

12-8-2014

## Building the 21st Century Legal Resource Center & Law Library

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#### Citation Details

Portland State University. Hatfield School of Government. Center for Public Service; Harmon, Mark G.; Grzybowski, Shannon; Thompson, Bryan Matthew; and Cross, Stephanie, "Building the 21st Century Legal Resource Center & Law Library" (2014). *Center for Public Service Publications and Reports*. Paper 2.

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## Building the 21<sup>st</sup> Century Legal Resource Center and Law Library

### A Report on the Current Status of the Multnomah County's Law Library and Recommendations for Addressing the Needs of Current Patrons

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December 8, 2014

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# Executive Summary

## Background Information

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This dossier presents a summary of the information and recommendations found within the full report on the current status of the Multnomah County's law library (MLL).

The 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." In recent years, a number of stakeholders, including several judges in Multnomah County, have proposed ways to more effectively meet the legal needs of the community. One important concern has been with increasing need to address issues surrounding access to justice. MLL is one of the County's resources that could serve to increase access. At the same time county officials have noted that MLL's extensive and ever-growing physical collection are now rarely accessed or used, as legal resources are increasingly available through other means. They suggest that the library could benefit from some restructuring and could serve as a new self-help center for pro se litigants.

The Center for Public Service at Portland State University collected information through more than two-dozen in-depth interviews and information sessions with service providers, state officials, judges, attorneys, law librarians, MLL Board members, and other stakeholders. Based on the information collected the following recommendations have been made. A more detailed discussion of the findings and recommendations is presented in the full report.

## Create A New Self-Help Center

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Multnomah County should work with the MLL and other stakeholders to develop a Self-Help Center based in the MLL. The following items should be considered:

- Develop the Self-Help Center Built on the Law Library-Based and Operated Model that embraces access to justice principles.
- Develop and offer new services in the Self-Help Center for the public and pro se litigants. Such services should include:
  - A "Triage, Diagnosis, and Referral Desk"
  - Assistance with Acquisition of and Completion of Legal Form
  - Legal Clinics and Information Sessions
  - Legal Assistance [and complimentary services]
  - Resources for people with Limited English Proficiency to non-English legal and community resources

## Develop New MLL Service Delivery Methods

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In order to create a self-help center in law library, several factors and investments in particular areas should be considered. These include staffing, physical space, document conversion, and technology.

- Hire and cross-train staff who can assist the public and promote the multi-faceted services and operations the self-help center
- Design the physical space of the law library and self-help center to support its various services. It should strive to maximize the following items:
  - The library/self-help center needs space for quiet research, which would include books, computers, and desks or tables for document review.
  - The library should be an interactive space for patrons to seek assistance, ask for referrals, request procedural information and forms.
  - The law library/self-help center should 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.
- MLL should consider document conversion
  - MLL should eliminate duplicates and some print versions of material that are available online or are no longer used by MLL patrons.
- MLL should use technology to better serve the public and other library patrons. This Should include:
  - A robust website would satisfy many patrons' needs without ever physically accessing the library.
  - Informational videos containing procedural information for various court procedures.
  - Video terminals to provide some services to the East County Courthouse.

## Adopt the Following Decision Making Framework

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The research team has identified a series of action steps based on the findings of this report.

- Multnomah County should convene a task force to implement a self-help center within the MLL.
- Multnomah County, the MLL, and the task force should work together to develop a vision, mission, and strategic plan for moving forward.
- Multnomah County should consider MLL board's role and its membership and determine what role the county government will play in the formation and oversight of the board.
- MLL should consolidate its library materials by taking the following actions, which should include:
  - MLL should determine what portions of the library's collection are unique and are not converted elsewhere.
  - Take advantage of community partnerships.
  - Determine what core materials are essential to the everyday operation of the MLL.
  - Identify what electronic and online services are needed.

- Align budget to the material needs of the MLL patrons.
- Develop workspace for the self-help center, which should include:
  - MLL should identify space for a self-help center within current courthouse
  - During the planning and construction of the proposed new Multnomah County Courthouse; space should be allocated for the new MLL-based self-help center.
  - MLL/self-help center should work to develop at least 20 hours of volunteer time per week for legal assistance, clinics, assistance with forms, and to meet other needs.
  - Generate a list of referral organizations to share with patrons in need of additional legal support.
- Multnomah County should consider drafting and submitting statutory changes to the legislature regarding Oregon's unauthorized practice of law.
- MLL/self-help center should take steps to develop electronic resources, including moving toward electronic materials, where feasible and developing a comprehensive website.
- The MLL, with the assistance of the MLL/self-help center task force, should identify grant funding and community partners to assist with this transition.

# Introduction

For many years, a number of stakeholders, including several judges in Multnomah County have been trying to devise ways to more effectively meet the legal needs of people in the community. Multnomah’s Law Library (MLL) is one of the County’s resources that could serve the changing legal needs of the community. Richard Zorza, an attorney who works on issues of access to justice, wrote in a paper on 21<sup>st</sup> 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.”<sup>1</sup> In 2012, 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 in Multnomah County Oregon that would provide information, resources, referrals, and support services for people with legal questions and needs. While the concept paper generated interest among stakeholders, at the time this report was completed specific actions have not been taken.

According to county officials, the library’s extensive and ever-growing physical collection of books, law journals, and other publications are now rarely accessed or used, as legal resources have become increasingly available through other means (e.g., the Internet and other digital resources). Meanwhile, Multnomah County’s Presiding Judge notes 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.

In addition, Multnomah County is in the process of planning for a new courthouse to be complete by 2019. Part of the planning includes analyzing what functions are essential in a new courthouse to meet the needs of the community over the next 50 years and beyond. As Multnomah County develops its plans for a new county courthouse, and assesses the size and type of support services that will be part of 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 entered into an Intergovernmental Agreement with the Center for Public Service (CPS) at Portland State University (PSU) in April 2014 to identify options and recommendations for transforming the Multnomah Law Library (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. The report developed by CPS addresses the following agreed upon scope of work:

## *The Scope of the Work*

- **Best Practices**—Research best practices for existing law libraries and public “legal resource centers” in comparable jurisdictions outside Oregon.
- **Governance Models**—Research law library/public legal resource center governance models in other jurisdictions, within and outside Oregon.
- **Document Conversion**—Consult with library experts—including those within the state of Oregon and the Oregon University System – about the challenges, costs, and opportunities of transitioning physical resources from print to electronic formats.

- **Needs Assessment**—Conduct interviews with key stakeholders to identify and assess the legal and court-related needs of current and projected library users.
- **Complimentary Services**—Identify other government services that potentially could be offered in the center (e.g. mediation or other family court services) and assess the appropriateness and effectiveness of doing so.
- **Service Delivery**—Determine the type and level of services and resources that should be provided through a revamped MLL, including whether/how to include satellite operations.
- **Recommended Actions**—Propose draft recommendations for changes to the Multnomah Law Library, taking into consideration Judge McKnight's vision document, stakeholder interviews, best practices, and feasibility.
- **Decision-Making Framework**—Recommend a process and timeline to engage a wide range of citizens and institutional stakeholders in helping design and finalize the governance and operations of a new MLL.

This report concludes this assessment. It contains CPS's findings and recommendations for next steps in designing a successful legal resource center to meet the some of the pressing legal needs of residents in Multnomah County. These recommendations may also serve as a guide to other counties struggling to meet the legal needs of their communities.

### *Data Collection Techniques*

The information collected, findings presented, and the 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 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 14 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 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

Multnomah Law Library (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."<sup>2</sup> 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.<sup>3</sup> The Multnomah Law Library 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 9,000 square foot space within the current Multnomah County courthouse. County officials hope to rebuild or replace the courthouse within the next 5-10 years, which will impact the MLL.



According to ORS 9.815<sup>4</sup> “each county shall operate a free law library at a location that is convenient and available at reasonable hours or b) provide free law library services at one or more locations that are convenient and available at reasonable hours. Further, according to ORS 9.820 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.

## Multnomah Law Library Collection

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The Multnomah Law Library 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.

The MLL print collection includes:

- Complete Oregon reported decisions, laws and regulations from territory to date, appellate briefs and treatises;
- Reported decisions of all US state courts and federal courts and agencies; Canadian federal and selected provincial courts; British high courts;
- All US state laws and codes; all US federal laws, codes, and regulations;
- Canadian and British laws and codes;
- Federal, Pacific, General, and selected state digests;
- American Law Reports series;
- More than 500 periodicals;
- Treatises<sup>5</sup>

The MLL catalogue is available online here:

<http://m94031.eos-intl.net/M94031/OPAC/Index.aspx>

In addition to print publications, MLL provides:

- Online access to LexisNexis and Westlaw, leading online legal research services;
- Public computer terminals with Internet access;
- Telephone, email, and in-person customer service;
- Research assistance;
- Referrals to external resources, when necessary;
- Working space for attorneys.

## Multnomah Law Library Patrons

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MLL staff estimate that between 40 and 60 people access the law library each day, comprised primarily of attorneys and members of the public, with very 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 law library that is open to the public. Further, the majority of complex business litigation that happens in the state happens in Multnomah County, making it the de facto court for business law. Because of these factors it therefore must meet a demand that no other court in Oregon has.<sup>6</sup> It also serves as repository for a variety of rare legal materials that is accessed by the State and other counties.

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 feel that attorneys conduct the majority of their legal research online and only use the MLL materials 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 feel the MLL has become more like a “book museum” with a significant collection of rarely used materials. Finally, some feel that the public money spent on additional print materials is not “serving its highest purpose” when the community has significant unmet legal needs.

## Multnomah Law Library Budget and Staffing

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The MLL has two full time staff and four part time staff, with responsibilities as follows:

1. Director (full time)—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
2. Library Technician (full time)—responsible for the off-site storage facility; equipment and general maintenance; computer workstation assistance; and providing other patron services
3. Library Technician (part time)—responsible for acquisitions, communicating with vendors; checking-in materials; filing loose-leafs and updates; providing patron services including reference, both with print and online resources
4. Library Assistant (part time)—assists patrons over the phone, assistance with locating and checking-in and out materials, photocopier and computer printing assistance; stacks maintenance; some filing
5. Special Projects Librarian (part time, temporary)— currently responsible for reorganizing the treatise collection; reclassifying certain subject areas; and updating the online catalog
6. Library Assistant (part time, unfilled)—similar duties as those above

A seven-member board of directors with staggered three-year terms governs the MLL.

Historically, all county law libraries received funding based on court case filing and other fees. In 2011, the Oregon Legislature passed HB 2710 (chapter 595, Oregon Laws 2011), 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).

In the 2011-2013 biennium the Oregon Judicial Department (OJD) allocated \$1,917,650 for Multnomah County law library services. In the 2013-2015 biennium, the allocation decreased slightly to \$1,893,597, which the County passes through to the Multnomah Law

Library at about \$79,000 per month. However, 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 28% budget reduction for the MLL that biennium.

## Access to Justice: An Increased Need

“Access to Justice” is a term used by legal scholars and practitioners 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 10 to 20 years officials have become increasingly concerned at the apparent unequal access that was permeating the justice system. The issue caught the attention of the United States Department of Justice (USDOJ), which has called it a crisis.<sup>7</sup> One of the main areas of concern is with 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.

### Access to Justice for Self-Represented Litigants

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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.

Access to justice is an ongoing legal issue faced by numerous American’s everyday. Individuals often can not get the legal help they critically need and those who qualify for legal assistance are often turned away due to the lack of resources, lack of properly trained individuals, lack of accessibility to legal aid, and/or statutory restrictions that hinder access. 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 efforts at the state and local levels began organizing around access to justice issues in the mid-1990s. In 2010, the U.S. Department of Justice launched the Access to Justice Initiative. These ATJ staff work 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”.<sup>8</sup>

There are three guiding principles behind 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. In order to successfully carry out these principles, ATJ works to support the development of quality indigent defense and civil legal aid delivery systems at both the state and federal levels and to promote legal solutions that are less lawyer-intensive 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.

Currently, 30 states plus the District of Columbia have an Access to Justice Commission. ATJ Commissions across the 30 states and D.C. range from nine members up to 45 members, bringing judges, court representatives, the bar, legal aid, and other key stakeholders together to increase access to justice for low income and disadvantaged individuals. 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 and/or mental disability are also addressed.<sup>9</sup>

The city of Milwaukee, Wisconsin 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 out to isolated neighborhoods where it is difficult for those residents to reach 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, however, provide ongoing representation, but can offer information on how to retain an attorney if needed. Also, each individual can only be seen once per legal matter.<sup>10</sup>

Austin, Texas is another example of a city that brings greater access to justice. The Austin case is particularly relevant here because they utilize their law library as their access vehicle. Through its law library, Austin's one-stop self-help center provides online information and forms as well as appointments with a library reference attorney who can look over paperwork and explain the basic steps in an uncontested family law case. Furthermore, the library reference attorney is also available in the courtroom to assist in more complex legal situations and cases.<sup>11</sup>

Oregon does not currently have an "Access to Justice Commission; however, Oregon does have a number of committees focused on access to justice issues. The Lawyers' Campaign for Equal Justice (CEJ), for example, backed by the Oregon State Bar and the Multnomah Bar Association, focuses on ensuring equal access to legal representation to low-income Oregonians by working to increase awareness of civil legal needs and the funding for legal aid organizations statewide. CEJ 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 has been to ensure equal access to legal representation and equal access to legal aid in the form of funding. For example, the coalition prides itself for having Oregon be the second state to adopt court-filing fee funding for legal aid.<sup>12</sup>

# Best Practices: Law Libraries and Access to Justice

## Do “Legal Resource” or “Self-Help Centers” Differ from a Traditional Public Law Library?

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When wondering whether a “legal resource” or “self-help”<sup>13</sup> 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 litigation, law, and legal procedure is not a new concept for many public law libraries.<sup>14</sup> 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.”<sup>15</sup> In a 2009 survey conducted by the Law Librarians’ Working Group, 29 law libraries surveyed identified programs that they provide to assist self-represented litigants.<sup>16</sup> 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.

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:

- A self-help program is a service or coordinated group of services that enhance the ability of self-represented litigants to secure access to justice by providing them with legal resources, which would otherwise be unavailable to them.<sup>17</sup>

Yet the most recent survey from the Self-Represented Litigation Network admits “[t]here is no model or standard for a self-help center.<sup>18</sup> Instead there is “a variety of operating styles across the country.”<sup>19</sup>

Further, many of the practices and services offered by such centers or programs overlap with the traditional functions of a public law library.<sup>20</sup> Research 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; available staff to answer questions; and referrals to other programs.<sup>21</sup> 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.

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 increasingly urgent.”<sup>22</sup> 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.”<sup>23</sup> 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.”<sup>24</sup> 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).”<sup>25</sup>

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.

## Law Library & Self Help Center Services: Defining Differences in Overlapping Services

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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.”<sup>26</sup> Additionally, the services provided by public law libraries and self-help centers are not wholly exclusive to one another; instead they are often complementary.<sup>27</sup>

However for the purposes of this report, 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.<sup>28</sup> 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 non-lawyers; (5) offering document delivery of library resources (e.g. fax, scan, and hard copy 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.<sup>29</sup>

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 licensed attorneys in library programs for *pro se* litigants to seek limited assistance from; (3) mediation programs; and (4) educational workshops and webinars.<sup>30</sup>

## Best Practices for Law Libraries and Self-Help Centers

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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 likewise 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 are represent what has been deemed the most essential and basic “best practices” that should be observed.

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.”<sup>31</sup> 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.”<sup>32</sup> 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.<sup>33</sup> 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.

- **Triage, Diagnosis, and Referral Needs of Pro Se Litigants**—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.”<sup>34</sup> However, Zorza notes that the knowledge of skilled staff are crucial to effectively triaging and diagnosing the needs of individuals seeking assistance in how to move their matter forward in the legal system.<sup>35</sup> 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.
- **Assistance with Understanding Substantive, Procedural, Sources of Law Information**—Like much of the Internet, 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 from a computer. For instance, the Oregon Legislature and an independent organization provide the 2013 and 2011 versions of the Oregon Revised Statutes (ORS) for free online, respectively.<sup>36</sup> 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.

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 use on a routine basis on their own. For example, Westlaw and LexisNexis are two of the most well-known and well-used resources by individuals in the legal field to do legal research. 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 only makes it less accessible each year. Finally, other Internet resources are often incomplete in their information and unreliable in terms of accurately stating the law.<sup>37</sup>

- **Forms and Document Assembly**—One of the most basic needs of *pro se* litigants is access to the forms that they need in order 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.<sup>38</sup> 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.”<sup>39</sup>

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.<sup>40</sup> Oregon does not have standardized forms. Of all of the law libraries surveyed by the Self Represented Litigation Network in 2014, nearly 95% provide court forms to the public, with 67% providing instructions on the forms.<sup>41</sup>

- **Access to Technology, Online Resources, and Comprehensive Self-Help Websites**—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, 97% of 130 law libraries that responded to its 2014 survey stated that they provide public computers with Internet access to the public, with 93% offering access to paid online legal research databases and services.<sup>42</sup> 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.<sup>43</sup>

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.<sup>44</sup> 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.”<sup>45</sup> 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.<sup>46</sup>

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, each have their own highly organized websites containing links to forms and primers on legal topics important to the self-represented.<sup>47</sup>

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 “Without access to information, there is no justice;” towards that



end, on the site's homepage includes information and resources important to *pro se* litigants. An incomplete list of such information provided includes: access to the library's catalog; legal guides on topics most common to touch the lives of the self-represented; court rules and forms; and basic information on library hours and contact information.<sup>48</sup> 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;<sup>49</sup> library classes on topics ranging from how-to-file and legal research to how to guard one's online privacy;<sup>50</sup> and how to obtain traditional library services such as photocopier access,<sup>51</sup> document delivery,<sup>52</sup> and arranging notary services.<sup>53</sup> 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.<sup>54</sup>

## Conclusions

- **Trained Staff**-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."<sup>55</sup> Indeed, *pro se* litigants need help to both find "and make sense" of the law that underlies their legal dispute,<sup>56</sup> a task for which law libraries with trained staff or legal aid center are naturally suited.
- **Form**-Given their importance, best practices show law library-based or standalone self-help center develop and/or provide forms for litigants to use to steer their case through the courts from conception to completion. Based upon the recommendations of the Self-Represented Litigation Network forms that are effective for litigants *and* the Court contain the following:
  - Cover all major legal issues and sides;
  - Be designed in a logical and understandable format;
  - Be written in plain language;
  - Allow to be hand written;
  - Be accompanied by detailed instructions that informs the litigant on how to fill out the forms, defines all legal terms used, and instructs 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, coversheets, etc.;
  - 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.<sup>57</sup>
- **Online Access**-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.
- **Website**-The most effective self-help websites for the public are developed, structured, and organized with the lay public in mind.<sup>58</sup> Towards that end, effective self-help are designed to be of use to the less literate, kept up-to-date, sufficiently funded, and include information provided by local bars, legal aid organizations, and other essential stakeholders.<sup>59</sup> Additionally, self-help websites that steer *pro se* litigants towards information based in terms of their problem and not the laws at issue and include links to a wide array of support services both within the courthouse and the community at large are effective.<sup>60</sup>

## Governance Models

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 that 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 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).

Yet the ability of a law library to serve its patrons, support the judicial process, and provide access to justice to all whom 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 and serve its constituents.<sup>61</sup> Consequently, before discussing self-help center models or possible best practices, it is important to look to the different law library governance models that exist. Towards that end, the county public law library and the private (non-profit, non-firm) 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, independent library district, etc.<sup>62</sup> – 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 challenges,<sup>63</sup> and are different from the basic law library structure authorized by the Oregon Revised Statutes – i.e. county-based law libraries or law library-services. Therefore it is not crucial to examine these models and therefore they are not discussed in this report.

## Relevant Law Library Governance Models

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### *County Public Law Libraries*

Public law libraries are seen as essential to satisfying the public's need for access to legal information and legal resources.<sup>64</sup> County public law libraries are typically created or authorized by statute, and are official parts or divisions of the local county government.<sup>65</sup> 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.<sup>66</sup> 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 reflective of their statutory mandates.<sup>67</sup> Such law libraries should also have a role and a voice within their governing entity; towards 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.<sup>68</sup> Moreover, the AALL recommends that county public law libraries "be conveniently located in or adjacent to the county courts building" and be staffed by professional personnel.<sup>69</sup>

Additionally, 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 county's entity that oversees the law library "should be prepared to defend the law library budget as a vital part of its mission" and provide support to the library's budget administration.<sup>70</sup>

In Oregon, the Oregon Revised Statutes (ORS) 9.815 mandates that each county shall either operate or provide free library services within their respective jurisdictions.<sup>71</sup> Historically, county public law library funding was tied to court filing fees collected within their jurisdiction;<sup>72</sup> however, the adoption by the Oregon Legislature of ORS 21.005 in 2011 changed that funding mechanism, mandating all court fees collected "be transferred to the State Court Administrator for deposit in the General Fund."<sup>73</sup> To provide funding to county law libraries and other services that were funding through court fees, the Legislature now is charged with passing appropriations for these programs each biennium.<sup>74</sup>

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 grant 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.<sup>75</sup> 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.<sup>76</sup> The Minnesota statutes also require that counties provide suitable space within the courthouse for an established library to use.<sup>77</sup>

Similarly, county public law libraries in Washington State are statutorily mandated for all counties with over 8,000 inhabitants,<sup>78</sup> with most libraries required to be governed by board of trustees.<sup>79</sup> The Washington State statutes mandate free library access for judges, state and county officials, and members of the state bar, but only counties with a population of 300,000 or more persons are statutorily required to provide free public access.<sup>80</sup> Additionally, the Public Law Library of King County (KCLL or Public Law Library) in Seattle has made serving the public not just a 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.*"<sup>81</sup>

## Private (Non-Profit, Non-Firm) County Law Libraries

Private law libraries not affiliated with a law firm or academic institutions also exist, but their mission, charge, 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.<sup>82</sup>

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, Pennsylvania, and the Social Law Library in Boston, Massachusetts – serve as examples of the private law library model in action:

- The Jenkins Law Library<sup>83</sup> was founded in 1802 and touts itself as the nation's oldest law library.<sup>84</sup> Similar to the Multnomah Law Library, the Jenkins Law Library is a 501(c)(3) entity governed by a board of trustees, and provides access to the public.<sup>85</sup> Yet unlike the Multnomah Law Library, Jenkins Law Library operates on a membership system, with members charged a daily or yearly fee to access the library's materials and services.<sup>86</sup> Membership dues are conditioned on several factors, including: whether one is a local, regional or remote attorney; or if one is a retired attorney, a county law librarian, an employee of a public agency or non-profit, or a student. Members of the public can also access the Jenkins Law Library and use its resources, but must pay a \$5.00/day access fee.<sup>87</sup> The Jenkins Law Library extends complimentary memberships to courts, governmental agencies, and legal service firms that service the public.<sup>88</sup>

The Jenkins Law Library allows members of the public to use, but not checkout, volumes in its collection, and permits up to one hour of access to online databases such as Westlaw and LexisNexis (which may be extended at the reference staff's discretion). Presently the Jenkins Law Library does not have a self-help center, but it does work with the Philadelphia Bar Association and legal aid societies to promote its visibility with self-represented individuals. And similar to this survey, the Library is currently researching self-help center models and hopes to have a self-help service installed by the end of 2014.

- The Social Law Library of Boston advertises itself as Massachusetts' premier and longest-enduring public/private partnership, and 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."<sup>89</sup> 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.<sup>90</sup> 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.<sup>91</sup> 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.<sup>92</sup> However, "Courtesy Pass" holders are not allowed to use the Library's computers.<sup>93</sup>

## *Where Does the Multnomah Law Library Fit?*

The Multnomah Law Library appears to be a fusion of the county run public law library model and the private non-firm law library model as outlined above. 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 upon ORS 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.

Multnomah Law Library's 501(c)(3) status is more akin to Jenkins and Social law libraries' governing structure, however. This non-profit status appears to give the Multnomah Law Library operational autonomy from the local government that it serves, yet that autonomy means that it does not enjoy many of functional advantages inherent with 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 (IT) 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.

Alternatively, according to a local law librarian, 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 quicker than 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 is a viable option for the Multnomah Law Library, given Oregon Revised Statutes demand that county law libraries be operated or provided for free and open to the public.<sup>94</sup>

## *Self-help Center Models<sup>1</sup>*

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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.

### *Legal Resource/Self-Help Center Models, & Services and Resources in Comparable Jurisdictions*

A recent 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

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<sup>1</sup> This report will 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 Multnomah Law Library 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 Multnomah Law Library or Multnomah County.

law library through referrals and other services, but located outside of the library and operated by an external organization.<sup>95</sup> Other literature identifies the court-based and operated self-help center as another model that jurisdictions have employed.<sup>96</sup>

### *(1) Law Library-Based and Operated Self-Help Centers*

According to the Working Group's report, the majority of identified self-help programs were located in and run by the law library, the key advantage of which was that the center had access to three of the basic resources that the law libraries offered their patrons: (1) triage and referral services; (2) access to technology; and (3) staff assistance and basic library services.<sup>97</sup>

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) coordinate volunteer attorney services in library space; and (3) sponsor clinics by outside organizations held in library space.<sup>98</sup> 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.<sup>99</sup>

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."<sup>100</sup>

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 include the following:

- A law librarian employed by the library;
- An embrace of access to justice principles;
- 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;<sup>101</sup>
- Develop and maintain access to websites linking to legal resources;
- Track what resources the law library needs and what patrons request/need assistance on;
- Provide basic library equipment, workspace and reference information and forms.<sup>102</sup>

Law libraries in the "intermediate" level of self-help service expand upon these basic services and provide additional programs, often with the help or in partnership with community members. A partial list of such possible expanded services 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 (CLE) courses for the public and attorneys; and

- Developing guides of resources and information for some of the most frequently accessed or requested legal topics.<sup>103</sup>

“Advanced level” law libraries continue to build upon the basic and intermediate models by incorporating additional self-help center services into the law library’s operational structure.<sup>104</sup> These additional expanded services include: having an attorney on staff directing the self-help center’s operations; 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.<sup>105</sup>

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:

- **Travis County Law Library**—The Travis County Law Library in Austin, Texas, for instance, has been hailed as a library that has taken the lead in transforming its services to be more beneficial to *pro se* litigants.<sup>106</sup> The Travis County Law Library’s self-help center, established in 2002 and operated by the Library, provides many of the services that the AALL champion 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 and two central website 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.<sup>107</sup> Moreover, Travis County Law Library provides notary services and assistance in family law issues.<sup>108</sup>

In delivering these services, the Travis County Law Library relies on in-house attorneys and clerks, legal aid attorneys and volunteer mediators.<sup>109</sup> 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 only provide legal *information*.<sup>110</sup>

- **Public Law Library of King County**—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 departments, as law libraries are perceived as a neutral place to go for people who often need assistance or access to helpful information immediately.

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. Towards 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. In regards to helping 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.”<sup>111</sup> The manual has basic court and courthouse information – from courtroom etiquette to state and local rules<sup>112</sup> – to descriptions and examples of common forms and documents.<sup>113</sup>

And much like Travis County Law Library, the KCLL maintains a superb website<sup>114</sup> that contains legal and research guides, forms, information on upcoming classes, seminars and clinics within the library, as well as links to a host of informational resources within Washington and across the country.<sup>115</sup>

## (2) Court-Based Self-Help Centers

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 report, there is no universal standard for what a self-help center should be or 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.

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.<sup>116</sup> 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.

Perhaps the greatest difference between the law library-based and the court-based self-help model 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 regards as one of the best and most comprehensive centers in the nation.<sup>117</sup> 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.<sup>118</sup> 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.<sup>119</sup>

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, but not limited to: forms and document assistance; providing free legal clinics run by volunteer attorneys; attorney referral services; “how-to” videos and tutorials; and information regarding specific areas of law.<sup>120</sup> Similarly, the online self-help center managed by the Judicial Branch of California resemble the KCLL’s self-help website in terms of information and forms provided, and thoroughness of topics covered.<sup>121</sup>

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 an essential resource center for the self-represented.<sup>122</sup>

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.<sup>123</sup> Such “concierge desks” not only can provide directions and basic materials and information for patrons, but can also provide a human face to the courthouse for those who typically do not venture there by choice.<sup>124</sup>



One such example is 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.<sup>125</sup> *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.<sup>126</sup> One year after the *Ho'okele* project's deployment, a firm examined the program and recommended that court service centers and concierge desks should 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.<sup>127</sup> They found that while volunteers might be useful in supplementing concierge desk staffing, they likely should not be the only staff on deck. Indeed, one criticism of the concierge desks' early performance was that it was 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.<sup>128</sup>

Another concierge desk model is the Travis County courthouse information booth in Austin, Texas. 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.<sup>129</sup>

## Conclusions

- Based upon the information gleaned from this research, there is no reason to assume that a 501(c)(3) modeled 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 is simultaneously looking into the feasibility of a self-help center, and that it hopes to have a self-help program installed by the end of 2014 denotes evidences that self-help centers are not unique to county public law libraries. However, their success may be more dependent upon an organization's will and sense of self-help mission than any particular library governance model.
- 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.
- 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.
- 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,<sup>130</sup> 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.
- 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 firms attorneys whose own libraries have scaled down their resources.

## Document Conversion

“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.”<sup>131</sup>

## Managing Digital Expectations in a Digital Divide

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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 primarily contained in bound volumes of regional case law reporters, state statutes, and secondary sources such as the Restatements and the American Law Reports.

Yet as noted elsewhere in this report, 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 as well as some persons interviewed by RMA 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.**<sup>132</sup>

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 non-public law librarians interviewed as part of this research exclaimed that online legal services such as Westlaw, LexisNexis and HeinOnline that provide convenient digital access to the core legal materials that are essential to any law library’s collection – e.g., cases, statutes, and major secondary sources. Yet the costs to access these online resources are ever increasing and show no signs of slowing. One law librarian described that law libraries feel as though they are “at the mercy” of online providers to supply digital access to materials that they 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.

And there are a host of legal materials that are simply “not available online” but which are important to legal research and access to justice.<sup>133</sup>

“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 (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.”<sup>134</sup>

In the legal field, access to such historical materials are vital to the outcome of many cases,<sup>135</sup> particularly when the law changes between the occurrence of the tortious or criminal act and its adjudication. 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.

Coupled with this reality, one of the most overriding concerns that law librarians expressed during our research is in dispelling the myth that hard copies of print materials can be eliminated. There remains room and 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.

## Access to Justice: The Continued Need for Print Materials and Traditional Resources in a Digital Era

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Where maintaining large volume of bound books and materials used to be a mark of pride for law libraries, there is a sense among some law librarians and persons outside the community that having an expansive hard copy collection in the digital era is now an albatross. Indeed, as individual and industry reliance on digital resources have grown over the past decades in tandem with budgetary constraints,<sup>136</sup> public and non-public law libraries alike have severely reduced the sizes of their print collections out of necessity.<sup>137</sup> 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.

Getting rid of print resources may be seen as a cost-savings measure, but digitization raises serious access-to-justice concerns. Including:

- **Technology**—The persons who typically make up the self-represented population are more likely to be tech-challenged, and may not have the sophistication on how to use electronic resources to find the information that they need.<sup>138</sup> Indeed, there is often a steep learning curve for members of the public who come to law libraries to access their computer and online resources.
- **Availability of materials**—Beyond usage issues, another hurdle to digitization is the basic fact 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.<sup>139</sup> 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,<sup>140</sup> the fact remains that many critical legal resources and records such as past versions of the Oregon Revised Statutes can only be obtained in those formats. Towards that end, the Clackamas County Law Library recently purchased new microfilm/microfiche readers and printers in order to access important legal information and records such as past versions of the Oregon Revised Statutes maintained in those formats.

- **Cost**—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.<sup>141</sup>

### *Issues to Consider during Document Conversion*

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.

- **Materials to convert**—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. A law library should only convert those distinctive portions of the library's collection that are unique to the individual library, and which have not been converted by another library or organization and are not available in another format elsewhere. To attempt to digitize other 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 is also redundant and likely an unnecessary use of library funds and energy.
- **Formats**—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 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.

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 more rare 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.

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.

- **Who will do it?**—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 most 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.

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 up 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.

Yet these services can be costly, the exact amount of which are 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.

The disadvantages of this approach is that such efforts place all of the digitization burdens on the shoulders of the adventurous law librarian, and will likely take more time than if an outside vendor were hired. 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.

## Conclusions

- The growth in digital access to information, and the public's familiarity with basic computing skills, makes digital formatting the seemingly logical choice in any document conversion project. However, that instinctive reaction must be balanced by the fact that many public patrons of law libraries are often technologically illiterate, unable to use the more common digital resources that are the major clearinghouses for legal information, and still in need for law library staff help.
- Not all resources available electronically. Until these resources are even available in a digital format (whether through an online commercial vendor, or digitized by the library itself or another institution), it is important for law libraries to maintain access to print versions of these materials.

- Converting some documents into a digital or otherwise accessible format can be advantageous for a law library and its patrons. Document conversion can aid in source material preservation and ensure that the knowledge will survive in one form or another if the original source material were ever destroyed. Additionally, conversion into a digital format as opposed to a physical form like microfilm/microfiche allows libraries and individuals to use computer search functions to quickly find relevant information more easily.
- A law library's decision of what resources to convert is based on a number of factors, many of which are dependent upon a law library's unique situation. Such factors include: the size of the law library's collection; the what parts of the law library's collection it seeks to convert; the size of those resources or number of volumes the library seeks to convert; the present availability of similar resources already in digital or archival formats; whether such collection materials are available and easily accessible elsewhere; and conversion costs. Beyond these issues is the fact that county public law libraries are taking it upon themselves to do much of the heavy lifting when it comes to digitization by assuming some of the most important conversion project on their own initiative.
- Traditional archival formats like microfilm and microfiche allow law libraries to keep physical copies of their print materials on hand, albeit in much more compact forms. Yet their fall into disuse with the rise of the digital age means that there will probably come a time when such formats become a relic of a bygone era. Moreover, their form necessarily means that patrons cannot access stored materials remotely. Law library staff will also have to aid and assist patrons who wish to access materials on microform as it continues to fall from use.
- A law library looking to digitally convert its collection must also consider what such an endeavor means for access to justice purposes. Access to justice must include access to accurate and up-to-date as well as archival legal information. Towards that end, it must be acknowledged that much of the information that law libraries and their patrons need are not readily available in a free or commercial online or digital format. Further, those resources that are otherwise online through commercial vendors are often cost prohibitive for individuals and solo/small firms. Print legal materials still remain a crucial resource in the digital age to account for the gaps in what information is available online or in another digital format.

## Legal Needs Assessment of Multnomah County Residents

There are significant unmet legal needs in Multnomah County. This report is not the first to identify the unmet legal needs of individuals. Oregonians represent themselves in Family Court in 67-86% of cases filed, according to the 2011 Oregon Judicial Department/Oregon State Bar Task Force on Family Law Forms and Services.<sup>142</sup> According to judges and service providers in Multnomah County, self-representation occurs in about 85% 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 and can put a strain on court operations.

This is not a new problem. In 2000, *The State of Access to Justice in Oregon* report found that there was significant need for civil legal services for low and moderate-income people in Oregon that is not met by existing legal services.<sup>143</sup> 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."<sup>144</sup>

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."<sup>145</sup> Less 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.<sup>146</sup>

In addition to the obstacles *pro se* litigants face navigating the court system, they can also hinder efficient court operations. A 2010 survey of trial judges in 37 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, "unrepresented litigants negatively impacted the effectiveness and efficiencies of the courts."<sup>147</sup>

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 report from the OJD/OSB Task Force on Family Law Forms and Services, 2011
- Self-Representation in Oregon's Family Law Cases: Next Steps, 2007
- The State of Access to Justice in Oregon Part I: Assessment of Legal Needs, 2000
- Report of the Oregon Family Law Legal Services Commission, 1999

While the need is apparent and widely recognized, it appears that progress toward meeting these needs from a systematic, statewide approach has been slow. However, judges, service providers, state officials, librarians, and attorneys in Multnomah County who 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 MLL already provides (and stakeholders agreed are necessary), however, most are services not currently provided.

### *Existing Necessary Services*

- **Core law library materials and law librarian assistance**—As previously noted, about half of the users of the Multnomah Law Library are attorneys and the other half consists of 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 25 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 Multnomah Law Library. State Law Librarian Catherine Bowie recommends 22 types of

collections and resources for a comprehensive law library (see Appendix A for full list). In addition to library materials, a law librarian to provide guidance and assistance with the materials is necessary.

- **Technology**—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.

### *Services deemed “Necessary” by stakeholders, but not currently offered*

- **“Triage, Diagnosis, and Referral”**— Zorza notes that law libraries are becoming entry points into the judicial system for more and more individuals.<sup>148</sup> 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. Such a desk could help many court-users identify their problems and determine how to proceed. In the course of this research, the CPS 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 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 don’t know where to go or how to begin.

While court staff at the service counters provides 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.

- **Informational legal clinics and referrals**—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 if they 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.
- **Access to and assistance with legal forms**—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.

While some family law forms are available electronically on the Oregon Justice Department’s Family Law Forms website or on the Multnomah County Circuit Court webpage for Family Law Forms, 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 and/or Internet access.

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 you can fill in from a computer. Prices for each increase for multiple copies or limited time subscriptions to particular forms, which allow a user to complete it 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.

Once self-represented litigants obtain the forms, they face significant challenges completing them. The forms are long (more than 50 pages for the forms and instructions for Custody and Parenting Arrangements for Unmarried Parents; 36 pages for the instructions and forms for Family Abuse Prevention Act Restraining Order) and written in technical language using legal terms.<sup>2</sup>

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.

- **Access to legal information and legal assistance**—There are a variety of legal assistance options 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.”<sup>149</sup> 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.
- **Non-English assistance and translation**—Multnomah County has more than 760,000 residents, 20% for whom English is not their native language.<sup>150</sup> About 15% of Oregonians need language assistance to conduct their court business. The Oregon Judicial Department offers court interpretation services in 91 languages in all 37 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 in 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.

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<sup>2</sup> Some efforts have been made, however, to simplify the forms. There are web-based, user-friendly guides that ask questions and provide pop-up explanatory information as the user completes each section. See <https://www.turbo-court.com/> for examples.

## Complimentary Services

There are a variety of government services offered in or near the courthouse that many self-represented litigants use when seeking resolution to their legal matters. For example, some such services include:

- Family Court Services (Multnomah County) provides services to help parents navigate systems, decisions, and plans for children related to separation and divorce. These include mediation, parent education classes, custody and parenting time evaluations, and others.
- Division of Child Support (Oregon Department of Justice) provides a variety of services from establishing an order for child support, assistance with enforcing an order, collecting payments, and others.
- Foreclosure Avoidance Mediation (Oregon Department of Justice) provides mediation between a homeowner and their lender with the goal of avoiding foreclosure.

The CPS research team was asked to assess the appropriateness and effectiveness of offering these types of services in a revamped legal service center. Ultimately, we found, that housing these services in a legal service center would complicate and crowd it. However, scheduling staff time from these various services and agencies to assist with referral and triage and serve as “bridge” would be highly beneficial.

According to Zorza, a 21<sup>st</sup> century law library should have a mission to enhance access to justice by providing legal information and tools for “those engaged with the justice system, including litigants and those facing legal issues, attorneys, court staff, the judiciary, and other governmental organizations...”<sup>151</sup> It should be an information center that connects people to resources.

## Conclusions

- The additional legal services that stakeholders want and many Multnomah County residents need will require additional financial and human resources. Currently, the MLL does not have the expertise, training, or capacity to offer the additional “necessary” but not currently available services.
- Obtaining and accurately completing the correct forms is a significant barrier in the court system, which results in wasted resources for both the court officials and the litigants.
- There are dire unmet legal needs in the community. Providing additional government and social services in a self-help/legal service center that are readily available in nearby offices diverts attention, resources, and physical space from the core legal needs of the community: legal information, legal assistance, assistance with forms, and referrals. However, it is critical that the staff in the law library/legal service center understand the important role each of these services provides and knows how to connect a patron to the right office on the first try.

# Recommendations

The following recommendations affect Multnomah County, Multnomah County Circuit Court, and the Multnomah Law Library. CPS advises working together to determine the best method for implementation.

## Part One - A New Self-Help Center

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Based on the interviews with outside library consultants, law librarians, internal and external MLL stakeholders, reviews of best practices, and extensive research on access to justice and law libraries, CPS makes the following recommendations for changes to the MLL and/or developing a Self-Help Center:

### *Recommendation 1.1: Develop a Self-Help Center Built on the Law Library-Based and Operated Model that embraces access to justice principles (p.17)*

Multnomah County should work with the MLL and other stakeholders to develop a Self-Help Center based in the MLL. Multnomah County wants to find a method to resolve a fundamental problem: namely, that “[l]imited public access to legal information affects us all.”<sup>152</sup> If the central aim of this investigation is to find a self-help model that best facilitates this access to legal information, and therefore serves the “access to justice” needs of Multnomah County’s broader population, and *not just the needs of self-represented litigants*, then a self-help center within the law library model is the clear choice. Access to justice is a concept that does not just focus exclusively on the self-represented; instead the needs of the middle-class litigant and the solo practitioner are also in need of increased access. Even the small-sized law firm on which the litigant relies upon must also be included.

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 are in need of access to legal resources that they cannot afford themselves, but which are essential to their practice. 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 practice.

A law library’s natural character as a neutral, non-confrontational space further marks it as an ideal location for a self-help center.<sup>153</sup> 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.

### *Recommendation 1.2: Develop and offer new services in the Self-Help Center for the public and pro se litigants. Such services should include:*

- **A “Triage, Diagnosis, and Referral Desk”**—As previously noted, a desk that provides procedural information, assistance with diagnosing someone’s 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 or have familiarity with the law, the range of problems that people seek assistance for, existing resources and which ones are appropriate for particular needs and populations, and how to help users find and use resources.<sup>154</sup> Additionally, staff should understand court procedures and be able to help people navigate the system.
  
- **Acquisition of and Completion of Legal Forms**—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, CPS recommends the following practices be instituted related to legal forms:
  - Be uniform and written in plain language. They should be accompanied by detailed, but easily understood instructions that informs the litigant on how to fill out the forms, defines all legal terms used, and instructs on what to do with/how to submit the forms when completed;
  - Be available both 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;
  - Allowed to be hand written;
  - 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, coversheets, etc.; and
  - Be available without cost.
  
- **Legal Clinics and Information Sessions**—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, and legal assistance programs in the Multnomah County. Types of clinics might include:

- Separation/Divorce
  - Custody
  - Establishing Paternity
  - Expunging your record
  - Child Support
  - Debt Collection and Defense
  - Housing/Rent/Eviction
  - Elder law
  - Small claims
  - Forms Review
  - Dispute Resolution/Mediation
- **Legal Assistance [and complimentary services]**—A comprehensive self-help center should not only serve 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. (Although the current configuration of the Multnomah Law Library does not currently allow for private meeting space, constructing 3-4 conference rooms would allow for this service. See Recommendation 2.2 for details).
- **Resources for people with Limited English Proficiency to non-English legal and community resources**—Providing comprehensive translation and interpretation services in the self-help center may not be feasible at this time given the resources needed, staff should have knowledge of resources in the community designed to help people with Limited English Proficiency with legal matters. Legal Aid Services of Oregon has Spanish speaking staff in most of its offices and arrange interpretive services in most spoken or signed languages. As the self-help center implements 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.

## Part Two - Service Delivery Methods

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In order to create a self-help center in law library, several factors and investments in particular areas should be considered. These include staffing, physical space, document conversion, and technology.

*Recommendation 2.1: Hire and cross-train staff who can assist the public and promote the multi-faceted services and operations the self-help center*

Every stakeholder and external consultant that the CPS 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. Specifically, the self-help center needs:

- **Director** to oversee operations; strategic planning; community relations; marketing and communications of library services to the public; budget and finance;
- **Law Librarian(s)**—to provide research assistance to patrons; ordering and organizing materials; collection management and maintenance; research; promoting and developing the law library;
- **Court facilitators**—to provide diagnosis and referrals, procedural information, assistance with legal forms, and possibly conduct intakes and assessment for other agencies, if systems are well coordinated with those agencies;
- **Volunteer coordinator**—to develop, manage, and maintain networks of individuals and groups that can provide legal assistance, host legal and informational clinics, provide non-English or limited-English assistance, develop internships, manage conference rooms, and coordinate with state and county agencies on court-related services.

### *Recommendation 2.2: Design the physical space of the law library and self-help center to support its various services*

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 CPS team interviewed said that their clients do not use the law library, do not know where to find it, or 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:

- **Research:** a library/self-help center needs space for quiet research, which would include books, computers, and desks or tables for document review;
- **Service Center:** Opposite the research end of the library should be an interactive space for patrons to seek assistance, ask for referrals, request procedural information and forms;
- **Conference and training rooms:** Several of the recommended services will require private space for legal assistance, intake and assessment, or clinics. The law library/self-help center should 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.

### *Recommendation 2.3: MLL should consider document conversion*

MLL should eliminate duplicates and some print versions of material that are available online or are no longer used by MLL patrons. As noted in the Document Conversion section, libraries must 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 towards 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.

### *Recommendation 2.4: Use technology to better serve the public and other library patrons*

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 CPS 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. Technology to consider:

- **A robust and comprehensive self-help website**—Currently, MLL does not have a website, which misses an opportunity to reach potential patrons searching for legal resources or assistance in Multnomah County. A robust website would satisfy many patrons' needs without ever physically accessing the library. A robust self-help website should:
  - Advertise the location and hours of the law library/self-help center;
  - Highlight the types of services available;
  - Advertise classes or legal clinics available;
  - Provide guides with general legal information on popular topics such as guides to divorce, domestic violence, or landlord-tenant laws;
  - Provide links to online legal forms;
  - Provide information available at the law library and a link to the law library's catalogue;
  - Provide links to other legal and social service needs that users may have;
  - Provide contact information for staff and Board of Directors and direct questions to the appropriate parties;
  - Solicit volunteers to fill various needs (such as legal assistance, trainings, clinics)

To aid with development, updating and use, a self-help website should use software allowing for easy update and maintenance; are field and user tested; and are updated regularly.<sup>155</sup>

As previously noted, the Public Law Library of King County is a good example of a comprehensive, self-help focused website: <http://www.kcfl.org/>

- **Informational videos containing procedural information for various court procedures**—Basic procedural information in a video tutorial may alleviate some of the customer service pressure both in the court, in the law library, and/or in 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 publicly

available 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.

- **Video terminals to provide some services to the East County Courthouse**—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.

## Part Three - Decision Making Framework

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The research team has identified a series of action steps based on the findings of this report. The research team recommends these action steps as a path forward in implementing changes to the law library and developing a self-help center. We have divided the action steps into two levels. The first level, titled intermediate steps, includes actions we believe can be implemented with minimal budgetary impacts and relatively small structural changes. The second set of actions includes steps that will take additional deliberation, likely to require larger changes in budgeting, allocation of resources, and/or the MLL structure. The County may also need to consider the legality and feasibility of these recommendations within existing Oregon Revised Statutes and County resources. The County may need to first pursue changes to state and county statutes before implementing any of these recommended actions.

### Recommendations for Intermediate Action Steps

#### *Recommendation 3.1: Create a working group/task force*

Multnomah County should convene a task force to consider the best way to implement a self-help center within the MLL, including structure, staffing, resources, operations, and services.

#### *Recommendation 3.2: Develop a vision, mission, and strategic plan for the MLL/self-help center*

Multnomah County, the MLL, and the task force should work together to develop a vision, mission, and strategic plan that reflect statutory mandates (Oregon Code) and the desires of stakeholders moving forward. The plan should embrace access to justice principles, which consider the needs of pro se litigants and others. This process should include stakeholders such as: MLL board members, judges, library staff, lawyers, community members, and county officials. Upon developing a strategic vision and goals, MLL should align its budget and resources to support the plan.

#### *Recommendation 3.3: Define the role of the MLL board and diversify its membership to include more stakeholders, service providers, and access to justice advocates*

The MLL/self-help center Board of Directors should have either advisory status or full governing status. Multnomah County should work with the MLL/self-help center to amend its



1927 contract with the MLL to stipulate the board's role and its membership and determine what role the county government will play in the formation and oversight of the new board within established state law. Given the needs of the community the MLL board should include local attorneys, judges, and community members. Multnomah County and the MLL should consider the possibility of adopting a new governing structure (e.g. Minnesota's, for example, as noted on p.15) that structures the board in a way that best meets the needs of the County.

*Recommendation 3.4: MLL should consolidate its library materials by taking the following actions:*

- **Evaluate its current material**—MLL should determine what portions of the library's collection are unique and have not been converted elsewhere. Decide if it is best to convert these items to digital form or have them maintained in print version. Oregon-specific and other legal resources that are not presently available online or through another service are the most logical documents to try to convert and archive. A law library seeking to digitize part of its collection should examine which materials are unique to its stacks and whether similar materials can be found online or in print elsewhere throughout the state.
- **Take advantage of community partnerships**—Local law librarians have offered to scan and digitize some volumes. The MLL should take advantage of the opportunity to utilize these outside resources.
- **Identify core material**—Determine what core materials are essential to the everyday operation of the MLL. Based on this determination the library staff should commit valuable space to only the resources most needed and most in demand. Resources that are no longer needed should be archived off-site, donated, or recycled. Determine if needed items not deemed essential or not needed regularly can be archived and housed off site.
- **Identify what electronic and online services are needed**—Determine which online services will best serve the MLL patrons and align budget for print/electronic resources to maximize the resources within budget constraints.
- **Align budget to the material needs of the MLL patrons**—Budget for services that best serves the needs of the core users of the MLL.

*Recommendation 3.5: Develop workspace for the self-help center*

- **Identify space**—Within the current courthouse, MLL should identify space for expanding services for a self-help center;
- **Plan for the future**—During the planning and construction of the proposed new Multnomah County Courthouse; Multnomah County should allocate space to meet the needs of *pro se* litigants in an MLL-based self-help center. Plans for new Multnomah County Courthouse should consider the possibility of allowing the generally public access to the library without having to enter the rest of secured courthouse space.
- **Develop volunteer database**—MLL/self-help center should work to develop at least 20 hours of volunteer time per week for legal assistance, clinics, assistance with forms, and to meet other needs. Ideally, volunteer hours would be regular and scheduled several months in advance.

- **Partner with Existing Organizations**—Generate a list of referral organizations to share with patrons in need of additional legal support. Further, a recent report by the National Center for State Courts recommended embracing the public library system for additional legal information by training library staff to offer legal information (not advise) to patrons.<sup>156</sup>

## Recommendations for Longer-Term Action Steps

### *Recommendation 3.6: Consider changes to existing statutes*

Multnomah County should consider drafting and submitting statutory changes to the legislature regarding Oregon’s unauthorized practice of law codes, which limit the ability of library staff from assisting in rudimentary procedures and questions related to proposed legal aid center.

### *Recommendation 3.7: Utilize the successful models from other states*

There are a variety of tools that other states are using to increase access to justice. For example, in 2012, the Washington State Supreme Court adopted the Limited License Legal Technician Rule (LLLT), which authorizes non-attorneys who meet specific educational requirements to advise and assist clients in approved practice areas of law. The LLLT Board, which administers the program, recommended family law as the first practice area to license LLLTs. The Washington Supreme Court unanimously approved this decision in 2013.<sup>157</sup> In response, Oregon convened an LLLT Task Force to study and make a decision about LLLTs in the State of Oregon.

In addition, 10 states provide continuing legal education (CLE) credits to attorneys who take pro bono cases,<sup>158</sup> which is another option Oregon could consider as it seeks additional ways to embrace access to justice principles.

### *Recommendation 3.8: Develop electronic resources*

As discussed in recommendation 2.3 and 2.4, the MLL/self-help center should take steps to develop electronic resources, including moving toward electronic materials, where feasible and developing a comprehensive website. As the organization adopts more technological solutions, it should also consider:

- **Using available resources**—As a 501(c)(3) nonprofit the MLL qualifies for donated software and technology from top brands such as Microsoft, Intuit, Adobe, and Cisco. Donations from more than 40 other TechSoup donor partners are also available. More information available at:
  - [http://www.techsoup.org/GeneralNonprofitsem?utm\\_source=google&utm\\_medium=cpc-gg&utm\\_term=technology\\_grant&utm\\_campaign=GG\\_Grant](http://www.techsoup.org/GeneralNonprofitsem?utm_source=google&utm_medium=cpc-gg&utm_term=technology_grant&utm_campaign=GG_Grant)
- **Creating data gathering tools**—Develop a tracking system of what resources the law library needs and what patrons’ request/need assistance on.

*Recommendation 3.8: Consider grant funding to assist in the implementation of the self-help center*

The MLL, with the assistance of the MLL/self-help center task force, should identify grant funding and community partners to assist with this transition:

- **Identify and work with a community partner**—Consider partnering with a local organization including other state agencies, research centers, or a University in the application process.
- **Consider the following as possible funding opportunities:**
  - The American Association of Law Libraries Special Interest Section on Sponsored Grants:
    - <http://www.aallnet.org/main-menu/Member-Resources/grants/sis-grants>
  - Legal Information Services to the Public SIS (LISP-SIS) Kathy Garner Grant
  - State, Court & County Law Libraries (SCCLL-SIS) Grant
  - The Bill and Melinda Gates Foundation Pacific Northwest Community Grants:
    - <http://www.gatesfoundation.org/How-We-Work/General-Information/Grant-Opportunities/Pacific-Northwest-Community-Grants>
  - The National Center for State Courts:
    - <http://www.ncsc.org>

# Research Team Biographies

## Dr. Mark G Harmon

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\*Note: Mark G Harmon legal name is Mark G H Leymon – He publishes under Mark G Harmon.

Mark G. Harmon is an Assistant Professor of Criminology and Criminal Justice in the Mark O. Hatfield School of Government at Portland State University. He is a criminal justice policy research and research methodologist. His recent research has focused on the effects of state-level sentencing reforms on various components of sentencing including the effects of people of color. Dr. Harmon has also worked on developing more robust quantitative methods in criminal justice research and recently began working on a multiyear project assessing agency-level disparities in arrests and convictions.

He has published in the *Journal of Quantitative Criminology*, *Sociological Perspectives*, and the *Journal of Race and Ethnicity in Criminal Justice*.

The Center for Public Service at Portland State University was commissioned to develop this report. Dr. Harmon served as the Tenure-Line Faculty Representative from the Hatfield School of Government and Principle Investigator. He can be contacted at:

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## Shannon Grzybowski

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Shannon Grzybowski is a Project Manager at the Portland State University's Center for Public Service. She has coordinated strategic planning, community engagement, and evaluation projects for the Oregon Department of Education, the Clackamas County Emergency Management Department, Oregon Corrections Enterprises, Portland Public Schools, and several other state and local agencies. Prior to joining CPS, she was a performance auditor with the Multnomah County Auditor's Office. Her previous experience includes policy analysis and research, strategic planning, project management, and performance measurement.

She holds a Master's of Public Administration from the Hatfield School of Government at Portland State University and a B.A. in English from Fordham University in New York.

## Bryan Thompson

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Bryan M. Thompson graduated from Lewis & Clark Law School in Portland, Oregon, in 2013. Prior to law school, he earned his master's degree in political science in 2010 from Portland State University. During his graduate studies, Bryan was a Ryoichi Sasakawa Young Leadership Fellowship Fund (SYLFF) Fellow, a fellowship collaboratively supported by the

Nippon Foundation, the Tokyo Foundation, and the Oregon University System. During both graduate school and law school, Bryan researched and examined Japan's Lay Judge System, a quasi-jury method of criminal trial adjudication established in 2009.

## Stephanie Cross

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Stephanie Cross received her M.S. in Criminal Justice, specializing in statistics and research methods, from Portland State University in 2007. She went on to work at the United States Sentencing Commission as a research associate from 2007 to 2011. She worked on mandatory minimum sentencing policy, contributing statistical information for the Commission's Report to Congress: 'Mandatory Minimum Penalties in the Federal Criminal Justice System.' Stephanie also worked on powder and crack cocaine sentencing disparity, including researching prison impact and retro-activity. Currently, she is a third year Public Administration and Policy Ph.D. student on the criminal justice track, and interested in corrections and reintegration.

# Appendix

Core Law Library Materials as recommended by Cathryn Bowie, *Oregon State Law Librarian*

Preference is for electronic access. If unavailable in electronic format, supplemented with hard copy for historical research.

Oregon Supreme Court, Oregon Court of Appeals, and Oregon Tax Court opinions

1. Oregon Revised Statutes
  2. Oregon Session Laws
  3. Citator Service
  4. Oregon Attorney General Opinions
  5. Oregon Law Publications
    - a. Oregon State Bar CLE (BarBooks Online)
    - b. Oregon Criminal Defense Lawyers Association publications
  6. Kirkpatrick on Oregon Evidence
  7. Law Reviews and periodicals
  8. Oregon Blue Book
  9. Oregon State Bar Membership Directory
  10. Court Rules
  11. Oregon Administrative Rules
  12. Local jurisdiction municipal and county code and/or ordinances
- A. Publications—Federal
1. United States Supreme Court and Federal Circuit, and District Court opinions
  2. Citator Services
- B. General Legal Reference
1. Legal and General dictionaries
  2. The Bluebook: A Uniform System of Citation, current edition
  3. American Jurisprudence, 2d
  4. American Law Institute, Restatements of the Law
  5. West Hornbooks
  6. Nutshells
  7. Nolo Press publications

## Endnotes and References

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- <sup>1</sup> Zorza, Richard. (2012, April). *The Sustainable 21st Century Law Library: Vision, Deployment and Assessment for Access to Justice*.
- <sup>2</sup> Oregon Legal Research. (2010, June 2). *Multnomah Law Library in Portland, Oregon*. Retrieved from Oregon Legal Research Blog: <http://blog.oregonlegalresearch.com/2010/06/multnomah-law-library-in-portland-oregon.html>
- <sup>3</sup> ORS 9.815, ORS 9.820: In all counties containing more than 400,000 inhabitants, according to the latest federal decennial census, the county court or board of county commissioners 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, and shall, if the association permits the use of its library by all members of the bar without charge, pay therefore all library fees collected pursuant to ORS 21.350 (1) to the library association or corporation for the use of the library. [Amended by 1963 c.519 §1; 1965 c.619 §3]
- <sup>4</sup> Oregon Statute 9.820
- <sup>5</sup> Ruth Metz Associates. (2010). *Oregons County Law Libraries: Final Report to the LSTA Project Planning Committee Oregon Council of County Law Libraries*.
- <sup>6</sup> Ruth Metz Associates. (2010). *Oregons County Law Libraries: Final Report to the LSTA Project Planning Committee Oregon Council of County Law Libraries*.
- <sup>7</sup> United States Department of Justice Access to Justice Initiative <http://www.justice.gov/atj/>
- <sup>8</sup> U.S. Department of Justice. (n.d.). *The Access to Justice Initiative*. Retrieved August 2014, from The United State Department of Justice: <http://www.justice.gov/atj/>
- <sup>9</sup> American Bar Association. (n.d.). *Resource Center for Access to Justice Initiative*. Retrieved August 2014, from American Bar Association: [http://www.americanbar.org/groups/legal\\_aid\\_indigent\\_defendants/initiatives/resource\\_center\\_for\\_access\\_to\\_justice/state\\_atj\\_commissions.html](http://www.americanbar.org/groups/legal_aid_indigent_defendants/initiatives/resource_center_for_access_to_justice/state_atj_commissions.html)
- <sup>10</sup> Milwaukee Justice Center. (n.d.). *Milwaukee Justice Center Mobile Legal Clinic*. Retrieved August 2014, from goMilwaukee: <http://milwaukee.gov/MJC/MJC-Mobile-Legal-Clinic.htm>
- <sup>11</sup> Travis County Law Library. (2011, December 28). *Self Help Center Services*. Retrieved August 2014, from Travis County Law Library: [http://www.traviscountylawlibrary.org/ProSe\\_Clinic1.html](http://www.traviscountylawlibrary.org/ProSe_Clinic1.html)
- <sup>12</sup> The Lawyers Campaign for Equal Justice. (n.d.). *Oregon Access to Justice Coalition*. Retrieved August 2014, from The Lawyers Campaign for Equal Justice: [http://cej-oregon.org/access\\_coalition.php](http://cej-oregon.org/access_coalition.php)
- <sup>13</sup> In the Scope of Work drafted between the Multnomah County Circuit Court and the Center for Public Service (CPS) at Portland State University (PSU), the term “legal resource center” was used to describe a center that would provide, amongst other things, court-related information, law library materials, referrals, and other support to *pro se* litigants. In the course of studying this issue, the terms “self-help center” or “self-help services” are found to be used more widely in the legal and law librarian communities – e.g. the American Bar Association (ABA)’s website listing local resources for self-represented litigants on a state-by-state level is titled “Self-Help Centers.” [http://www.americanbar.org/groups/delivery\\_legal\\_services/resources/pro\\_se\\_unbundling\\_resource\\_center/self\\_service\\_centers.html](http://www.americanbar.org/groups/delivery_legal_services/resources/pro_se_unbundling_resource_center/self_service_centers.html). Additionally, “self-help” is how many courts refer to their resources and websites that are meant to assist self-represented parties. See, e.g., “Self-Help Resources,” Sacramento County Public Law Library, <http://www.saclaw.org/pages/self-help-topics.aspx> (last accessed: June 2, 2014).
- <sup>14</sup> 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*, 1, Apr. 2014.
- <sup>15</sup> 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*, 1, Apr. 2014.
- <sup>16</sup> *Id.*, at 2 (describing 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, 2009 Directory of Library-Based Self-Help Programs, Self-Represented Litigation Network, 2009 (available at: <http://www.aallnet.org/sections/sccll/toolkit/Self-Representation-Resources/directory.pdf>).

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<sup>17</sup> 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. 09, 2006) (available at: <http://www.selfhelpsupport.org/search/attachment.78594>).

<sup>18</sup> 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*, 1, Apr. 2014.

<sup>19</sup> 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*, 10, Apr. 2014.

<sup>20</sup> 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*, 9-10, Apr. 2014.

<sup>21</sup> 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; 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. 09, 2006) (available at: <http://www.selfhelpsupport.org/search/attachment.78594>).

<sup>22</sup> Self-Represented Litigation Network, *Best Practices in Court-Based Programs for the Self-Represented: Concepts, Attributes, Issues for Exploration, Examples, Contacts, and Resources*, National Center for State Courts, State Justice Institute, introduction (2008 ed.).

<sup>23</sup> Richard Zorza, *The Sustainable 21<sup>st</sup> Century Law Library: Vision, Deployment and Assessment for Access to Justice*, 6 (Apr. 2012).

<sup>24</sup> See generally John M. Greacen, *Self Represented Litigants and Court and Legal Services Responses to their Needs: What we Know*, Greacen Assoc., LLC, 1 (Jul. 20, 2002).

<sup>25</sup> Richard Zorza, *The Sustainable 21<sup>st</sup> Century Law Library: Vision, Deployment and Assessment for Access to Justice*, 17 (Apr. 2012).

<sup>26</sup> *Law Libraries and Access to Justice: A Report of the American Association of Law Libraries Special Committee on Access to Justice* (Draft, Jul. 2014) (draft copy obtained courtesy of Rita Dermody, Director, Public Law Library of King County).

<sup>27</sup> Richard Zorza, *The Sustainable 21<sup>st</sup> Century Law Library: Vision, Deployment and Assessment for Access to Justice*, 17 (Apr. 2012).

<sup>28</sup> Law Librarians' Working Group, *Law Library Self-Help Programs and Services Summary: Executive Summary April 2014*, Self-Represented Litigation Network (Apr. 2014), available at: <http://www.selfhelpsupport.org/surveys/attachment.251229>.

<sup>29</sup> Law Librarians' Working Group, *Law Library Self-Help Programs and Services Summary: Executive Summary April 2014*, Self-Represented Litigation Network (Apr. 2014), available at: <http://www.selfhelpsupport.org/surveys/attachment.251229>.

<sup>30</sup> Law Librarians' Working Group, *Law Library Self-Help Programs and Services Summary: Executive Summary April 2014*, Self-Represented Litigation Network (Apr. 2014), available at: <http://www.selfhelpsupport.org/surveys/attachment.251229>. Despite this schema, it should be remembered that this list of services is by no means exhaustive.

<sup>31</sup> Richard Zorza, *The Sustainable 21<sup>st</sup> Century Law Library: Vision, Deployment and Assessment for Access to Justice*, 19 (Apr. 2012).

<sup>32</sup> Minnesota Statewide Law Library/Self-Help Center Project Advisory Workgroup, *Report of the Statewide Law Library/Self-Help Center Project Advisory Workgroup*, 8 (Jan. 17, 2007), available at: <http://mn.gov/lawlib/StatewideLLReport.pdf>.

<sup>33</sup> See, e.g., Richard Zorza, *The Sustainable 21<sup>st</sup> Century Law Library: Vision, Deployment and Assessment for Access to Justice*, (Apr. 2012); Minnesota Statewide Law Library/Self-Help Center Project Advisory Workgroup, *Report of the Statewide Law Library/Self-Help Center Project Advisory Workgroup*, 8 (Jan. 17, 2007), available at: <http://mn.gov/lawlib/StatewideLLReport.pdf>.

<sup>34</sup> Richard Zorza, *The Sustainable 21<sup>st</sup> Century Law Library: Vision, Deployment and Assessment for Access to Justice*, 18–19 (Apr. 2012).

<sup>35</sup> Richard Zorza, *The Sustainable 21<sup>st</sup> Century Law Library: Vision, Deployment and Assessment for Access to Justice*, 19 (Apr. 2012) (triage 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 . . . .”).

<sup>36</sup> “Oregon Revised Statutes (ORS), 2013 Edition,” *Oregon State Legislature*, available at: [https://www.oregonlegislature.gov/bills\\_laws/Pages/ORS.aspx](https://www.oregonlegislature.gov/bills_laws/Pages/ORS.aspx); “2011 Oregon Revised Statutes,” *OregonLaws.org*, available at: [http://www.oregonlaws.org/oregon\\_revised\\_statutes](http://www.oregonlaws.org/oregon_revised_statutes).



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<sup>37</sup> For example, OregonLaws.org, a free online resource for searching the Oregon Revised Statutes, was created by an attorney while he was a law school student who wanted a way to access to ORS online “that was easy to read, browse, and search. . . .” “WebLaws.org – About Us,” *OregonLaws.org*, [http://www.weblaws.org/cms/about\\_us](http://www.weblaws.org/cms/about_us) (last accessed: Aug. 9, 2014). While OregonLaws.org demonstrates that people can make the law more accessible to the public through the Internet, it remains both unauthoritative and out-of-date: as of August 2014, it referenced only the 2011 version of the ORS. *Id.*

<sup>38</sup> Self-Represented Litigation Network, Best Practices in Court-Based Programs for the Self-Represented: Concepts, Attributes, Issues for Exploration, Examples, Contacts and Resources, 43 (2008). See also Minnesota Statewide Law Library/Self-Help Center Project Advisory Workgroup, Report of the Statewide Law Library/Self-Help Center Project Advisory Workgroup, 8-9 (Jan. 17, 2007), available at: <http://mn.gov/lawlib/StatewideLLReport.pdf>.

<sup>39</sup> Self-Represented Litigation Network, Best Practices in Court-Based Programs for the Self-Represented: Concepts, Attributes, Issues for Exploration, Examples, Contacts and Resources, 44 (2008).

<sup>40</sup> Richard Zorza, The Sustainable 21<sup>st</sup> Century Law Library: Vision, Deployment and Assessment for Access to Justice, 20 (Apr. 2012).

<sup>41</sup> 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).

<sup>42</sup> 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, 3, 4, 8 (Apr. 2014).

<sup>43</sup> This last point bears mentioning. On a site visit to the Clackamas County Law Library, librarian Jennifer Daghish made certain to point out that their library had purchased new microfilm/microfiche readers and printers for their library. Ms. Daghish noted that while microfilm/microfiche is derided as an obsolete technology, important records such as older versions of the Oregon Revised Statutes are presently only available 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.

<sup>44</sup> Law Libraries and Access to Justice: A Report of the American Association of Law Libraries Special Committee on Access to Justice 12 (Draft, Jul. 2014) (draft copy obtained courtesy of Rita Dermody, Director, Public Law Library of King County).

<sup>45</sup> Self-Represented Litigation Network, Best Practices in Court-Based Programs for the Self-Represented: Concepts, Attributes, Issues for Exploration, Examples, Contacts and Resources, 4 (2008).

<sup>46</sup> Law Libraries and Access to Justice: A Report of the American Association of Law Libraries Special Committee on Access to Justice 13-14 (Draft, Jul. 2014) (draft copy obtained courtesy of Rita Dermody, Director, Public Law Library of King County) (referencing the fact 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).

<sup>47</sup> “The Public Law Library of King County,” Public Law Library of King County, <http://www.kcll.org/> (last accessed: August 11, 2014); “Home – San Diego Public Law Library,” San Diego Public Law Library, <http://www.kcll.org/> (last accessed: August 11, 2014).

<sup>48</sup> “The Public Law Library of King County,” Public Law Library of King County, <http://www.kcll.org/> (last accessed: August 11, 2014).

<sup>49</sup> “Legal Clinics,” Public Law Library of King County, <http://www.kcll.org/clinics> (last accessed: August 11, 2014).

<sup>50</sup> “Public Law Library Classes,” Public Law Library of King County, <http://www.kcll.org/classes-list> (last accessed: August 11, 2014).

<sup>51</sup> “Public Copiers,” Public Law Library of King County, <http://www.kcll.org/services/copiers> (last accessed: August 11, 2014).

<sup>52</sup> “Document Delivery Service,” Public Law Library of King County, <http://www.kcll.org/services/document-delivery> (last accessed: August 11, 2014).

<sup>53</sup> “Notary Services,” Public Law Library of King County, <http://www.kcll.org/services/notary-services> (last accessed: August 11, 2014).

<sup>54</sup> “Inmate Video Visits,” Public Law Library of King County, <http://www.kcll.org/services/inmate-video-visits> (last accessed: August 11, 2014).

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- <sup>55</sup> Richard Zorza, *The Sustainable 21<sup>st</sup> Century Law Library: Vision, Deployment and Assessment for Access to Justice*, 20 (Apr. 2012).
- <sup>56</sup> Richard Zorza, *The Sustainable 21<sup>st</sup> Century Law Library: Vision, Deployment and Assessment for Access to Justice*, 20 (Apr. 2012).
- <sup>57</sup> Self-Represented Litigation Network, *Best Practices in Court-Based Programs for the Self-Represented: Concepts, Attributes, Issues for Exploration, Examples, Contacts and Resources*, 43 (2008). The Self-Represented Litigation Network also suggests that forms are most effective when *pro se* litigants can also have them reviewed by “attorneys, judges and potential litigants for legal problems as well as areas of potential confusion and improvement.” *Id.*
- <sup>58</sup> Self-Represented Litigation Network, *Best Practices in Court-Based Programs for the Self-Represented: Concepts, Attributes, Issues for Exploration, Examples, Contacts and Resources*, 4 (2008).
- <sup>59</sup> Self-Represented Litigation Network, *Best Practices in Court-Based Programs for the Self-Represented: Concepts, Attributes, Issues for Exploration, Examples, Contacts and Resources*, 4 (2008).
- <sup>60</sup> Self-Represented Litigation Network, *Best Practices in Court-Based Programs for the Self-Represented: Concepts, Attributes, Issues for Exploration, Examples, Contacts and Resources*, 4 (2008).
- <sup>61</sup> See, e.g., Laurie Selwyn and 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-in-question, 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.”)
- <sup>62</sup> Laurie Selwyn and Virginia Eldridge, *Public Law Librarianship: Objectives, Challenges, and Solutions* 43 (2012).
- <sup>63</sup> Laurie Selwyn and Virginia Eldridge, *Public Law Librarianship: Objectives, Challenges, and Solutions* 43 (2012).
- <sup>64</sup> Lauren Adams and Regina L. Smith, “The Evolution of Public Law Libraries,” *AALL Spectrum* 16, 16 (Mar. 2006).
- <sup>65</sup> Laurie Selwyn and Virginia Eldridge, *Public Law Librarianship: Objectives, Challenges, and Solutions* 44 (2012).
- <sup>66</sup> Laurie Selwyn and Virginia Eldridge, *Public Law Librarianship: Objectives, Challenges, and Solutions* 44 (2012).
- <sup>67</sup> Amer. Ass’n of Law Libraries, *County Public Law Library Standards* (2009), available at: <http://www.aallnet.org/main-menu/Leadership-Governance/policies/PublicPolicies/policy-county-standards.html>.
- <sup>68</sup> Amer. Ass’n of Law Libraries, *County Public Law Library Standards* (2009), available at: <http://www.aallnet.org/main-menu/Leadership-Governance/policies/PublicPolicies/policy-county-standards.html>.
- <sup>69</sup> Amer. Ass’n of Law Libraries, *County Public Law Library Standards* (2009), available at: <http://www.aallnet.org/main-menu/Leadership-Governance/policies/PublicPolicies/policy-county-standards.html>.
- <sup>70</sup> Amer. Ass’n of Law Libraries, *County Public Law Library Standards* (2009), available at: <http://www.aallnet.org/main-menu/Leadership-Governance/policies/PublicPolicies/policy-county-standards.html>.
- <sup>71</sup> Or. Rev. Stat. § 9.815 (2013). Multnomah County, however, is exempted from its requirement under ORS 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.*” Or. Rev. Stat. § 9.820 (2013) (emphasis added).
- <sup>72</sup> Laura J. Orr, et al., *State and County Law Libraries, Funding and Governance Grid* (2011), available at: [http://www.co.washington.or.us/LawLibrary/upload/TF\\_Law\\_Libs\\_All\\_States\\_Funding\\_Grid.pdf](http://www.co.washington.or.us/LawLibrary/upload/TF_Law_Libs_All_States_Funding_Grid.pdf).
- <sup>73</sup> Or. Rev. Stat. § 21.005 (2013).
- <sup>74</sup> Or. Rev. Stat. § 21.007 (2013).

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<sup>75</sup> Minn. Stat. §§ 134A.01–.02 (2013); *see also* <sup>75</sup> Minnesota Statewide Law Library/Self-Help Center Project Advisory Workgroup, Report of the Statewide Law Library/Self-Help Center Project Advisory Workgroup, 8 (Jan. 17, 2007), *available at*: <http://mn.gov/lawlib/StatewideLLReport.pdf>.

<sup>76</sup> Minn. Stat. §§ 134A.03–.05 (2013).

<sup>77</sup> Minn. Stat. § 134A.09 (2013).

<sup>78</sup> RCW § 27.24.010.

<sup>79</sup> RCW § 27.24.020.

<sup>80</sup> RCW § 27.24.067. However, counties with a population less than 8,000 persons may choose to allow others free access to the county law library if so provided by rule. RCW § 27.24.068.

<sup>81</sup> “Policies,” Public Law Library of King County, <http://www.kccl.org/contact/policies> (last accessed: Aug. 17, 2014).

<sup>82</sup> Laureen Adams and Regina L. Smith, “The Evolution of Public Law Libraries,” AALL Spectrum 16 (Mar. 2006). Adams and Smith point out that the Los Angeles County Law Library (or LA Law Library, as its website declares), 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> (last accessed: Aug. 17, 2014) (though the LA Law Library says that it 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).

<sup>83</sup> “Jenkins Law Library,” Jenkins Law Library, <https://www.jenkinslaw.org/> (last accessed: Aug. 17, 2014).

<sup>84</sup> Laureen Adams and Regina L. Smith, “The Evolution of Public Law Libraries,” AALL Spectrum 16 (Mar. 2006). 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 1804. “History of the Social Law Library,” Social Law Library, <http://www.sociallaw.com/article.htm?cid=9975> (Last accessed: Aug. 17, 2014). Despite these competing claims, it is unclear which library definitively enjoys the honor of being the nation’s oldest law library.

<sup>85</sup> “About Us,” Jenkins Law Library, <https://www.jenkinslaw.org/about-us> (last accessed: Aug. 17, 2014); Laureen Adams and Regina L. Smith, “The Evolution of Public Law Libraries,” AALL Spectrum 17 (Mar. 2006).

<sup>86</sup> “Become a Member,” Jenkins Law Library, <https://www.jenkinslaw.org/membership/become-member> (last accessed: Aug. 17, 2014).

<sup>87</sup> “Become a Member,” Jenkins Law Library, <https://www.jenkinslaw.org/membership/become-member> (last accessed: Aug. 17, 2014).

<sup>88</sup> Laureen Adams and Regina L. Smith, “The Evolution of Public Law Libraries,” AALL Spectrum 17 (Mar. 2006).

<sup>89</sup> “History of the Social Law Library,” Social Law Library, <http://www.sociallaw.com/article.htm?cid=9975> (last accessed: Aug. 17, 2014).

<sup>90</sup> Laureen Adams and Regina L. Smith, “The Evolution of Public Law Libraries,” AALL Spectrum 17 (Mar. 2006).

<sup>91</sup> “Membership Policy,” Social Law Library, <http://www.sociallaw.com/article.htm?cid=3190> (last accessed: Aug. 17, 2014) (“Whereas, because it is a private institution, access to the Library and its collection and services is restricted. . . and is not for use by members of the general public. . .”).

<sup>92</sup> “Membership Policy,” Social Law Library, <http://www.sociallaw.com/article.htm?cid=3190> (last accessed: Aug. 17, 2014).

<sup>93</sup> “Membership Policy,” Social Law Library, <http://www.sociallaw.com/article.htm?cid=3190> (last accessed: Aug. 17, 2014).

<sup>94</sup> Or. Rev. Stat. §§ 9.815, 9.820 (2013). It should be noted that ORS 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 public availability mandates of ORS 9.815. However, reading these statutes in tandem, it is conceivable that the Multnomah Law Library 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 ORS 9.815.

<sup>95</sup> 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, 3-11, 14, Apr. 2014.

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- <sup>96</sup> See, e.g. Self-Represented Litigation Network, Best Practices in Court-Based Programs for the Self-Represented: Concepts, Attributes, Issues for Exploration, Examples, Contacts and Resources (2008).
- <sup>97</sup> 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 3 (2014).
- <sup>98</sup> Law Libraries and Access to Justice: A Report of the American Association of Law Libraries Special Committee on Access to Justice 26 (Draft, Jul. 2014) (draft copy obtained courtesy of Rita Dermody, Director, Public Law Library of King County).
- <sup>99</sup> LAW LIBRARIES AND ACCESS TO JUSTICE: A REPORT OF THE AMERICAN ASSOCIATION OF LAW LIBRARIES SPECIAL COMMITTEE ON ACCESS TO JUSTICE 26–27 (Draft, Jul. 2014) (draft copy obtained courtesy of Rita Dermody, Director, Public Law Library of King County).
- <sup>100</sup> 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 7–8 (2014).
- <sup>101</sup> A list of recommended core materials can be found in the American Association of Law Libraries' report on County Public Law Library Standards. Amer. Ass'n of Law Libraries, County Public Law Library Standards (2009), available at: <http://www.aallnet.org/main-menu/Leadership-Governance/policies/PublicPolicies/policy-county-standards.html>
- <sup>102</sup> Law Libraries and Access to Justice: A Report of the American Association of Law Libraries Special Committee on Access to Justice 29 (Draft, Jul. 2014) (draft copy obtained courtesy of Rita Dermody, Director, Public Law Library of King County).
- <sup>103</sup> Law Libraries and Access to Justice: A Report of the American Association of Law Libraries Special Committee on Access to Justice 29–30 (Draft, Jul. 2014) (draft copy obtained courtesy of Rita Dermody, Director, Public Law Library of King County). The AALL's report New York State's establishment of Judicial District Help Centers in the counties across the state. 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 with 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 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.
- <sup>104</sup> Law Libraries and Access to Justice: A Report of the American Association of Law Libraries Special Committee on Access to Justice 31–32 (Draft, Jul. 2014) (draft copy obtained courtesy of Rita Dermody, Director, Public Law Library of King County).
- <sup>105</sup> Law Libraries and Access to Justice: A Report of the American Association of Law Libraries Special Committee on Access to Justice 32–33 (Draft, Jul. 2014) (draft copy obtained courtesy of Rita Dermody, Director, Public Law Library of King County).
- <sup>106</sup> Richard Zorza, The Sustainable 21<sup>st</sup> Century Law Library: Vision, Deployment and Assessment for Access to Justice, 16 (Apr. 2012) ("... those 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.").
- <sup>107</sup> Self-Represented Litigation Network Law Librarians' Working Group, Directory of Library-Based Self-Help Programs 56 (2006); "Home Page," Travis County Law Library, <http://www.traviscountylawlibrary.org/> (last visited: Aug. 18, 2014); "TexasLawHelp.org," TexasLawHelp.org, <http://texaslawhelp.org/> (last visited: Aug. 18, 2014).
- <sup>108</sup> Self-Represented Litigation Network Law Librarians' Working Group, Directory of Library-Based Self-Help Programs 56 (2006).
- <sup>109</sup> Self-Represented Litigation Network Law Librarians' Working Group, Directory of Library-Based Self-Help Programs 57 (2006).
- <sup>110</sup> Self-Represented Litigation Network Law Librarians' Working Group, Directory of Library-Based Self-Help Programs 57 (2006).
- <sup>111</sup> Sofia Salazar-Rubio, Preparing for Your Day in Court: A Handbook to Self-Representation in the King County Superior Courts (2010), available at: [http://www.kingcounty.gov/courts/~/\\_media/courts/SuperiorCourt/Docs/YourDayInCourtHandbook.aspx](http://www.kingcounty.gov/courts/~/_media/courts/SuperiorCourt/Docs/YourDayInCourtHandbook.aspx).

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- <sup>112</sup> Sofia Salazar-Rubio, Preparing for Your Day in Court: A Handbook to Self-Representation in the King County Superior Courts 11–12 (2010), *available at*: <http://www.kingcounty.gov/courts/~//media/courts/SuperiorCourt/Docs/YourDayInCourtHandbook.ashx>.
- <sup>113</sup> Sofia Salazar-Rubio, Preparing for Your Day in Court: A Handbook to Self-Representation in the King County Superior Courts 13–45 (2010), *available at*: <http://www.kingcounty.gov/courts/~//media/courts/SuperiorCourt/Docs/YourDayInCourtHandbook.ashx>.
- <sup>114</sup> “Public Law Library of King County,” Public Law Library of King County, [www.kcll.org](http://www.kcll.org) (last visited: Aug. 18, 2014). The services and features of the KCLL’s self-help website will be discussed in greater detail in the Best Practices section, *infra*.
- <sup>115</sup> “All Web Links A-Z,” Public Law Library of King County, <http://www.kcll.org/web-links> (last visited: Aug. 18, 2014).
- <sup>116</sup> *See generally*, Self-Represented Litigation Network, Best Practices in Court-Based Programs for the Self-Represented: Concepts, Attributes, Issues for Exploration, Examples, Contacts and Resources (2008).
- <sup>117</sup> Self-Represented Litigation Network, Best Practices in Court-Based Programs for the Self-Represented: Concepts, Attributes, Issues for Exploration, Examples, Contacts and Resources, 10 (2008).
- <sup>118</sup> *Self-Help Centers (4<sup>th</sup> Dist)*, Minn. Judicial Branch, Fourth Dist., <http://www.mncourts.gov/district/4/selfhelp> (last visited: Sept. 11, 2014).
- <sup>119</sup> *What Court Staff Can & Cannot Do for You*, Minn. Judicial Branch, Fourth Dist., <http://www.mncourts.gov/district/4/?page=1204> (last visited: Sept. 11, 2014).
- <sup>120</sup> *Self-Help Centers (4<sup>th</sup> Dist)*, Minn. Judicial Branch, Fourth Dist., <http://www.mncourts.gov/district/4/selfhelp> (last visited: Sept. 11, 2014).
- <sup>121</sup> *Online Self-Help Center*, Judicial Branch of Cali
- <sup>122</sup> Self-Represented Litigation Network, Best Practices in Court-Based Programs for the Self-Represented: Concepts, Attributes, Issues for Exploration, Examples, Contacts and Resources, 19 (2008).
- <sup>123</sup> Self-Represented Litigation Network, Best Practices in Court-Based Programs for the Self-Represented: Concepts, Attributes, Issues for Exploration, Examples, Contacts and Resources, 1 (2008).
- <sup>124</sup> Self-Represented Litigation Network, Best Practices in Court-Based Programs for the Self-Represented: Concepts, Attributes, Issues for Exploration, Examples, Contacts and Resources, 1–2 (2008).
- <sup>125</sup> Self-Represented Litigation Network, Best Practices in Court-Based Programs for the Self-Represented: Concepts, Attributes, Issues for Exploration, Examples, Contacts and Resources, 2 (2008).
- <sup>126</sup> 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) (available at: <http://www.state.hi.us/jud/hook.htm>)
- <sup>127</sup> David A. Price, Ph.D., & Brenda J. Wagenknecht-Ivey, Ph.D., Evaluation of the Ho’okele Court Navigation Project 47–48 (2001) (available at: <http://www.centerforpublicpolicy.org/file.php/52136/Evaluation+of+the+Ho%27okele+Court+Navigation+project.pdf>).
- <sup>128</sup> David A. Price, Ph.D., & Brenda J. Wagenknecht-Ivey, Ph.D., Evaluation of the Ho’okele Court Navigation Project 47 (2001) (available at: <http://www.centerforpublicpolicy.org/file.php/52136/Evaluation+of+the+Ho%27okele+Court+Navigation+project.pdf>).
- <sup>129</sup> Self-Represented Litigation Network, Best Practices in Court-Based Programs for the Self-Represented: Concepts, Attributes, Issues for Exploration, Examples, Contacts and Resources 2–3 (2008).
- <sup>130</sup> *See e.g.*, the Self-Represented Litigation Network’s praise for the Hennepin County self-help center’s integration with courthouse operations. Self-Represented Litigation Network, Best Practices in Court-Based Programs for the Self-Represented: Concepts, Attributes, Issues for Exploration, Examples, Contacts and Resources 10 (2008).

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<sup>131</sup> LaJean Humphries, *Oregon County Law Library Consultant Grant: LSTA Peer Evaluation*, 5 (Feb. 2011), available at:

[http://www.co.washington.or.us/LawLibrary/upload/TF\\_LSTA\\_Evaluator\\_Report\\_Feb2011-2.pdf](http://www.co.washington.or.us/LawLibrary/upload/TF_LSTA_Evaluator_Report_Feb2011-2.pdf) (emphasis added).

<sup>132</sup> LaJean Humphries, *Oregon County Law Library Consultant Grant: LSTA Peer Evaluation*, 3 (Feb. 2011), available at:

[http://www.co.washington.or.us/LawLibrary/upload/TF\\_LSTA\\_Evaluator\\_Report\\_Feb2011-2.pdf](http://www.co.washington.or.us/LawLibrary/upload/TF_LSTA_Evaluator_Report_Feb2011-2.pdf) (emphasis added).

<sup>133</sup> LaJean Humphries, *Oregon County Law Library Consultant Grant: LSTA Peer Evaluation*, 5 (Feb. 2011), available at:

[http://www.co.washington.or.us/LawLibrary/upload/TF\\_LSTA\\_Evaluator\\_Report\\_Feb2011-2.pdf](http://www.co.washington.or.us/LawLibrary/upload/TF_LSTA_Evaluator_Report_Feb2011-2.pdf).

<sup>134</sup> LaJean Humphries, *Oregon County Law Library Consultant Grant: LSTA Peer Evaluation*, 5 (Feb. 2011), available at:

[http://www.co.washington.or.us/LawLibrary/upload/TF\\_LSTA\\_Evaluator\\_Report\\_Feb2011-2.pdf](http://www.co.washington.or.us/LawLibrary/upload/TF_LSTA_Evaluator_Report_Feb2011-2.pdf). 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 graduate move to all electronic," *AALL SPECTRUM*, 17 (Mar. 2013) ("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).

<sup>135</sup> LaJean Humphries, "Cheaper Online? Our firm library's graduate move to all electronic," *AALL Spectrum*, 17 (Mar. 2013).

<sup>136</sup> See, e.g. 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 Associates, *Oregon's County Law Libraries: Final Report to the LSTA Project Planning Community Oregon Council of County Law Libraries 14* (2010) ("[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.")

<sup>137</sup> See, e.g. LaJean Humphries, "Cheaper Online? Our firm library's graduate move to all electronic," *AALL Spectrum*, 17-19 (Mar. 2013) (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).

<sup>138</sup> Interview, Mari Cheney, Digital Resources and Reference Librarian, Lewis & Clark Law School, Portland, Oregon (Apr. 29, 2014) (notes on file with author).

<sup>139</sup> LaJean Humphries, *Oregon County Law Library Consultant Grant: LSTA Peer Evaluation*, 5 (Feb. 2011), available at:

[http://www.co.washington.or.us/LawLibrary/upload/TF\\_LSTA\\_Evaluator\\_Report\\_Feb2011-2.pdf](http://www.co.washington.or.us/LawLibrary/upload/TF_LSTA_Evaluator_Report_Feb2011-2.pdf).

<sup>140</sup> See, e.g., Interview, Shane Marmion, Vice President, Product Development, William S. Hein & Co., Inc. (May 28, 2014). While Mr. 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 "Digital Services for Libraries," HeinOnline, <http://heinonline.org/HeinDocs/DigitalServices.pdf>. However, some libraries now actively refuse to archive their materials in any microform. See Marilyn Moody, Dean, Portland State University Library (May 28, 2014) (notes on file with author).

<sup>141</sup> Interview, Shane Marmion, Vice President, Product Development, William S. Hein & Co., Inc. (May 28, 2014). Hein's Vice President did state 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, Mr. 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. *Id.*

<sup>142</sup> Oregon State Bar and Oregon Judicial Department. (2011). *Report from the OJD/OSB Task Force on Family Law Forms and Services*. Oregon State Bar.

<sup>143</sup> Dale, M. D. (2000). *The State of Access to Justice in Oregon*. Oregon State Bar.

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- <sup>144</sup> Vangelisti, R. (2014, April). Equal Justice & Our Profession. *Multnomah Lawyer*, 60(4), pp. 1-2.
- <sup>145</sup> *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*. (n.d.). Retrieved 2014, from Conference of Chief Justices: [ccj.ncsc.org](http://ccj.ncsc.org)
- <sup>146</sup> *Ibid.*
- <sup>147</sup> *Ibid.*
- <sup>148</sup> Zorza, R. (2012, April). *The Sustainable 21st Century Law Library: Vision, Deployment and Assessment for Access to Justice*.
- <sup>149</sup> State Family Law Advisory Committee's Self-Represented Legal Services Subcommittee. (2007). *Self Representation in Oregon's Family Law Cases: Next Steps*. Salem: State Family Law Advisory Committee of the Oregon Judicial Department
- <sup>150</sup> U.S. Census Bureau. (2014, July 8). *Multnomah County, Oregon*. Retrieved from State and County Quickfacts: <http://quickfacts.census.gov/qfd/states/41/41051.html>
- <sup>151</sup> Zorza, R. (2012, April). *The Sustainable 21st Century Law Library: Vision, Deployment and Assessment for Access to Justice*.
- <sup>152</sup> Laureen Adams and Regina L. Smith, "The Evolution of Public Law Libraries," *AALL Spectrum* 33 (Mar. 2006). Interestingly, this sentiment is expressed by the directors of the two oldest private law libraries in the United States. *Id.*
- <sup>153</sup> Richard Zorza, *The Sustainable 21st Century Law Library: Vision, Deployment and Assessment for Access to Justice*, 21 (Apr. 2012) (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.").
- <sup>154</sup> Zorza, R. (2012, April). *The Sustainable 21st Century Law Library: Vision, Deployment and Assessment for Access to Justice*.
- <sup>155</sup> Self-Represented Litigation Network, *Best Practices in Court-Based Programs for the Self-Represented: Concepts, Attributes, Issues for Exploration, Examples, Contacts and Resources*, 4 (2008).
- <sup>156</sup> Yeh, C.-M., Griller, G., Hall, N., & Sayles, D. (2014). *Multnomah County, Oregon, Circuit Court New Central Courthouse Planning and Space Programming: Final Report*. Denver: National Center For State Courts.
- <sup>157</sup> Washington State Bar Association. (n.d.). *Limited License Legal Technicians*. Retrieved August 2014, from Licensing and Lawyer Conduct: <http://www.wsba.org/licensing-and-lawyer-conduct/limited-licenses/legal-technicians>
- <sup>158</sup> Standing Committee on Pro Bono & Public Service and the Center for Pro Bono. (2014, March 7). *Continuing Legal Education/Pro Bono State Rules*. Retrieved August 2014, from American Bar Association: <http://apps.americanbar.org/legalservices/probono/clerules.html>