

Segment 3—J4A Taskforce—Self-Help Centers Embedded in Law Libraries and/or Public Libraries by Laureen Kelly, J.D., M.L.I.S, Library Manager, Dougherty County Law Library

I. Why do we need self-help centers in law libraries?

- A. *Legal Aid cannot overcome the barriers.* The Legal Services Corporation (LSC) is underfunded and is likely to stay that way. Even if the Legal Services Corporation were funded adequately to meet all the needs of those who meet income eligibility requirements, legal representation is still out of reach for most moderate income individuals.¹
- B. *Pro bono cannot overcome the barriers.* One scholar compiled data from ABA and state bar association surveys between 1995 and 2010 to determine that U.S. households have 115 million legal problems. She estimated that it would take 900 pro bono hours per attorney per year to solve those problems.²
- C. *Legal education must be part of the solution.* People of all income levels often do not recognize when their problem is a legal problem.³
- D. *Many players and delivery models are needed.* The need is so great that it will take many delivery models and organizations working together to overcome barriers to accessing civil justice.
- E. *Why libraries?*
 1. *Libraries are already on the front lines assisting self-represented litigants.* Law libraries and public libraries already exist. No new organization has to be invented in order to leverage the potential that libraries represent. Libraries can play an important part in removing barriers to accessing civil justice. The first self-help centers was created in the Maricopa County, Arizona Law Library in the early 1990s.⁴
 2. *Libraries' main mission has always been information and education.* While the format of information has always changed, the mission of libraries has not. Libraries and librarians organize, retrieve, manipulate, store and preserve information. Format changes are nothing new to libraries. Some of the changes libraries

have experienced include: clay tablets in cuneiform script in Sumer; papyrus scrolls in Alexandria; paper books of the 19th and 20th century; and the electronic avalanche of information today. Libraries are not warehouses to store information. Instead, they provide space for collaborative interaction or quiet study.⁵ The most important part of a library is the expertise of its staff and the services they provide.

3. *Librarians are expert knowledge managers.* The key Librarians possess essential skills to develop self –help websites, and librarians have skills that are not generally the strength of legal services staff. It has been predicted that by the year 2020, about 1.7 megabytes of new information will be created every second for every person on earth.⁶ Currently only 0.5% of all data is ever used. Librarians are needed now more than ever to deal with the issue of information overload.⁷ We need knowledge workers who know how to find, organize, use and store all the information that is thrown at us every day.
4. *Libraries are non-threatening, neutral places.* 90% of users at the Dougherty County Law Library are laypeople. For the untrained, legal questions are bewildering in their complexity. Even users who distrust lawyers and the legal system feel comfortable seeking help at the law library.
5. *Law librarians avoid the unauthorized practice of law.*
 - a. The American Association of Law Libraries' *Code of Ethics* forbids the unauthorized practice of law.⁸
 - b. As Richard Zorza points out in his 2012 White Paper, *The Sustainable 21st Century Law Library and Access to Justice*, the “best protection” for “anxiety” over violating UPL rules is “clear written guidelines and a robust and ongoing staff educational program for all staff, well integrated into operations and staff development.”⁹

- c. Many law librarians across the country have created programs to teach public librarians how to handle legal reference questions while avoiding the unauthorized practice of law. Law Librarians know the types of issues self-represented litigants bring to the library, and they are experienced in drawing the line.
- d. Courthouse staff very frequently misunderstand the line between legal information and legal advice. They either refuse to give information that they could give, or they give legal advice without realizing it. More often than not, the legal advice they give is incorrect. Law librarians can play a key part in training staff to avoid UPL.

II. What services can be offered in a law library/self-help center?

A. Services provided by law libraries to self-represented litigants in 2015:¹⁰

Service	% of Law Libraries
Legal research help	96%
Referrals to legal aid	93%
Computerized legal research	93%
Telephone reference	84%
Collections of print materials	83%
E-mail reference	71%
Pathfinders and Guides	64%
Explaining the legal process	57%
Maintain a website	50%
Document delivery	49%
Referral sheets to library services	26%
Chat reference	20%

B. Programs provided or hosted by law librarians to self-represented litigants in the law library in 2015:¹¹

Program	% of Law Libraries
Legal clinics by another organization	80%
Legal clinics provided by law library	33%
Lawyers in libraries (1-on-1 help)	20%
Legal advice clinics (with multiple lawyers)	17%
Mediation programs with trained mediators	5%

C. Richard Zorza did an excellent job when he chronologically categorized the types of assistance that can be provided:¹²

1. *Triage, Diagnosis and Referral.* The law library/self-help center needs to find out what users need to solve their legal problems, whether the library can provide it, and, if not, the best referral to make.
2. *Substantive and Procedural Information and Assistance.* Users need to be connected with the best information about the substantive and procedural law that affects their situation. Most users are not interested in learning how to perform legal research. They want to be directed to the information that answers their questions.
3. *Substantive and Procedural Underlying Law.* Users need to understand where the law that affects their situation comes from and how to find it.
4. *Court Submission Tools (Forms and Document Assembly) and Assistance.* Law libraries have provided access to forms books and forms databases for a long time. Forms need to become more uniform and more user-friendly. As e-filing becomes more widespread, law libraries provide access to the technology and help that makes e-filing possible for the self-represented.

5. *Court Preparation Tools.* Assistance with preparing their cases is much less common than the other services offered to self-represented litigants. Some self-help centers have instructional videos, while others have classes and workshops to help people prepare their cases. Some self-help centers have attorney-supervised staff who help people fill out their forms. The discovery process is an area where self-represented litigants need easy-to-understand information and forms.
6. *Court Support and Navigation Tools and Assistance.* Very few self-help centers provide assistance with understanding how to prepare for court hearings. Some courts have prepared evidentiary guides for self-represented litigants. Evidence books designed for lawyers are incomprehensible to laypeople. This is an area that needs developing.
7. *Follow up Tools and Assistance.* Self-represented litigants need help enforcing their court orders, understanding how to comply with them, challenging them or modifying them.
8. *Preventive Tools and Assistance.* If people understood more about common areas of the law, they would be more likely to avoid legal problems. Areas that are frequently problematic due to lack of understanding preventive measures include: used car purchases, automotive repossessions, auto repairs, home repairs and visitation between unmarried parents.
9. *Planning Services.* Providing informational services about legal planning is important for people who do not have relationships with lawyers. Most lower and middle income people do not have wills or powers of attorney. Middle-income people who want to start a business do not know where to find information on the legal issues that affect them.

III. Why is the pilot project in Dougherty County?

- A. *Geography is destiny.* The availability of civil justice resources varies hugely both between and within states “In this context, geography is

destiny: the services available to people from eligible populations who face civil justice problems are determined not by what their problems are or the kinds of services they may need, but rather by where they happen to live.”¹³ Smaller law libraries in rural areas tend to be less well-funded than law libraries in major metropolitan areas.¹⁴

- B. *Digital divide.* “Rural Americans are 7 to 12 percentage points less likely than those in urban and suburban areas to say they have a smartphone, traditional computer or tablet computer.”¹⁵ Rural areas “still lack the infrastructure needed for high-speed internet, and what access these areas do have tends to be slower than that of nonrural areas.”¹⁶ You can see a county map of Georgia’s broadband access on the Broadbandnow website at <https://broadbandnow.com/Georgia>.
- C. *We serve users from a wide geographic area.* Our 2016/2017 user statistics show that he assisted users from a 47-county radius.
- D. *We serve a diverse group of users, including a large percentage of minorities.* Only 27% of Dougherty County residents are white alone; 70% are African American and 3% are Hispanic.¹⁷ 12% of residents are 65 or older, and 12% of residents have a disability.¹⁸ 29% of residents live in poverty.¹⁹ Only 19% of residents have a Bachelor’s degree or higher.²⁰
- E. *Low literacy level.* According to the National Center for Education Statistics, 20% of Dougherty County residents lack basic prose literacy skills.²¹ 18% - 21% of mothers in Dougherty County lack a high school diploma.²² Poor maternal education
- F. *Many nearby counties have a shortage of lawyers.* Five counties that share a border with Dougherty County have a severe shortage of lawyers.²³

IV. What we hope to achieve

- A. Meaningful access to justice for people who have nowhere else to turn.
- B. Referrals to attorneys for users who cannot handle their problems on their own.
- C. Increased efficiency of self-represented cases in the court docket.
- D. Increased confidence in the justice system among users.

V. How will we help LEP and the disabled?

A. LEP

1. The ideal solution is a bilingual staff member or access to interpreters.
2. Referrals to agencies who have bilingual staff. The Southwest Georgia Office of Georgia Legal Services has bilingual staff who speak Spanish.
3. Referrals to bilingual legal information. The Georgia Legal Services website has information services in 17 languages. See www.georgialegalaid.org.

B. Disabled

1. *Visually impaired.* We help the visually impaired by reading to them and filling out forms for them. Webmasters need to create websites that are accessible to the visually impaired. Audio resources on the website are ideal.
2. *Hearing impaired.* The ideal solution is staff who know sign language. We have helped the hearing impaired by using a notepad to write questions and answers. TTY telephones, email and texting are other ways to help the hearing impaired.
3. *Mental health issues.* We serve people with mental health issues on a regular basis. We are very fortunate in our resources to help users with mental health problems: one of our employees has a Master's degree in forensic psychology, and Dougherty County has a mental health court that serves as a model for the nation.
4. *Physical health issues.* As public places, law libraries and self-help centers should follow ADA guidelines about the physical layout of their facilities. Staff should be trained to recognize when they should call for medical help. Recently we had a patron with Type II Diabetes who experienced an episode of low blood sugar. We were able to give her a snack to raise her blood sugar.

- C. The key to helping both LEP and the disabled is staff training and sensitivity.

If you have any questions about how you can use law libraries and/or self-help centers in your judicial district, please do not hesitate to contact me.

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¹ American Bar Association, Commission on the Future of Legal Services, *Report on the Future of Legal Services in the United States*, American Bar Association (2016), https://www.americanbar.org/content/dam/aba/images/abanews/2016FLSReport_FNL_WEB.pdf (last visited Oct. 15, 2017).

² Gillian K. Hadfield, *Innovating to Improve Access: Changing the Way Courts Regulate Legal Markets*, *Daedalus* 5 (2014), available at <https://works.bepress.com/ghadfield/56/download/> (last visited Oct. 15, 2017).

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⁴ American Bar Association, Standing Committee on the Delivery of Legal Services, *The Self-Help Center Census: A National Survey* (Aug. 2014), available at https://www.americanbar.org/content/dam/aba/administrative/delivery_legal_services/self_help_center_census.authcheckdam.pdf (last visited Oct. 15, 2017).

⁵ Alena Ptak-Danchak, Proceedings of the International Association of Scientific and Technological University Libraries (IATUL) Conference, Paper 1 (2012) *21st Century Librarians for 21st Century Libraries*, available at <http://docs.lib.purdue.edu/iatul/2012/papers/1> (last visited Oct. 15, 2017).

⁶ Bernard Marr, *Big Data: 20 Mind-Boggling Facts Everyone Must Read*, *Forbes Magazine*, September 30, 2015, available at <https://www.forbes.com/sites/bernardmarr/2015/09/30/big-data-20-mind-boggling-facts-everyone-must-read/#249d3ac317b1> (last visited 10/15/2017).

⁷ *Ibid.*

⁸ American Association of Law Libraries (AALL), *AALL Ethical Principles* (approved by the AALL membership April 5, 1999), available at <https://www.aallnet.org/mm/Leadership-Governance/policies/PublicPolicies/policy-ethics.html> (last visited Oct. 16, 2017).

⁹ Richard Zorza, *The Sustainable 21st Century Law Library and Access to Justice: Vision, Deployment and Assessment for Access to Justice* 23-24 (2012), available at <http://www.zorza.net/LawLibrary.pdf> (last visited Oct. 15, 2017).

¹⁰ Chi Hyon Song, Joan Bellistri & Sara Galligan, *Law Libraries Serving Self-represented Litigants*, *Trends in State Courts* (2015), available at http://www.ncsc.org/~media/Microsites/Files/Trends%202015/LawLibrariesServing_Song_Bellistri_Galligan.ashx (last visited 10/15/2017).

¹¹ Ibid.

¹² Ibid at 18 – 22.

¹³ Rebecca L. Sandefur & Aaron C. Smyth, *First Report of the Civil Justice Infrastructure Mapping Project*, Access Across America at 9 (Oct. 7, 2011), available at http://www.americanbarfoundation.org/uploads/cms/documents/access_across_america_first_report_of_the_civil_justice_infrastructure_mapping_project.pdf, archived at (<https://perma.cc/JP8A-QM3L>) (last visited Oct. 15, 2017).

¹⁴ American Association of Law Libraries, Special Committee on Access to Justice, *Law Libraries and Access to Justice: A Report of the American Association of Law Libraries Special Committee on Access to Justice* (July 2014), available at <http://www.aallnet.org/mm/Publications/products/atjwhitepaper.pdf> (last visited 10/15/2017).

¹⁵ Andrew Perrin, *Digital gap between rural and nonrural America persists*, Factank: News in the Numbers, Pew Research Center (article published 05/19/2017, survey conducted 09/29/2016 – 11/06/2016), available at <http://www.pewresearch.org/fact-tank/2017/05/19/digital-gap-between-rural-and-nonrural-america-persists/> (last visited 10/15/2017).

¹⁶ Ibid.

¹⁷ United States Census Bureau, *Quickfacts: Dougherty County, Georgia* (07/01/2016), available at <https://www.census.gov/quickfacts/fact/table/doughertycountygeorgia/PST045216>, (last visited 10/15/2017).

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid.

²¹ National Center for Education Statistics, *National Assessment of Adult Literacy: State and County Estimates of Low Literacy* (2003), available at <https://nces.ed.gov/naal/estimates/StateEstimates.aspx> (last visited 10/15/2017).

²² Georgia Partnership for Excellence in Education, *Literacy for All, the State of Literacy in Georgia: Action Needed for Georgia's Thriving Workforce and Economy* (March, 2017), available for download at <https://atlanta.daybooknetwork.com/story/2017-04-28/53335-the-state-of-literacy-in-ga/> (last visited 10/16/2017).

²³ Katheryn Hayes Tucker, *The Rural Lawyer Gap*, Fulton County Daily Report, January 9, 2015 at 6, available at http://www.siiia.net/archive/neals/2016/filez/441379/688_1732_441379_c73fb42d-c632-48bc-9060-0917598d4547_82357_3_1.pdf (last visited 10/15/2017).