

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.

Library Budgets Shrink

- Libraries are forced to reduce their print collections
- Eliminate duplicative materials—primary sources, digests, encyclopedias, etc.
- Attorneys and students do not mind accessing legal information solely online

Self-Represented Litigants and the Resources They Use

- SRLs often rely on public law libraries
- Most likely need access mainly to primary sources, basic secondary sources, and forms
- SRLs are more likely to be poor

Digital Literacy

- Poor individuals are more likely to be digitally illiterate
- Some people do not have access to a computer or the internet
- Overlap between this group and self-represented litigants?

**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

Physical

- Access to information, whether in print or electronically

Intellectual

- Ability to know how to access and how to understand information

Social

- Just because one *can* access information does not mean one *will*.

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

What we Know

- The resources libraries offer to self-represented litigants
- The types of sources law libraries are eliminating from their print collection

What we Need to Know

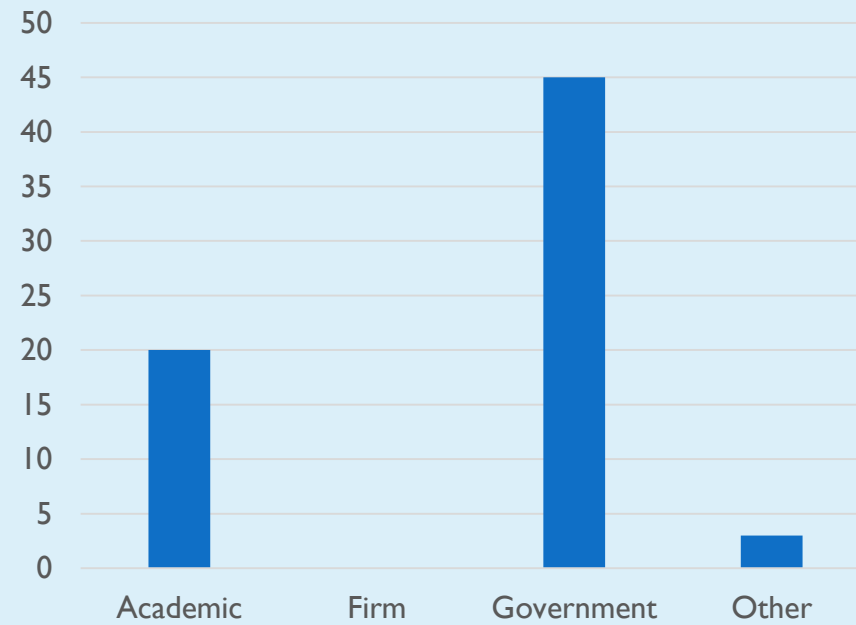
- How often SLRs are using public law libraries
- What resources they are using
- How they are accessing materials (online or in print)
- Whether SRLs will be adversely affected by a decrease in print materials

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

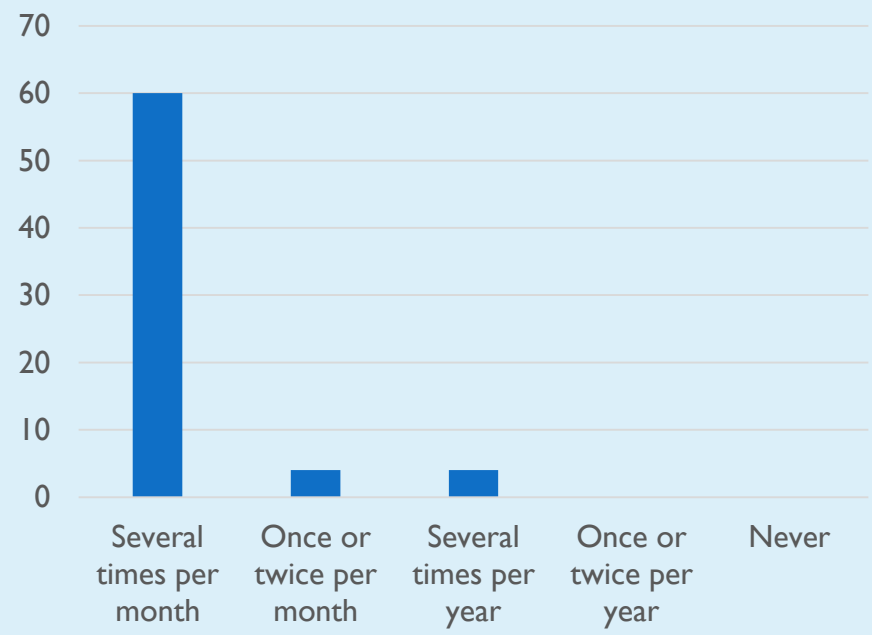
SURVEY RESULTS

- In what type of library do you work?



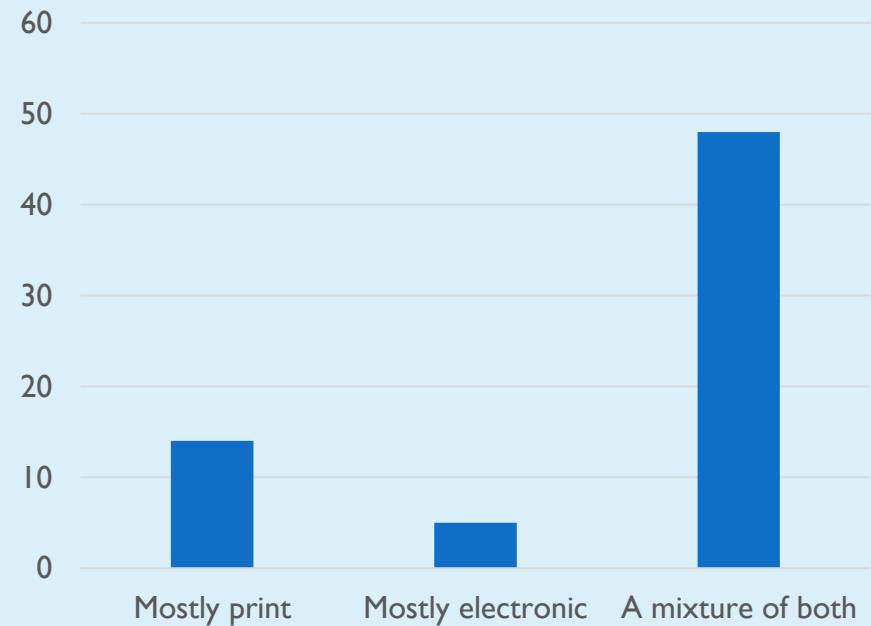
SURVEY RESULTS

- How often does your law library serve self-represented litigants?



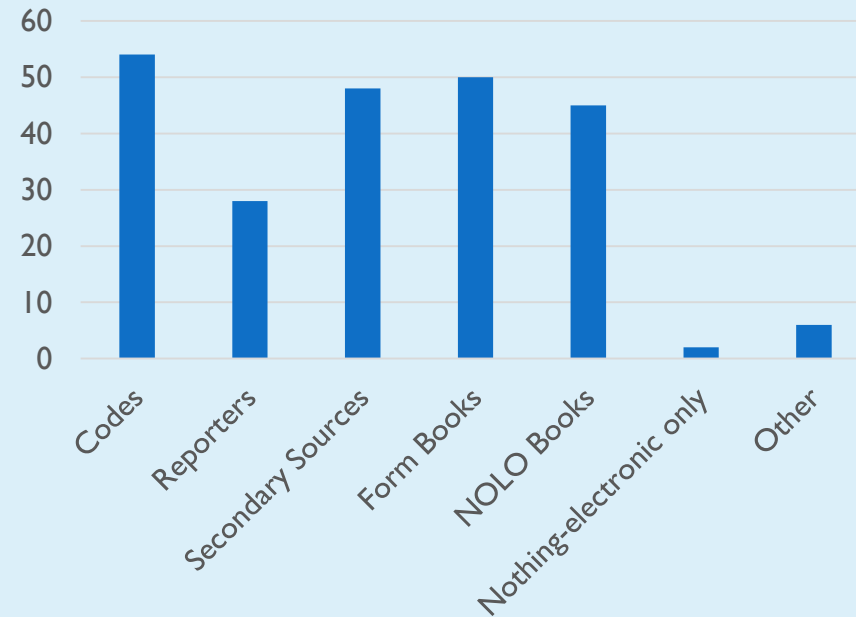
SURVEY RESULTS

- Do self-represented litigants tend to use your library's print or electronic resources more often?



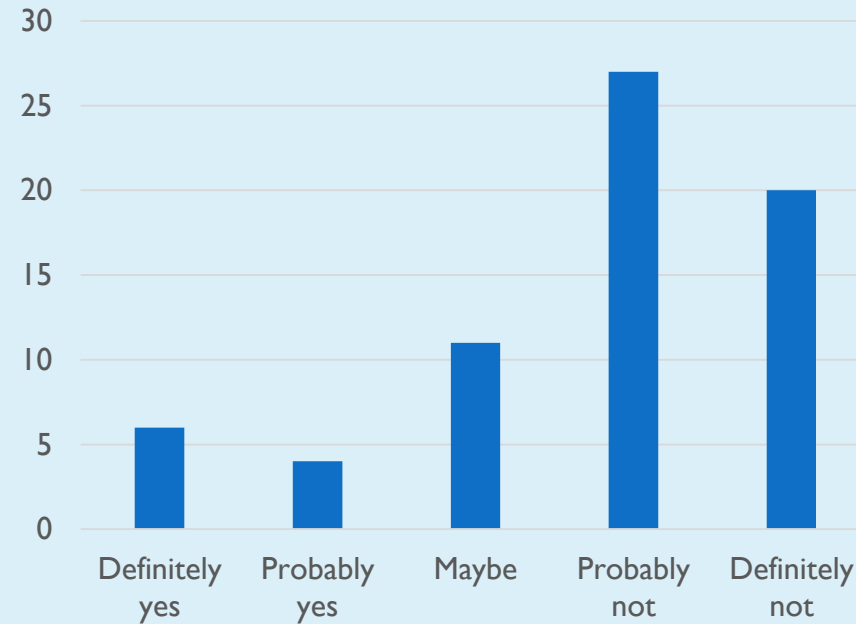
SURVEY RESULTS

- What sorts of *print* sources do self-represented litigants tend to use?



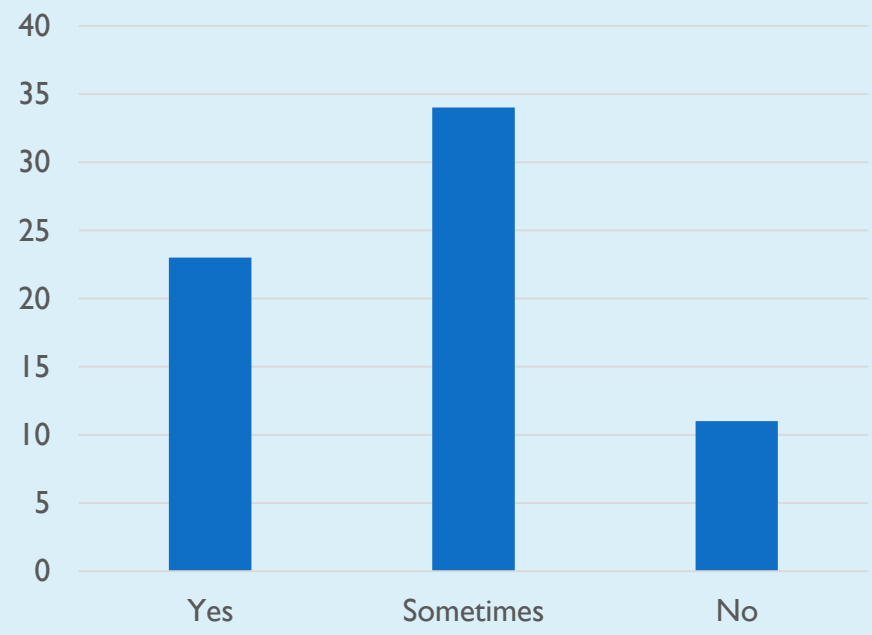
SURVEY RESULTS

- Does your library have immediate plans to eliminate any of the print resources that self-represented litigants tend to use?



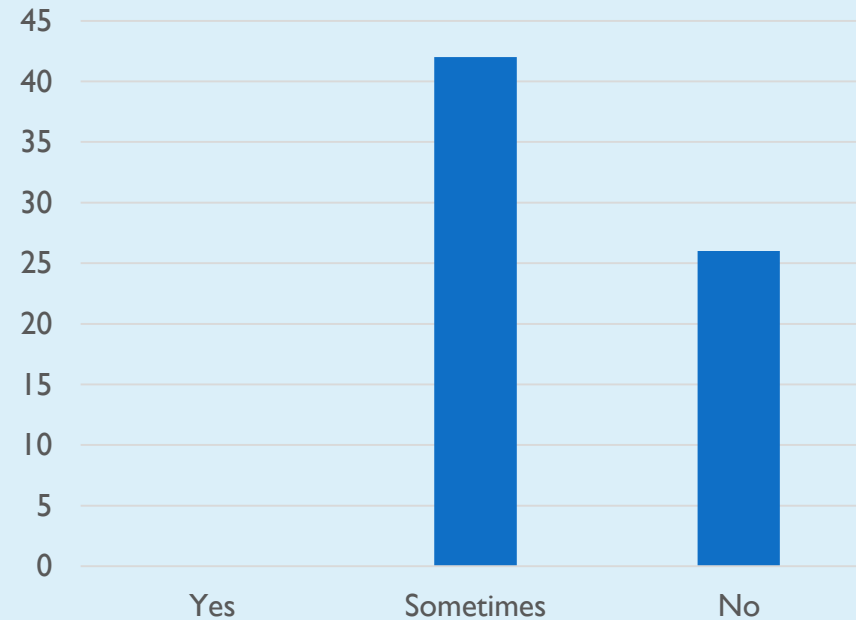
SURVEY RESULTS

- Do you feel that you can adequately assist self-represented litigants with your existing print collection without referring them to online resources?



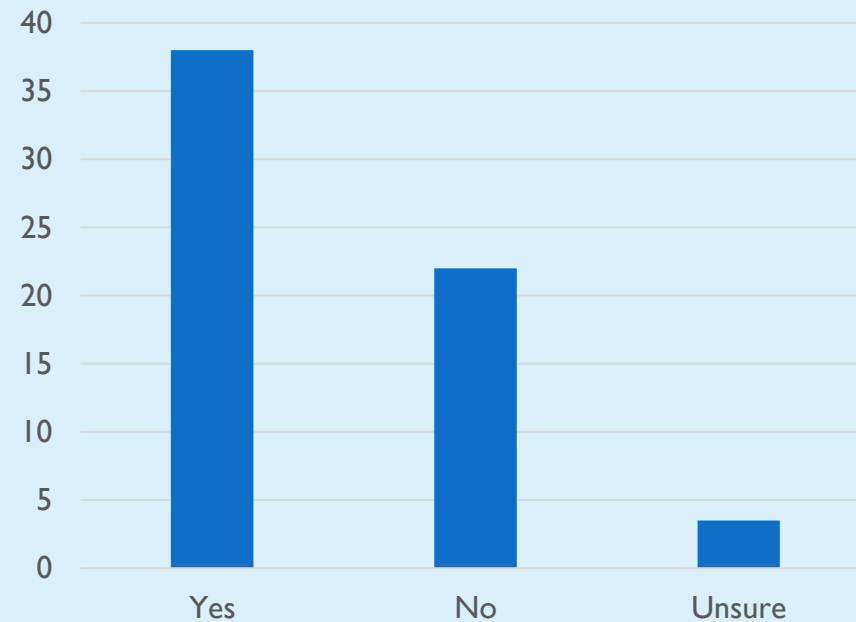
SURVEY RESULTS

- When referring self-represented litigants to electronic resources, do you feel they can adequately navigate the databases without further technology training?



SURVEY RESULTS

- Do self-represented litigants have other options for legal research help in your area (other public law libraries, self-help centers, etc.)?



SURVEY RESULTS—FURTHER COMMENTS

- “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

OCT. 2017

What's Happening at LA Law Library

CLASSES • WORKSHOPS • EVENTS

WORKSHOPS & ONE-ON-ONE ASSISTANCE

Orientación General y Taller de Asilo para los Inmigrantes que Enfrentan la Deportación
Lunes, 2 de octubre | 2-5:00 pm
GRATIS

Talk to a Lawyer Online!
Wed. | Oct. 4, 11, 18, 25
2:00 - 5:00 pm
FREE

Help Clearing Criminal Records
Tues., Oct. 10 | 5:30 - 8:00 pm
Interested individuals should call (800) 399-4529 to be pre-screened for the clinic. Eligible candidates will be seen by appointment ONLY.
FREE

Lawyers in the Library
Sat., Oct. 14 | 9:30 a.m. - 12:30 pm
Free 20-minute consultations with volunteer attorneys. Participants register on the day of the program and will be seen on a first-come, first-served basis.
FREE

Help with Becoming an Adult's Legal Conservator
Mon. | Oct. 16
10:00 am - 1:00 pm
FREE

Adult Name Change Workshop
Fri., Oct. 20 | 10:30 am - 12:30 pm
FREE

CLASSES

How to Represent Yourself in a Family Law Trial
Wed., Oct. 4 | 3:30 - 5:30 pm
\$10

Your Divorce Options: What You Need to Know!
Thurs., Oct. 12 | 12:00 - 1:30 pm
\$10

Taller de Preparación Para Juicio en la Corte de Ley Familiar
sábado, 14 de oct. 1:00 - 3:00 pm
GRATIS

Introduction to Citators
Sat., Oct 21 | 10:00 - 11:30 am
\$20

BUSINESS SERIES

In this **FREE** weekly series learn all the things you "didn't know you needed to know" about building your business. Leading attorneys and financial professionals present this 14-part series. For more information, visit: www.lalawlibrary.org/BUSINESS

Branding and Marketing 101
Tues., Oct. 3 | 12:00 - 2:00 pm

Sales Techniques and Strategies
Tues., Oct. 10 | 12:00 - 2:00 pm

Protecting Your Intellectual Property: Trademarks, Copyrights & Patents
Tues., Oct. 17 | 12:00 - 2:00 pm

Protecting Your Business Advantages: Trade Secrets and Nondisclosure Agreements
Tues., Oct. 24 | 12:00 - 2:00 pm

Should I Be Exporting? Increase Your Revenue by Tapping Foreign Markets
Tues., Oct. 31 | 12:00 - 2:00 pm

LA LAW LIBRARY'S PRO BONO WEEK
OCTOBER 14-20, 2017
ALL EVENTS ARE FREE AND OPEN TO THE PUBLIC

Special Event

Pro Bono Week Celebration - Oct. 10-20, 2017
Mark your calendars. LA Law Library will be celebrating National Pro Bono Week again this year by providing access to **FREE** legal services and resources for those needing help with civil legal problems, immigration, family safety and consumer debt. To learn more and register visit: probonoweek.lalawlibrary.org

MCLE CLASSES

Check out the six (6) **FREE** MCLE Classes, being offered this month in recognition of National Pro Bono Week. The first MCLE class will be taking place on Wednesday, October 10. For more information, or to register for all six visit: probonoweek.lalawlibrary.org

CIVIL LAW SUIT BASICS

This 9-part series empowers individuals to represent themselves effectively in civil court. All classes are \$20. For more information, visit: www.lalawlibrary.org/CLB

CLB: Making and Opposing Motions
Thurs., Oct. 12 | 12:15 - 1:45 pm

CLB: Getting Documents From Parties or Witnesses (RFPs and Subpoenas)
Thurs., Oct. 26 | 12:15 - 1:45 pm



Lawyers in the Library
Sat., Oct. 14 | 9:30 a.m. - 12:30 pm
Free 20-minute consultations with volunteer attorneys. Participants register on the day of the program and will be seen on a first-come, first-served basis.
FREE

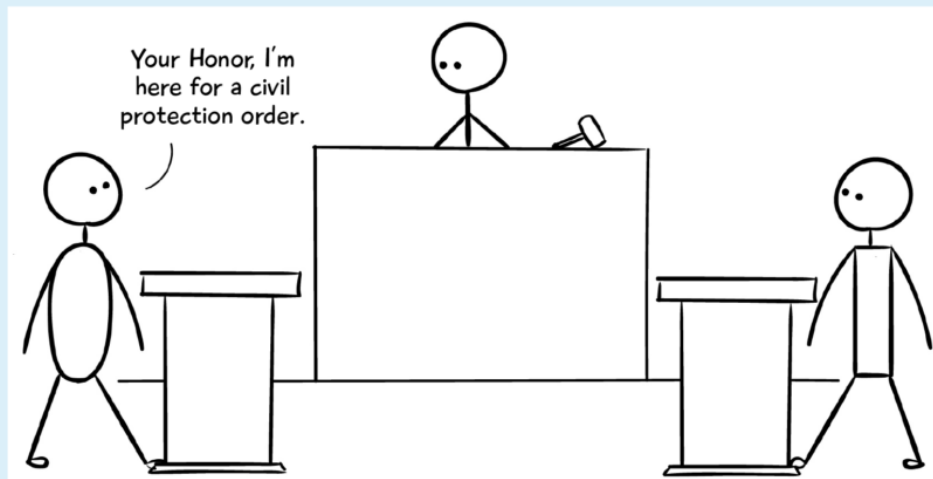
- Staffed by volunteer attorneys
- Attorneys help SRLs fill out forms, explain legal details, and provide general guidance on what to do next.
- This program should work for both government and academic law libraries

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

RECOMMENDATIONS



a2jlab.org

- 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?

Access to Print, Access to Justice forthcoming
in *Law Library Journal*, Volume 110, Issue 1