library-based and the court-based self-help models turns on who manages and runs the center: the law library or the court itself. For instance, Minnesota's Hennepin County employs a court-based self-help center, which the Self-Represented Litigation Network

105. SOFIA SALAZAR-RUBIO, *PREPARING FOR YOUR DAY IN COURT: A HANDBOOK TO SELF-REPRESENTATION IN THE KING COUNTY SUPERIOR COURTS* (Oct. 2010), <https://www.kcba.org/publications/pdf/prosehandbook.pdf> [https://perma.cc/Y7VN-J67F].

106. *Id.* at 11–12.

107. *Id.* at 13–45.

108. PUB. LAW LIBRARY OF KING CTY., *supra* note 31. The services and features of the KCLL's self-help website are discussed in greater detail in the Best Practices section, ¶¶ 41–51, *supra*.

109. *See generally* SELF-REPRESENTED LITIGATION NETWORK, *supra* note 57.

regards as one of the best and most comprehensive centers in the nation.¹¹⁰ The main website for Hennepin County's self-help center is hosted by the Minnesota Judicial Branch and notes that the Hennepin County District Court has two self-help centers for the public's use.¹¹¹ Delving deeper into the county's self-help site, another webpage notes that court staff service the self-help center and provide the public with legal information.¹¹²

¶65 But beyond these management differences from the law library-based model, Hennepin County's centers bear many of the hallmarks of an effective self-help center, including forms and document assistance, free legal clinics run by volunteer attorneys, attorney referral services, "how-to" videos and tutorials, and information regarding specific areas of law.¹¹³ Similarly, the online self-help center managed by the California courts resembles the KCLL's self-help website in terms of information and forms provided and thoroughness of topics covered.¹¹⁴

¶66 Importantly, court-based self-help centers employing best practices still envision a central role for law libraries in serving pro se litigants. For instance, the Self-Represented Litigation Network, in studying the best practices for court-based services for pro se litigants, regarded law libraries as essential resource centers for the self-represented.¹¹⁵ Additional services useful to pro se litigants that court-based self-help centers can offer include kiosks, or "courthouse concierge desks," staffed by court employees or volunteers, which serve as welcome centers for courthouse patrons.¹¹⁶ Such "concierge desks" can provide not only directions, basic materials, and key information for patrons, but also a human face to the courthouse for those who typically do not venture there by choice.¹¹⁷

¶67 One such example was in Hawaii, where the state judiciary launched the Ho'okele Court Navigation Project in 2000 and provided court concierge desks at both the circuit court and district court buildings in Honolulu.¹¹⁸ Ho'okele (literally "to guide" in Native Hawaiian) was designed to provide the public with issue and problem identification assistance right after crossing the threshold of the courthouse.¹¹⁹ One year after the Ho'okele project's deployment, a firm examined the program and recommended that court service centers and concierge desks be staffed by full-time, professional employees of the court, and that they be supervised by a skilled manager versed in court services, processes, and procedures.¹²⁰ The examiners found that while volunteers might be useful in supplementing con-

110. *Id.* at 10.

111. *Hennepin County District Court*, MINN. JUDICIAL BRANCH, <http://www.mncourts.gov/hennepin> [https://perma.cc/58GK-ET8F].

112. *What Court Staff Can and Cannot Do for You*, MINN. JUDICIAL BRANCH, <http://www.mncourts.gov/Help-Topics/What-Staff-Can-Do.aspx> [https://perma.cc/2SWT-5VUM].

113. *Id.*

114. *The California Courts Self-Help Center*, CAL. COURTS, <http://www.courts.ca.gov/selfhelp.htm> [https://perma.cc/BG8E-BLC2].

115. SELF-REPRESENTED LITIGATION NETWORK, *supra* note 57, at 19.

116. *Id.* at 1.

117. *Id.* at 1–2.

118. *Id.* at 2.

119. News Release, Office of the Administrative Director, Hawaii State Judiciary, Public Affairs Office, Judiciary Opens Court Service Centers and Court Concierge Desk (Aug. 8, 2000).

120. DAVID A. PRICE & BRENDA J. WAGENKNECHT-IVEY, *EVALUATION OF THE HO'OKOLE COURT NAVIGATION PROJECT 47–48* (Dec. 31, 2001), <http://www.centerforpublicpolicy.org/file.php/52136/Evaluation+of+the+Ho%27okele+Court+Navigation+project.pdf> [https://perma.cc/87VP-X2T2].

cierge desk staffing, they likely should not be the only staff available. Indeed, one criticism of the concierge desks' early performance was that they were staffed by AmeriCorps members in its initial run, who largely had no court experience and no knowledge on court forms, procedure, or even the location of various legal and judicial offices.¹²¹

¶68 Another concierge desk model is the Travis County courthouse information booth in Austin. Supervised by the Travis County Law Library instead of the court, the information booth combines the services of the concierge desk and the library reference desks and is coordinated by librarians.¹²²

Conclusions About Self-Help Center Models

¶69 Based on the information gleaned from this research, there is no reason to assume that a 501(c)(3)-model library cannot provide both traditional law library and self-help center services effectively, as long as it is willing. The fact that the Jenkins Law Library began instituting self-help services in 2014 denotes evidence that self-help centers are not unique to county public law libraries. However, their success may depend more on an organization's will and sense of self-help mission than any particular library governance model.

¶70 The law libraries of Travis County, King County, and other jurisdictions across the country serve as exemplars of what a county public law library-based self-help center can be. In terms of access to information, services provided directly by the library, and collaboration with outside foundations and legal aid services, these libraries have typically taken the initiative and built the forms, Internet presence, and network of legal aid contacts that make their centers successful.

¶71 While money and resources are critical components to just what a self-help center can achieve, perhaps most crucial is having a center built around the belief that self-represented litigants are equal players in the legal system. According to one law library consultant, the acceptance of the self-represented as equal to licensed attorneys is a hallmark of the more innovative law libraries.

¶72 One advantage of the court-based self-help model is that any center that is run by the court might be better integrated with the court's operations,¹²³ given that both bodies are run by the same administration, making the center more responsive to changes at the court and thus better able to serve patrons. Multnomah County will likely need to assist, provide services to, and coordinate with any self-help center that emerges; exemplary practices urge coordination and partnerships between the counties, courts, and law libraries.

¶73 The services inherent to a self-help center are not just for the indigent or the self-represented; instead they are services that any legal practitioner looking to augment his or her practice could use, as "access to justice" must account for the legal needs of everyone in the community—from the self-represented to the solo practitioner to the big firm's attorneys whose own libraries have scaled down their resources.

121. *Id.* at 47.

122. SELF-REPRESENTED LITIGATION NETWORK, *supra* note 57, at 2-3.

123. *Id.* at 10.

Increasing Access to Justice Through Digital and Online Materials

¶74 “Access to justice requires the ability to find the law. . . . Without ready access to research the law, lawyers and judges cannot apply the law and justice cannot be dispensed. Public law libraries make the law directly accessible to members of the public.”¹²⁴ The explosion of digitally available resources and information over the past two decades has made the Internet an essential informational and educational resource for many. Significant amounts of material that were either confined to bound volumes or inaccessible due to distance are now readily available at the click of a mouse. The legal field has also been swept up by the progression of technology: online resources like Westlaw, LexisNexis, HeinOnline, and a myriad of other subscription and no-cost resources provide access to legal information that used to be contained primarily in bound volumes of regional case law reporters, state statutes, and secondary sources such as the Restatements and the *American Law Reports*.

¶75 Yet as noted elsewhere in this article, the Internet is not a cure-all for every access to justice or access to information problem that exists for self-represented litigants and attorneys. The perception that the Internet contains all the legal information that the represented and self-represented alike will need is both pervasive and incorrect. Much of the general public perceives little need for law libraries when so much material is available on the Internet. The Internet is a double-edged sword: it contains valuable information, and it contains false, misleading, and other spurious information. Statutory information is particularly problematic. Attorneys and legal researchers generally prefer to use print materials for statutes. A statute needs to be read in context to be fully understood.¹²⁵

¶76 Further, while the Internet is a veritable treasure trove of data, many of the most essential legal materials that are available in some form online come at a heavy price. Public and nonpublic law librarians interviewed as part of this research explained that online legal services such as Westlaw, LexisNexis, and HeinOnline provide convenient digital access to the core legal materials that are essential to any law library’s collection—for example, cases, statutes, and major secondary sources. Yet the ever-increasing costs to access these online resources show no signs of slowing. One law librarian described a feeling of being “at the mercy” of online providers to supply digital access to materials that libraries once used to keep physically on hand. And while a library owns the physical copies of legal materials on its shelves, it has no ownership to the resources it can access online; instead, the ever-increasing fees are merely for rights to access the material during a contracting period. Further, the learning curve required to use and search services are often steep for members of the public.

¶77 In addition, a host of legal materials vital for access to justice are simply “not available online.”¹²⁶

Just a short list would include Oregon legislative history (older statutes, [Oregon Administrative Rules], minutes, exhibits, etc.), the majority of current and older secondary resources

124. LaJean Humphries, Oregon County Law Library Consultant Grant: LSTA Peer Evaluation 5 (Feb. 2011), https://www.co.washington.or.us/LawLibrary/upload/TF_LSTA_Evaluator_Report_Feb2011-2.pdf [<http://perma.cc/V34A-BKZH>].

125. *Id.* at 3.

126. *Id.* at 5.

(texts, monographs, treatises, hornbooks), superseded court rules, supplementary local rules, appellate rules and procedures, continuing legal education program course books, authoritative (citable) legal dictionaries and thesauri, authoritative medical dictionaries, older municipal codes and ordinances.¹²⁷

¶78 In the legal field, access to such historical materials is vital to the outcome of many cases, particularly when the law changes between the occurrence of the tortious or criminal act and its adjudication.¹²⁸ If individuals are unable to find out what the state of the law was at the time of the events central to their case, their ability to have a fair hearing will be affected.

¶79 Coupled with this reality, one of the most overriding concerns that law librarians expressed during our research was in dispelling the myth that hardcopies of print materials can be eliminated. There remains a need for libraries to embrace document conversion and efforts to turn parts of their collection into digitally accessible formats—whether that be turning to commercial providers who supply access to materials for a fee or trying to convert parts of the library’s collection themselves. Yet the clamor for digitization should not overlook the reality that print and other source material formats still play, and will continue to play, an important role in the mission of law libraries to serve both the public and the legal community.

¶80 Although law libraries used to pride themselves on maintaining a large volume of bound books and materials, some law librarians and persons outside the community now believe that having an expansive hardcopy collection in the digital era is an albatross. Indeed, as individual and industry reliance on digital resources have grown over the past decades in tandem with budgetary constraints,¹²⁹ public and nonpublic law libraries alike have severely reduced the sizes of their print collections out of necessity.¹³⁰ For Oregon’s public law libraries, the pressures of “doing more with less” have only intensified since the Oregon legislature changed the funding model for county public libraries from being tied to county court filing fees to a biannual legislative appropriation to the Oregon Judicial Department.

¶81 Getting rid of print resources may be seen as a cost-savings measure, but digitization raises serious access-to-justice concerns. The persons who typically make up the self-represented population are more likely to be tech-challenged,

127. *Id.* This is an issue that affects public and private law librarians equally. For a private firm law librarian’s perspective regarding what print resources are essential to private practice, see LaJean Humphries, *Cheaper Online? Our Firm Library’s Gradual Move to All Electronic*, AALL SPEC-TRUM, Mar. 2013, at 17, 17 (“State legislative history is a major research topic in our [firm’s] library, and Oregon has limited material available electronically. Librarians use older Oregon laws and regulations on a regular basis. Our local county law library is threatened with closure, and *it would be impossible for us to do our job without historical Oregon legal materials.* Therefore, Oregon statutes, regulations, and older laws were our No. 1 priority to retain in print.” (emphasis added)).

128. Humphries, *supra* note 127, at 17.

129. For example, see the 2010 Oregon’s County Law Libraries Report by Ruth Metz Associates discussing how the growth of online databases has changed law library access by practitioners. RUTH METZ ASSOCS., *supra* note 5, at 14 (“[T]he growth of online databases to which judges, attorneys, and their staff have increasing access from offices and homes has changed patterns of library use. Judges, attorneys, and their staff can access law-related databases online as well as other web-based materials without going to the library itself.”).

130. See, e.g., Humphries, *supra* note 127, at 17–19 (noting how one firm’s decision to reduce the costs associated with its lease included reducing the size of both attorneys’ offices and the space occupied by the firm’s physical library).

meaning they may not be able to use electronic resources to find the information they need. Indeed, members of the public who come to law libraries to access computers and online resources often face steep learning curves. Beyond usage issues, the basic fact is that most court materials are not available in a digital format. As noted above, some of the most basic legal research materials would no longer be accessible if the print copies were to vanish out of a library's collection.¹³¹ The legal field's reliance on historical resources necessitates that past copies of statutes, legislative history, and case law be maintained in some form that is accessible in infinitum. For example, while microfilm and microfiche are considered to be outdated formats for archiving,¹³² many critical legal resources and records such as past versions of the Oregon Revised Statutes can be obtained only in those formats. Toward that end, the Clackamas County Law Library recently purchased new microfilm/microfiche readers and printers to access important legal information and records such as past versions of the Oregon Revised Statutes maintained in those formats.

¶82 The costs of document conversion and digitization are very project specific and hard to quantify in the abstract. When using an outside document conversion vendor, costs can vary greatly depending on a multitude of factors, such as the size of the collection to be converted; the age, quality, and condition of the materials in question; whether the materials need to be returned after digitization or whether they can be cut, unbound, and mechanically scanned; and so forth.¹³³

¶83 Once a law library decides to undertake a document conversion process, it should determine which materials to convert, what format to use, and whether to do it in-house or hire a third-party vendor. When examining what materials to digitize or otherwise convert, the most logical and economical approach is to convert only those portions of the library's collection that are unique and have not been converted elsewhere. To digitize resources that are widely available in another format or via a separate service—such as the court reporters—not only runs into potential copyright issues, but also is redundant and likely an unnecessary use of library funds and energy.

¶84 While digital methods to access information have grown in the past decades, as noted above many people most in need of a law library's services are also technologically challenged. However, the advantages in converting documents into a ubiquitous digital format are numerous. The ease of access and portability of digitally formatted materials means that patrons can easily obtain the files they need either at the library or remotely and save them to a personal computer or

131. Humphries, *supra* note 124, at 5.

132. Interview with Shane Marmion, Vice President, Product Dev., William S. Hein & Co., Inc. (May 28, 2014) (notes on file with authors). While Marmion believes that microfilm and microfiche will probably be out of production within five to ten years, people in the legal industry thought the same thing in 2000 as well. *Id.* But it is important to note that Hein still provides microfilm/microfiche document conversion, perhaps noting the further longevity of the format. See HEINONLINE, DIGITAL SERVICES FOR LIBRARIES, <http://heinonline.org/HeinDocs/DigitalServices.pdf> [<https://perma.cc/WVF5-6RWG>]. However, some libraries now actively refuse to archive their materials in any microform. Interview with Marilyn Moody, Dean, Portland State Univ. Library (May 28, 2014) (notes on file with authors).

133. Interview with Shane Marmion, *supra* note 132. Hein's vice president stated that the standard charge for digital scanning and conversion can be around \$0.03–0.06 per page if the source material can be cut and unbound; if not, the costs generally increase to around \$0.15–0.20 per page. However, Marmion did reinforce that these are just estimates and that it is difficult to give ballpark figures since the costs of every project vary depending upon the above-mentioned variables.

portable device for later use. The ability to search for relevant words and phrases within digital documents allows users to find (or at least narrow down) relevant information quickly.

¶85 However, while the world continues its transition into the digital age, there still remains a place for analog resources. Microfilm and microfiche have declined in use and production in the past decades, yet still remain a viable option for archiving. One advantage for a library focused on archiving is that microfilm and microfiche aid in helping a library downsize and modernize where needed while still retaining access to a physical, tangible copy of its resources. This could be an advantage to those patrons who are more familiar with traditional ways to access archived information. And while microform resources have become rarer in the twenty-first century, the fact that some of the most crucial legal resources remain accessible in some microform format denotes that they are still a valuable archival method.

¶86 The drawback, however, is that microform archiving likely will become rarer in the coming years as more libraries are choosing not to use microform any longer. As more individuals become familiar with how to use computers and access information online or in a digital format, their knowledge of and familiarity with microform is apt to decline. This could lead to a similar situation that law libraries find themselves in today with patrons trying to digitally access information but being unfamiliar with and unable to use the technology.

¶87 Once a law library decides to convert portions of its collection, the next questions to consider are who will handle the project, and how much will it cost? Perhaps the overriding concern when it comes to deciding to convert print materials into another format is the eventual expense. Unfortunately, this is the great unknown for any conversion project. Because the costs for conversion are very project specific, it is likely difficult for a law library to project whether converting part of its collection in the future is cost effective in the present.

¶88 Document conversion vendors bring needed expertise in terms of how to handle, scan, and process print materials into a digital format. Such vendors are also able to include indexing, word search, and metadata functionality with scanned documents, depending on how the materials are converted (e.g., if they are converted into a PDF or other similar format), and can provide hosting services for the library to access the digital copies of its collection.

¶89 Yet these services can be costly, and the exact amount is not readily known until an estimate for a specific project is sought. Some law libraries have decided to purchase scanning equipment and take on digitization projects themselves instead of employing an outside vendor. The Washington County Law Library's efforts to digitize older versions of the Oregon Revised Statutes is a superb example of a law library assuming the initiative for the broader legal community's benefit by filling in the digital gap.

¶90 The disadvantages of this approach are that all of the digitization burdens fall on the shoulders of the adventurous law librarian and likely will take more time than an outside vendor would. Further, if no one at the enterprising law library knows how to digitize such materials, any digitization project may become a laborious frustration, as the vendor's expertise in how to handle and convert the print materials into a digital format is lost.

Legal Needs Assessment of Multnomah County Residents

¶91 Significant unmet legal needs exist in Multnomah County. This article is not the first to identify the unmet legal needs of individuals. Oregonians represent themselves in Family Court in sixty-seven to eighty-six percent of cases filed, according to the 2011 Oregon Judicial Department/Oregon State Bar report on family law forms and services.¹³⁴ According to judges and service providers in Multnomah County, self-representation occurs in about eighty-five percent of family law cases, mostly because the litigants cannot afford an attorney. In criminal cases, defendants who cannot afford an attorney are appointed a criminal defense attorney to represent them. However, this is not the case in civil cases. Pro se litigants face significant challenges navigating the justice system, which can put a strain on court operations.

¶92 This is not a new problem. In 2000, the *State of Access to Justice in Oregon* report found a significant need for civil legal services for low- and moderate-income people in Oregon that was not met by existing legal services.¹³⁵ Further, as reported in the Multnomah Bar Association's publication, *Multnomah Lawyer*, the Campaign for Equal Justice (CEJ) found that between "2000 and 2011, those eligible for free civil legal services in Oregon (125% of the federal poverty level) increased by 61.5%, the 8th highest rate in the nation. CEJ also reports at a time when resources for legal aid have declined, the increase in poverty has been staggering, leaving about 85% of the civil legal needs of the poor unmet."¹³⁶

¶93 According to a paper by the Conference of Chief Justices, the civil legal problems of low-income people involve "essential human needs" including "protection from domestic abuse, safe and habitable housing, access to necessary health care, and family law issues including child custody actions."¹³⁷ Fewer than one in five of the legal problems experienced by low-income people are addressed with the help of an attorney. Often, low-income people who are experiencing problems do not know that they need legal help and face a variety of obstacles. Many do not know where to go for assistance, do not know that they are eligible for legal aid, have limited English proficiency or cultural or ethnic barriers, low literacy, physical or mental disabilities, and apprehension about the courts and the legal system.¹³⁸

¶94 In addition to facing obstacles in navigating the court system, pro se litigants can also hinder efficient court operations. A 2010 survey of trial judges in thirty-seven states found that pro se litigants "failed to present necessary evidence, committed procedural errors, [and] were ineffective in witness examination," among other problems. Seventy-eight percent of the judges who took the survey reported that

134. REPORT FROM THE OJD/OSB TASK FORCE ON FAMILY LAW FORMS AND SERVICES, at ii (Feb. 2011), <http://www.courts.oregon.gov/Multnomah/docs/FamilyCourt/ReportFromTheOJDOSBTaskForceOnFamilyLawFormsAndServices.pdf> [<https://perma.cc/L9RC-CK38>].

135. D. MICHAEL DALE, THE STATE OF ACCESS TO JUSTICE IN OREGON PART I: ASSESSMENT OF LEGAL NEEDS (Mar. 31, 2000), https://www.osbar.org/_docs/resources/legalneedsreport.pdf [<https://perma.cc/S2B2-2NP4>].

136. Richard Vangelisti, *Equal Justice & Our Profession*, MULTNOMAH LAW, Apr. 2014, at 1.

137. The Importance of Funding for the Legal Services Corporation from the Perspective of the Conference of Chief Justices and the Conference of State Court Administrators 2 (n.d., 2012?), http://ccj.ncsc.org/~media/Microsites/Files/CCJ/Web%20Documents/LSC_WHTPR.ashx [<https://perma.cc/UN3K-FA44>].

138. *Id.*

“unrepresented litigants negatively impacted the effectiveness and efficiencies of the courts.”¹³⁹

¶95 At least four state-commissioned reports have acknowledged the issues and legal needs of low-income and pro se litigants in Oregon. These include a 2011 report from the OJD/OSB Task Force on Family Law on Forms and Services;¹⁴⁰ a 2007 report from SFLAC’S Self-Represented Legal Services titled *Self-Representation in Oregon’s Family Law Cases: Next Steps*;¹⁴¹ a 2000 report titled *State of Access to Justice in Oregon Part I: Assessment of Legal Needs*;¹⁴² and a report of the Oregon Family Law Legal Services Commission, 1999.¹⁴³ While the need is apparent and widely recognized, it appears that progress toward meeting this need with a systematic, statewide approach has been slow. However, judges, service providers, state officials, librarians, and attorneys in Multnomah County whom the PSU team interviewed had many suggestions on the legal and court-related needs of current and projected library users. Some suggested services are those that the MLL already provides (and stakeholders agree are necessary); however, most are services not currently provided.

Existing Necessary Services

¶96 As previously noted, about half of the users of the Multnomah Law Library are attorneys and half are members of the public. While most large law firms have their own law libraries, most of the attorneys in Multnomah County work for firms with fewer than twenty-five attorneys. These firms are much less likely to have their own law libraries or significant resources and therefore rely on the research materials at the MLL. State Law Librarian Catherine Bowie recommends twenty-two types of collections and resources for a comprehensive law library. In addition to library materials, a law librarian to provide guidance and assistance with the materials is necessary. Library users need access to Internet-connected computers, printing, copies, and online legal research materials, such as LexisNexis, Westlaw, and HeinOnline. The MLL currently provides public computers with access to these resources.

¶97 Zorza notes that law libraries are becoming entry points into the judicial system for more and more individuals. To accommodate that, a “triage, diagnosis, and referral” desk, staffed by skilled, trained people with thorough knowledge of available resources and services in the community is necessary.¹⁴⁴ Such a desk could help many court users identify their problems and determine how to proceed. In the course of this research, the research team learned that many people need basic procedural information on where and how to file paperwork, how to obtain necessary signatures, and how to take the next steps for their case. Others

139. *Id.*

140. REPORT FROM THE OJD/OSB TASK FORCE ON FAMILY LAW FORMS AND SERVICES, *supra* note 134.

141. SFLAC’S SELF-REPRESENTED LEGAL SERVS. SUBCOMM., SELF REPRESENTATION IN OREGON’S FAMILY LAW CASES: NEXT STEPS (Sept. 2007), https://www.americanbar.org/content/dam/aba/administrative/delivery_legal_services/downloads/final_report_on_self_representation_090607.pdf [<https://perma.cc/E3UW-C2LT>].

142. DALE, *supra* note 135.

143. OREGON FAMILY LAW LEGAL SERVICES COMM’N, REPORT TO THE OREGON LEGISLATIVE ASSEMBLY (Jan. 1999).

144. ZORZA, *supra* note 1, at 18.

need assistance with legal and social services from other agencies that provide a variety of services to individuals with legal matters, such as Multnomah County Family Court Services of the Oregon Department of Justice Division of Child Support, but they often do not know where to go or how to begin.

¶98 While court staff at the service counters provide some of this information, it is not always consistent. Further, this type of customer service can be inefficient and slow down the court staff's normal work. Prior to May 1, 2012, family court offered family law facilitators at a self-help center to answer questions and review forms. However, due to budget constraints, this service was cut. Further, it did not address the needs of individuals or litigants with other civil court needs, such as foreclosure or dispute resolution.

¶99 Interviewees agreed that many people with legal needs in Multnomah County do not know where to begin. Informational classes and legal clinics on key topics that many litigants face provide the necessary background, legal, and procedural information to help people decide whether they can handle the matter on their own or should seek additional legal assistance. Further, such clinics may provide referrals for attorney services, social services, or other complimentary services to assist them with their legal matter. Workshops or clinics presented by self-help attorneys or paralegals under attorney supervision would provide general procedural and legal information in a group setting.

¶100 All legal procedures begin with completing and filing a form. However, we found that legal forms are not readily available, often difficult to obtain, and difficult to complete without legal assistance. Legal forms are not uniform or standardized across the state, and most stakeholders agree that they are not user-friendly. The variations in forms, complex instructions, and legal terminology increases the difficulty of understanding the forms and being able to fill forms out correctly the first time.

¶101 While some family law forms are available electronically on the Oregon Justice Department's Family Law Forms website¹⁴⁵ or on the Multnomah County Circuit Court webpage for Family Law Forms,¹⁴⁶ many pro se litigants find it challenging to find them online, to determine which form they need, to complete the form, and to file it appropriately. Others were not able to find what they needed online, either due to limited computer proficiency or limited computer or Internet access.

¶102 Alternatively, Multnomah County legal forms are available at Stevens-Ness, a law publishing company across the street from the Multnomah County Courthouse. Prices range from \$5.00 for a paper form, to \$9.95 for a printable electronic form, to \$24.95 for an electronic form that purchasers can fill in using a computer. Prices are discounted for multiple paper copies, or limited time subscriptions to particular electronic forms, allowing a user to complete a form over time or access multiple copies of the form, if necessary. The compounding cost of the forms is a barrier for some low-income self-represented litigants.

¶103 Once self-represented litigants obtain the forms, they face significant challenges completing them. The forms are long (more than fifty pages for the forms and instructions for Custody and Parenting Arrangements for Unmarried Parents;

145. *Forms for Family Law*, OREGON JUDICIAL DEP'T, <http://www.courts.oregon.gov/programs/family/forms/pages/default.aspx> [<https://perma.cc/2F72-C8F8>].

146. *Family Law Forms*, MULTNOMAH CTY. CIRCUIT COURT, http://www.courts.oregon.gov/Multnomah/General_Info/Family/pages/form.aspx [<https://perma.cc/WHF6-XFXV>].

thirty-six pages for the instructions and forms for Family Abuse Prevention Act Restraining Order) and written in technical language using legal terms. Other studies on the justice system in Oregon have made recommendations on forms—including the need to standardize them and make them more readily accessible in print and electronic formats. Further, the issues relating to forms arose in every interview with local stakeholders that the PSU team conducted.

¶104 A variety of legal assistance options are available in Oregon and Multnomah County, however; according to a 2007 report from the State Family Law Advisory Committee of the Oregon Judicial Department “approximately 600,000 low-income and elderly Oregonians qualify for the services of Oregon’s legal aid programs [but] only about 18% are able to have their legal needs met by with Legal Services of Pro Bono programs.”¹⁴⁷ Additional services, such as the Modest Means Program through the Oregon State Bar; sliding scale services; or no- to low-cost document review programs also exist. However, legal needs in the community outpace the availability of services.

¶105 Multnomah County has more than 760,000 residents, twenty percent of whom do not speak English at home.¹⁴⁸ About fifteen percent of Oregonians need language assistance to conduct their court business. The Oregon Judicial Department offers court interpretation services in ninety-one languages in all thirty-seven Oregon counties for several situations including in court, at the public court counter, or by telephone to communicate with OJD staff, mandatory court arbitration proceedings, and others. However, language barriers pose significant hurdles to trying to find information or navigate court procedures that, as noted above, are difficult to navigate for native English speakers. Those with limited English proficiency have the same needs for legal/informational workshops, procedural information, assistance with forms, and legal information as native English speakers do. Additionally, they need assistance navigating and using the library resources (such as legal research materials) that already exist. Common languages for those with limited English proficiency include Spanish, Russian, and Vietnamese, among others.

Conclusions

¶106 Due to the complexity of information, trained library staff is critical to an effective self-help center. In addition, much like with triage, diagnosis, and referral, “[l]ibrary 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] this function is also more than just pointing at the relevant material and walking away.”¹⁴⁹ Indeed, pro se litigants need help to both find “and make sense” of the law that underlies their legal dispute,¹⁵⁰ a task for which law libraries with trained staff or legal aid centers are naturally suited.

¶107 Best practices show that law library-based or stand-alone self-help centers should develop or provide forms for litigants to use to steer their case through the

147. SFLAC’S SELF-REPRESENTED LEGAL SERVS. SUBCOMM., *supra* note 141.

148. *Multnomah County, Oregon Quick Facts*, U.S. CENSUS BUREAU (data from July 1, 2016), <https://www.census.gov/quickfacts/fact/table/multnomahcountyoregon/PST045216> [https://perma.cc/RH8S-VS2Y].

149. ZORZA, *supra* note 1, at 20.

150. *Id.*

courts from conception to completion. Based on the recommendations of the Self-Represented Litigation Network, forms that are effective for litigants and the court should cover all major legal issues and sides; be designed in a logical and understandable format; be written in plain language; allow for handwritten responses; be accompanied by detailed instructions that explain how to fill out the forms, define all legal terms used, and instruct on what to do with/how to submit the forms when completed; be provided in multiple languages for non-English-speaking communities; be available in paper form as well as multiple file formats; avoid obscure requirements that are potentially confusing for litigants, such as fonts, paper size/color, and coversheets; be available at the courthouse and other physical locations as well as online; be available without cost; be universally accepted by all judges; and be accompanied by training from staff on how to fill out.¹⁵¹

¶108 For forms to be of the most use to the public, they need to be readily available beyond the courthouse's doors. Consequently, including forms in a comprehensive self-help website, accessible from one's personal computer, public library, or other remote location, is essential for their usefulness. The most effective self-help websites for the public are developed, structured, and organized with the lay public in mind.¹⁵² Toward that end, effective self-help is designed to be of use to the less literate, is kept up-to-date, is sufficiently funded, and includes information provided by local bars, legal aid organizations, and other essential stakeholders.¹⁵³ In addition, self-help websites that steer pro se litigants toward information based in terms of their specific legal problem and not the laws at issue are effective because they include links to a wide array of support services both within the courthouse and the community at large.¹⁵⁴

¶109 Multnomah County decided in 2017 to adopt a self-help center based within the MLL. The new center is slated to begin operations when the MML relocates to the new courthouse when it likely opens in 2020. While the county has decided to implement the self-help model in principle, the exact structure, staffing, operations, physical layout, and services have not been settled and agreed upon. Multnomah County wanted to find a method to resolve a fundamental problem: namely, that "[l]imited public access to legal information affects us all."¹⁵⁵ Access to justice does not focus exclusively on the self-represented; instead the middle-class litigant and the solo practitioner also need increased access. Even the small-sized law firm on which the litigant relies must be included. The central aim of our investigation was to find a self-help model that best facilitates this access to legal information for as many people as possible and therefore serves the "access to justice" needs of Multnomah County's broader population. The model we concluded that best meets the needs of Multnomah County is the self-help center within the law

151. SELF-REPRESENTED LITIGATION NETWORK, *supra* note 57, at 43. The Self-Represented Litigation Network also suggests that forms are most effective when pro se litigants can have them reviewed by "attorneys, judges and potential litigants for legal problems as well as areas of potential confusion and improvement." *Id.* This point, while true, may raise issues of the proper role of judges as well as the unauthorized practice of law or whether an attorney's review of a litigant's form establishes an attorney-client relationship; these issues consequently limit this suggestion's practicality.

152. *Id.* at 4.

153. *Id.*

154. *Id.*

155. Adams & Smith, *supra* note 15, at 33. Interestingly, this sentiment is expressed by the directors of the two oldest private law libraries in the United States. *Id.*

library model. The county has formally adopted this model and has created a working group to begin designing the details of its operation.

¶110 A law library's natural character as a neutral, nonconfrontational space further marks it as an ideal location for a self-help center.¹⁵⁶ Indeed, for litigants, courts are the seats of judicial power that will be wielded either in or against their favor. For some self-represented litigants, having a self-help center, or even just self-help resources, away from that authority can be important. Further, a law library-based self-help center model is advantageous in that it has physical proximity to the legal information and resources, county clerks, judicial offices, judicial chambers and courtrooms that self-represented litigants will need to access as they steer their case through the court system.

Suggested Services to be Included in the New MLL's Self-Help Center

¶111 While many in the access to justice community speak of resources for self-represented litigants, others have stressed that access to justice cannot be properly addressed without considering the needs of attorneys. Many attorneys need access to legal resources that they cannot afford themselves but that are essential to their practices. According to this view, access to justice must consider the needs of both solo practitioners and small law firms, as these attorneys frequently represent middle-class litigants and depend on public law libraries to support their practices. As the county's working group progresses in designing the functions of the library and the self-help center, we recommend that they strike a balance and strive to meet the needs of both attorneys and self-represented litigants.

¶112 As previously noted, a desk that provides procedural information, assistance with diagnosing legal issues, and referrals to the appropriate offices or departments for next steps in the process is recommended as an important part of a successful self-help center. Having litigants able to acquire information from skilled staff who are trained in court procedures and available resources could alleviate customer service pressure on other court staff and provide consistent information to those in need. It would serve as a gateway into the judicial system and ensure that people receive consistent information. According to Zorza, staff should be trained on or have familiarity with the law, the range of problems that people seek assistance for, existing resources that are appropriate for particular needs and populations, and how to help users find and use resources.¹⁵⁷ Additionally, staff should understand court procedures and be able to help people navigate the system.

¶113 The process of obtaining and accurately completing the correct forms is a significant barrier in the court system, which results in wasted resources such as time for both the court officials and the litigants, and wasted money for already low-income litigants in court and form fees. Multnomah County should work with the Oregon Judicial Department and other partners, such as Turbo Forms or other companies, to develop standardized state forms written in plain language with easily understood instructions. Based on best practices and the public's needs, we recommend the following practices be instituted related to legal forms:

156. ZORZA, *supra* note 1, at 21 (noting that losing parties to an action "may be somewhat reluctant to go to court to get information and run what they perceive is the risk of getting into trouble.").

157. *Id.*, at 23.

- Be uniform and written in plain language. They should be accompanied by detailed but easily understood instructions that inform the litigant on how to fill out the forms, define all legal terms used, and instruct on what to do with/how to submit the forms when completed.
- Be available physically in the courthouse, in the self-help center, and other physical locations as well as online in a manner that is both user-friendly and interactive.
- Be accompanied, where appropriate, by training or assistance from staff on how to fill out.
- Be universally accepted by all judges throughout the Multnomah County Circuit Court.
- Cover all major legal issues and sides.
- Be allowed to be handwritten.
- Be provided in multiple languages for non-English-speaking communities.
- Avoid obscure requirements that are potentially confusing for litigants, such as fonts, paper size/color, and coversheets.
- Be available without cost.

¶114 Providing procedural information from court staff along with legal information from volunteer attorneys on specific topics that are of frequent interest to self-represented litigants would increase the efficiency of the courts while providing valuable information to the public. Legal clinics would provide free, brief legal advice (not ongoing representation), which may help people decide whether to pursue their case with or without legal representation. To develop and provide these services, the self-help center may consider partnering with Lewis and Clark Law School, the University of Oregon Law School's Portland Program, or legal assistance programs in Multnomah County. Types of clinics might include separation/divorce, child custody, establishing paternity, expunging criminal records, child support, debt collection and defense, housing/rent/eviction, elder law, small claims, forms review, and dispute resolution/mediation.

¶115 A comprehensive self-help center should serve not only as an entry point to the judicial system but as a bridge. Though there are several free and reduced-cost legal services available to low- and moderate-income people in Multnomah County, providing these services in the law library/self-help center during designated hours would significantly enhance the efficiency and ease of use of such a center. The self-help center should consider coordinating free, brief legal advice/assistance during designated hours, widely publicizing the hours, and allowing patrons to sign up or drop in on a first come, first served basis.

¶116 Providing comprehensive translation and interpretation services in the self-help center may not be feasible at this time given the resources needed, but staff should know what other community resources are available to help people with limited English proficiency with their legal matters. Legal Aid Services of Oregon has Spanish-speaking staff in most of its offices and arranges interpretive services in most spoken or signed languages. As the self-help center develops and implements these recommendations and begins offering legal assistance, clinics, and referral systems, staff should be aware of the needs of non-English-speaking people in the community and develop services that are inclusive.

¶117 Every stakeholder and external consultant that the research team spoke to indicated a strong need for human resources, including qualified, cross-trained staff, increased communications and visibility, staff who can provide procedural information and legal assistance, staff to help conduct research and use library materials, and a cadre of service providers to assist with individual needs.

¶118 Currently, the MLL is designed as a large open space, primarily filled with books and several large tables for reading and research. Most of the individuals the research team interviewed said that their clients do not use the law library, do not know where to find it, or do not know what resources are available. A revamped law library and self-help center should be highly visible to the public, with services and amenities advertised. Further, the physical redesign should take into account the types of services provided. The law library/self-help center should include distinct service areas. The first area that a library/self-help center needs is space for quiet research, which would include books, computers, and desks or tables for document review. Opposite the research end of the library should be an interactive space where patrons could seek assistance, ask for referrals, and request procedural information and forms. Several of the recommended services require private space for legal assistance, intake and assessment, or clinics. The law library/self-help center also could include small conference rooms for one-on-one meetings with attorneys or service providers and a medium conference room that can host legal and informational clinics to small groups.

¶119 The MLL should eliminate duplicates and some print versions of materials that are available online or are no longer used by MLL patrons. Libraries must also consider issues of availability, technology, and cost when determining whether and what materials to convert. It is advisable that law libraries seeking to archive and convert portions of their collection lean toward a ubiquitous digital format and provide access to such materials both within the library and remotely if possible. Further, law library staff should remain available to help technologically challenged patrons with how to use and access such materials.

¶120 There are a variety of ways to integrate technology into existing and recommended law library/self-help center services to meet the needs of users. Nearly all the stakeholders the research team interviewed said that the main law library/legal service center should be in the courthouse, but that with more advanced technology, some services could be available remotely, such as forms, legal guides, video tutorials, and online assistance.

¶121 Basic procedural information in a video tutorial may alleviate some of the customer service pressure in the court, and in the law library or a self-help center. As previously noted, many people lack the basic knowledge on how to start their cases or what materials they need and where to file them. A video available both in the self-help center and online that people could view from home, a public library, or any computer connected to the Internet would provide valuable information and may increase the efficiency of the courts.

¶122 A self-help center with a variety of services geared toward pro se litigants should also consider the needs of litigants in east Multnomah County. Many of the recommended services could be provided to the East County Courthouse via video connection during specific scheduled, advertised, and consistent hours. Services may include basic information, referrals, assistance with forms, and legal assistance.