Law Libraries Serving Self-Represented Litigants
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As providers of neutral spaces and income-blind services, law libraries play a unique role in providing essential services to self-represented litigants. Through collaborations with the courts and other organizations, law libraries can expand services to promote access to justice.

Unique Role and Potential of Law Libraries in State Courts
The growing population of self-represented litigants has been a continuing trend in state courts for the past two decades. This population has diversified to include middle-income individuals and non-English speakers. Due to the recent economic downturn and the resulting budget cuts for the courts, as well as for legal aid and other service organizations, the stress placed on the courts to provide self-represented litigants with access to justice has increased. Although the definition of “access to justice” is open to interpretation, it includes providing self-represented litigants with access to the courts, readily available legal information, navigable legal information, and legal services.

Law libraries play a unique and often underused role in addressing the needs of self-represented litigants and promoting access to justice. Until the conception of self-help centers, and in courts where self-help centers are not available to the public, the law library was, and often is, the only place in the courthouse where a nonattorney, self-represented litigant could access legal information and receive assistance with training, gain education about the legal research process, identify and access available forms and resources, and obtain trustworthy local referrals. The law library also provides self-represented litigants with basic support tools to participate in the legal process effectively, such as access to a computer, the Internet, and document-delivery services. The importance of these ancillary services has grown as courts move deeper into the digital age.

Law libraries provide self-represented litigants with neutral spaces and income-blind services. The public perceives the law library as a neutral space, a perception that does not necessarily extend to the court. Neutrality in both practice and perception is a key asset for assisting self-represented litigants because it reduces the intimidation that most self-represented litigants feel in the courthouse. Neutral spaces promote the public’s confidence in the court and the legal process.

As providers of income-blind services, law libraries can serve the entire court population. In particular, law libraries serve the increasing number of middle-income self-represented litigants who do not qualify for low-income legal aid services but cannot afford attorneys fees. Furthermore, through its service to the entire court population, law libraries are on the front lines in providing services to self-represented litigants. Through these continuous interactions with self-represented litigants, the law library is strategically placed to assist the court in identifying and responding to the self-represented litigant’s changing needs and expectations, as well as in promoting available resources and referrals.

Traditional and Emerging Services
Law libraries have long served the information needs of self-represented litigants through traditional reference and basic library services. Traditional reference services include legal research assistance, education about the legal research process, referrals to trustworthy local and national resources, the creation of pathfinders and research guides, and the maintenance of print collections geared toward nonattorneys. Traditional basic library services include access to computers and the Internet and document-delivery services (e.g., print, fax, scan, copy, e-mail), as well as distribution of court forms, instructions, brochures, and pamphlets.

Emerging services in education and resource development build on the law library’s traditional services and can provide even greater assistance to courts struggling to meet the needs and expectations of self-represented litigants. The law library’s traditional educational services can be expanded with collaboration with the courts to provide workshops and webinars for self-represented litigants that provide procedural and substantive-law information and assistance. Law libraries also maintain Web sites with legal information and educational tools for self-represented litigants.

Resource development is another important emerging service that builds on the law library’s traditional legal reference and education experiences. For example, in addition to pathfinders and research guides, law libraries can develop centralized Web sites for self-represented litigants that provide these litigants with legal information in plain language. The Maryland People’s Law Library (www.peoples-law.org), a legal information and self-help Web site maintained by the Maryland State Law Library, is a great example of a centralized Web site that provides users with information about the law, links to resources, and real-time reference assistance.
By providing training to court personnel and other public-service organizations, law libraries can help courts lower the hurdles faced by self-represented litigants.

The creation of forms and other print materials in plain language or multiple languages is another emerging resource-development service that can be provided by law libraries to assist self-represented litigants and the courts. Court-approved forms are user friendly and provide self-represented litigants with formatting and content guidelines. As law libraries often receive queries regarding court forms, law libraries can provide valuable insight as to the forms in greatest demand, as well as the varying languages spoken by non-English-speaking self-represented litigants. Law libraries can assist courts in meeting the needs of non-English-speaking self-represented litigants through identifying in-demand languages and providing or creating forms, brochures, online resources, and referrals in multiple languages.

Finally, and most importantly, resource development includes the development of human resources. Law libraries can collaborate with court personnel, such as judges, judicial staff, case administrators, and others who engage directly with the public, as well as outside organizations, such as local and state bar associations, public libraries, law schools, and established pro bono legal assistance organizations, to provide legal reference assistance and referral training. By providing training to court personnel and other public-service organizations, law libraries can help courts lower the hurdles faced by self-represented litigants. Simply providing court personnel with information regarding the services available at the law library can produce immediate results, as the court personnel can then refer self-represented litigants to the law library where they can receive more specialized assistance.

Collaborations and Partnerships
Collaborations and partnerships between law libraries, courts, self-help centers, and other service providers are key to

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Services Provided by Law Libraries to Self-Represented Litigants

Which of these reference services does your library provide to self-represented litigants?

- 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 Web site: 50%
- Document delivery: 49%
- Referral sheets to library services: 26%
- Chat reference: 20%

Source: Survey of Law Library Programs for Self-Represented Litigants, including Self-Help Centers, conducted by the Law Librarians’ Working Group of the Self-Represented Litigation Network.
The law library is a key resource in assisting court personnel and nascent programs with developing clear guidelines and boundaries while maintaining high levels of service to self-represented litigants.

Programs Provided or Hosted by Law Libraries to Self-Represented Litigants in the Law Library

Which of these programs does your library offer within the library to self-represented litigants?

- Library supports legal clinics administered by another organization: 80%
- Library provides legal clinics, often limited to specific topics: 33%
- Lawyers in libraries (attorneys who provide one-on-one assistance): 20%
- Legal advice clinics (a program of multiple lawyers providing advice): 17%
- Mediation program (staffed by trained mediators): 5%

Source: Survey of Law Library Programs for Self-Represented Litigants, including Self-Help Centers, conducted by the Law Librarians’ Working Group of the Self-Represented Litigation Network.

meeting the needs of self-represented litigants and providing emerging services. Partnerships and active communication between law libraries and the courts will lead to more efficient and expanded services for self-represented litigants, as the library can assist the courts in identifying the needs of the self-represented population. This communication can prevent the duplication of efforts, as law library services are often unrecognized.

In courts where self-help centers are available, law libraries can enhance the services provided by self-help centers by “filling-in the gaps.” Law libraries can provide self-help centers with physical space and operation and management assistance. In addition to these support and management services, the law library can develop and maintain its own self-help center to address the needs of self-represented litigants. The court can then refer self-represented litigants to the self-help center to receive legal advice and general legal assistance from volunteer or paid attorneys.

Law libraries can also support external self-help centers through referrals, public relations, training assistance, and funding support. First, the law library can provide initial triage support. Second, law libraries can fill in the gaps for self-help centers that may have certain service restrictions. For example, a self-help center may be limited to a specific area of law, such as family law; however, a self-represented litigant’s matter will often encompass different areas of law. Some law libraries have coordinated and hosted brief limited-legal-advice clinics to assist self-represented litigants in areas of law outside the purview of established self-help centers. Third, the law library can provide follow-up services to the self-represented litigant who has received legal advice from the self-help clinic or limited-legal-advice program. This follow-up assistance can include providing reference and research support, such as locating specific resources highlighted by the attorney, or
accessing the computer or Internet to complete the tasks identified by the self-help center or limited-legal-advice programs.

Many law libraries have also collaborated with public libraries and legal aid organizations to provide services to self-represented litigants. These collaborations can be as basic as increasing public awareness of the services available through the public libraries and legal aid organizations or as advanced as providing training for public librarians and the public at public libraries. Coordination with legal aid organization programs also expands law library visibility and fosters opportunity. Furthermore, law libraries should become increasingly involved with access-to-justice organizations. These collaborations are vital as they increase the visibility of the resources, experience, and potential of law libraries in contributing to the fulfillment of the court’s mission.

One of the challenges to new and existing programs and collaborations to provide services to self-represented litigants is the issue of the unauthorized practice of law. The law library is a key resource in assisting court personnel and nascent programs with developing clear guidelines and boundaries while maintaining high levels of service to self-represented litigants. For example, the law library can provide court personnel with training to distinguish between providing legal information and access to resources and providing legal advice. With respect to self-help centers or other programs, the law library can assist programs in developing policies for limited legal advice. If the law library is physically located in the courthouse, the law library can be “on call” to assist court personnel in dealing with this issue so that the court and the library can promote the services available to self-represented litigants, but also establish clear boundaries regarding those services.

**Best Practices**

Depending on the individual law library’s service population, goals, and available resources, best practices can be implemented at basic, intermediate, and advanced levels. Basic best practices, at their core, involve providing self-represented litigants with the space and resources to participate in the legal process effectively. The space provided should be neutral and include basic equipment (workspace, computers, copiers, scanners, reference tools, and forms, where available).

In addition, at every level, the value of human resources cannot be overstated as the law library should employ a librarian that is available to assist self-represented litigants and other patrons during the court’s business hours. The law library’s staff should be familiar with available online resources and promote their use. The law library should support, to the extent available, document-assembly programs for online forms; develop and publicize local referrals; adapt core collections that include print materials for self-represented litigants; and develop and maintain access to centralized Web sites with links to legal resources. By providing these services to self-represented litigants, the law library plays an important role in gathering information so that the library and the courts can be more responsive to the changing needs of self-represented litigants. Libraries should make note of what patrons are requesting and where they need assistance.

Once a law library has established and ensured the maintenance of best practices at the basic level, depending on the library’s goals and resources, the law library can then adopt additional best practices, such as further engagement with the court, legal service providers, and the community to extend the existing basic-level services. This may include working with the courts, legal aid organizations, law schools, pro bono service providers, and local bar associations to develop, host, and coordinate programs such as lawyer-in-the-library programs (i.e., programs where library patrons can receive limited legal advice); developing guides for self-represented litigants; creating court forms and guides; and providing access to free Internet and legal databases. For a detailed list of best practices for different law library types, as well as of different levels of best practices, see “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/atjwhite-paper.pdf.

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“Access to justice means that everybody — regardless of race, ethnicity or orientation, irrespective of wealth or poverty, whether we are mighty or weak — each and every one of us gets his or her day in court.”

- Chief Judge Jonathan Lippman of New York
A Call for Article Submissions

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