ACCESS TO PRINT, ACCESS TO JUSTICE—REVISITED

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Research Question

• Are self-represented litigants negatively impacted by the shrinking print collections in public law libraries?

Hypothesis

• On the whole, self-represented litigants have less access to legal materials due to the shrinking print collection in public law libraries.
<table>
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<tr>
<th>Library Budgets Shrink</th>
<th>Self-Represented Litigants and the Resources They Use</th>
<th>Digital Literacy</th>
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<tbody>
<tr>
<td>• Libraries are forced to reduce their print collections</td>
<td>• SRLs often rely on public law libraries</td>
<td>• Poor individuals are more likely to be digitally illiterate</td>
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<td>• Eliminate duplicative materials—primary sources, digests, encyclopedias, etc.</td>
<td>• Most likely need access mainly to primary sources, basic secondary sources, and forms</td>
<td>• Some people do not have access to a computer or the internet</td>
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<td>• Attorneys and students do not mind accessing legal information solely online</td>
<td>• SRLs are more likely to be poor</td>
<td>• Overlap between this group and self-represented litigants?</td>
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BACKGROUND – PRINT COLLECTIONS IN LAW LIBRARIES
WHAT PEOPLE ARE SAYING ABOUT LAW LIBRARY PRINT COLLECTIONS

- Too large
- Wasteful and unnecessary
- Pointless since lawyers do not consult books
- Emphasis is on access—nobody cares whether the materials are owned or licensed
- Maybe librarians feel nostalgic about print collections, but nobody else does
THE STATE OF PRINT COLLECTIONS IN LAW LIBRARIES

• Expected 2-year drop in spending on print resources from 2014-2016 was about 22%.
• Academic law libraries report eliminating reporters, journals, and looseleaf subscriptions
• Law firm libraries report eliminating across the board, though some emphasize digests and reporters
• Government law libraries report eliminating primary source materials
WHAT IS BEING ELIMINATED

- Percentage of libraries that are eliminating primary legal materials:
  - Academic: 66%
  - Law firm: 60%
  - Government: 68%

- Percentage of libraries that are eliminating legal encyclopedias:
  - Academic: 32%
  - Law firm: 32%
  - Government: 23%

***These percentages are likely underestimates—many additional libraries said they were eliminating anything duplicative, which likely would include primary sources and legal encyclopedias.
BACKGROUND – DIGITAL LITERACY AND ACCESS TO INFORMATION
THREE ASPECTS OF INFORMATION ACCESS

<table>
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<th>Physical</th>
<th>Intellectual</th>
<th>Social</th>
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<tbody>
<tr>
<td>• Access to information,</td>
<td>• Ability to know how to</td>
<td>• Just because one can access</td>
</tr>
<tr>
<td>whether in print or</td>
<td>know how to access and how</td>
<td>information does not mean one</td>
</tr>
<tr>
<td>electronically</td>
<td>to understand information</td>
<td>will.</td>
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TECHNOLOGY TRAINING IN PUBLIC LIBRARIES

• One of the largest parts of service in many libraries
• Assistance with email, general internet use, job applications, government filings, etc.
• General computer topics remain in high demand
  • “The most requested topics have not deviated from the basics…libraries are still teaching people how to use a mouse and how to search the internet.”
STATISTICS ON DIGITAL LITERACY

2012:
• 62% of people with an income of less than $30,000 used the internet, as opposed to 97% of people with an income of over $75,000
• 43% of those with no high school diploma used the internet, as opposed to 94% with college degrees

2014:
• A 90-year-old in the top income quartile was more likely to have internet access than a person of any age in the bottom quartile
• Fewer than half of households in the bottom quintile had internet access, while 95% in the top quintile had access
• Differences are also seen across racial lines, but this gap is decreasing
BACKGROUND – SELF-REPRESENTED LITIGANTS
INFORMATION ON SELF-REPRESENTED LITIGANTS

• Demographic information is severely lacking

• Their numbers are increasing—3 out of 5 civil litigants go to court without a lawyer

• Usually cannot afford an attorney. Sometimes they do not qualify for legal aid but do not make enough to pay for private counsel

• Common in certain areas of law:
  • Traffic
  • Landlord/tenant
  • Child support
  • Divorce
2005 SURVEY IN NEW YORK CITY COURTS

- Survey in the New York City Family Court and the New York City Housing Court
- Majority of self-represented litigants were low-income and had low educational attainment
- Half had a high school education or less
- 83% had a household income of less than $30,000
- 57% made less than $20,000
2014 SURVEY IN WASHINGTON STATE

- Survey of low-income individuals in the state of Washington
- 70% of low-income residents face at least one legal problem a year
- 76% of those with legal problems did not retain an attorney
LAW LIBRARY RESOURCES FOR SELF-REPRESENTED LITIGANTS

- Joint task force of the Self-Represented Litigation Network’s Law Librarians’ Working Group and the Government Law Libraries Special Interest Section of AALL
- 99% of law libraries surveyed assisted self-represented litigants
- Common services:
  - Traditional legal research help
  - Referrals to other programs
  - Computerized legal research
  - Telephone reference
  - Print collections for non-lawyers
  - Court forms
<table>
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<tr>
<th>What we Know</th>
<th>What we Need to Know</th>
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<tbody>
<tr>
<td>• The resources libraries offer to self-represented litigants</td>
<td>• How often SLRs are using public law libraries</td>
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<td>• The types of sources law libraries are eliminating from their print collection</td>
<td>• What resources they are using</td>
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<td>• How they are accessing materials (online or in print)</td>
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<td>• Whether SRLs will be adversely affected by a decrease in print materials</td>
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SURVEY—METHODOLOGY

• Conducted in the spring of 2017

• Focused on academic and government law libraries

• Distributed survey through: academic law library director listserv, ORALL listserv, LISP-SIS My Communities page

• Respondents from 68 different academic, court, county, and state libraries from 30 different states
In what type of library do you work?

- Academic
- Firm
- Government
- Other
How often does your law library serve self-represented litigants?
• Do self-represented litigants tend to use your library’s print or electronic resources more often?
What sorts of print sources do self-represented litigants tend to use?
Does your library have immediate plans to eliminate any of the print resources that self-represented litigants tend to use?
• Do you feel that you can adequately assist self-represented litigants with your existing print collection without referring them to online resources?
• When referring self-represented litigants to electronic resources, do you feel they can adequately navigate the databases without further technology training?
• Do self-represented litigants have other options for legal research help in your area (other public law libraries, self-help centers, etc.)?
“Most SRLs are not interested in the computers, that why they come to the law library.”

“We have not updated the pro se materials recently due to a shrinking budget.”

“Our biggest issue is our pro se print collection. It seems to always be out of date and we don’t have the funds to continuously update the books, so we’re looking into getting NOLO online. However, this might not fix the issue entirely because many pro ses do not like to use the computers. They want to read a book.”
SURVEY RESULTS—FURTHER COMMENTS

• “75% of our patrons are computer illiterate… [S]ocial media interaction on a cell phone is very different from trying to navigate through a desktop Word document or understanding how to navigate through Westlaw or a federal government forms website.”

• “Some can use the online [resources] with help from librarians. None can just sit down and know what to do with Westlaw.”

• “The biggest hurdle is that we are moving a lot of resources to electronic only, and we encounter many computer illiterate patrons.”
SHOULD WE CARE?

• Is this a problem that will resolve itself over time?
• Alternatively, is this a problem that will just get more complicated over time as more people use smartphones instead of computers?
• What about self-represented litigants who are completely illiterate? What about non-English speakers?
• For academic librarians—isn’t our main job to support the faculty and help students prepare to practice law?
RECOMMENDATIONS

- Staffed by volunteer attorneys
- Attorneys help SRLs fill out forms, explain legal details, and provide general guidance on what to do next.
- This program should work for both government and academic law libraries
RECOMMENDATIONS

• The Cornell Legal Research Clinic allows law students to conduct legal research for self-represented litigants

• No requirement that client be involved in a particular type of legal dispute
Some access to justice initiatives are working to make instructions easier for self-represented litigants to follow.

Libraries could incorporate visuals into legal forms or research guides.
TECHNOLOGY RECOMMENDATIONS

• Create a single gateway for self-represented litigants

• Do not artificially inhibit time on the computers

• Look for access to justice apps for those who can use smartphones
QUESTIONS OR COMMENTS?

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