

7. The Role of Public Libraries in the Access to Justice Movement

Public Libraries and Access to Justice: **7. The Role of Public Libraries** **in the Access to Justice Movement**



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Editorial Panel

- Hon. Lora Livingston, Travis County District Court
- Tina Sibbitt, New Mexico ATJ Commission
- Richard Zorza, Self-Represented Litigation Network

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Concept of Networking and Access Institutions

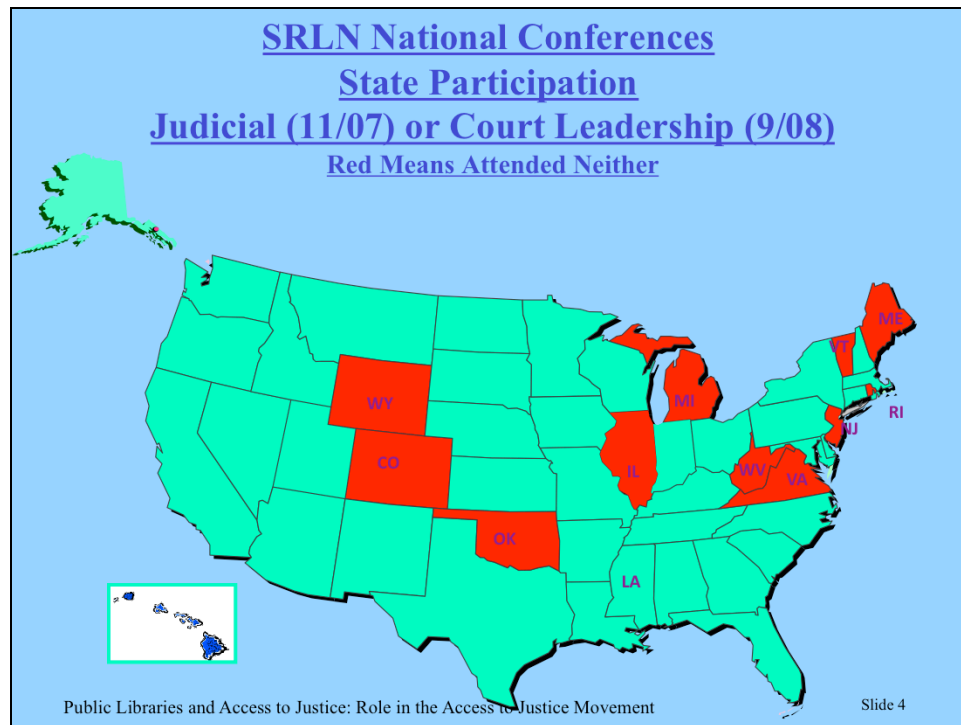
- Value of partnering and broader shared vision
- Commissions bring together courts, bar, legal aid, other stakeholders
- Think of commissions as model organizers of gateways to government

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Although to some extent, the access to justice commission model sprang from single or joint efforts of the judiciary and the bar to respond to federal limitations on the scope of services provided by legal aid, one of its earliest recognitions was that the courts and legal aid offices are not the only gateways to government and to legal information. All government agencies visited by users of their services to access legal information or services were an obvious first choice for invitations to take a seat at the table. A not so obvious choice were other public offices where people go for legal information, and in particular, not only related community support services, law schools and law libraries but also public libraries. A central goal of access to justice commissions is to bring together all appropriate stakeholders to the table to communicate, share information and come up with a unified, central plan to address the best mechanisms to provide access.

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This slide shows the range of states that have participated through their courts in the Self-Represented Litigation Conferences, prior to the Librarians Conference.

The 30 Commissions and Their Major Areas of Activity

- Civil legal aid funding
- Pro bono
- Public awareness about need for access
- Self-represented litigants/court access

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Any state plan for the provision of legal services logically has to address not only LSC-funded services, but also those services and needs that fall outside of that funding source. Access to justice commissions were able to address all such legal needs and to look beyond the limits of legal aid organizations, which again necessitated bringing all stakeholders to the table. Major areas of commission activity are (1) civil legal aid funding (again, not limited to LSC-funded providers), (2) promoting and facilitating pro bono legal services, (3) raising public awareness about the need for access and (3) increasing court access and case processing for self-represented litigants. Even in those states where commissions (or their equivalents) were initiated by the bar, judicial leadership has proved to be key to both moving forward and to effectuate recommendations for case processing reforms in the courts.

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Commissions in the States

- Roughly 30 states have Commissions/ similar entities
- See materials for your states

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For court orders or other documents creating commissions, principles guiding state systems for the delivery of civil legal services, and other information regarding commissions across the states, see www.ATJsupport.org.

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Alternatives Where No Commissions

- Pro Se Task Forces, Committees
- Bar Foundations/IOLTA groups
- Statewide Legal Aid

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One of the earliest commissions or bodies was the Washington Access to Justice Board created by that state's supreme court in 1994. The New Mexico Access to Justice Commission was created in or around 2004 by supreme court order, but was preceded by a statewide Pro Se Working Group in 2000, followed by a Self Represented Litigant (SRL) Task Force that worked mainly with court staff. The Task Force was subsumed into the commission as the SRL Working Group and brought in more stakeholders, while the other working groups of the commission deal with non-SRL functions as described in a prior slide.

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Typical Current Commission Activities

- Lobbying for money for legal aid
- Needs assessment
- Attempts to get fungible numbers
- Attempts to avoid duplication in services
- Long term integrated planning
- Support for rules changes for unbundling
- Supporting creation of self-help programs

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These activities are often performed by subgroups, or working groups, within the commission. New Mexico, for example, has four working groups: (1) Pro Bono/Communications/Outreach, (2) Resource Development, (3) System Planning, (4) Legislative/Rules and (5) SRL/Technology/Forms. Statistics are needed not only to assess and educate about unmet legal needs in the state (in LSC terminology, the “Legal Needs/Gap Study”), but also to measure the effective of pro bono programs (i.e., is the program resolving or meeting legal needs in proportion to the overall cost of such program?). Reports of commissions are often organized along the lines of these listed functions. See www.ATJsupport.org under “Documents and Resources.”

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What Commissions Need from Public Libraries

- Sense of changing public need
- Support as model access point to services
- Participation in organizing activities

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Libraries can assist commissions with many of the foregoing commission activities, including gathering data from people using the library as a gateway to legal information. Libraries can educate commissions on what type of legal questions people are asking and on how the library typically answers such questions. Possible partnerships with legal aid organizations to provide services in the libraries can be explored, or at least, solid referrals can be agreed upon.

What Public Libraries Need from Commissions

- Recognition of key role as access point
- Support for resources to fulfill that role
- Acceptance at table in overall planning
- Recognition of changed role in recession

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Library management and staff should be invited to participate as working group members in commissions, if not as outright commissioners. Inviting such participation recognizes the library's key role as an access point for people seeking information and help with legal needs. When resources are identified that will enable libraries to better provide such information and assistance, the commission should support/lobby for libraries to get those resources, just as the commission seeks to increase funding for civil legal aid organizations. Meaningful dialogue in the commission's working groups provides a broader scope of overall planning with libraries playing an integral role in being a gateway for legal access. The data library staff can gather on number and types of legal questions asked, can, in addition to assisting the commission in its duties, show that in economic recessions, the public turns to public libraries in even greater numbers for information and help with job listings, applications, unemployment benefits, child support enforcement or modification, foreclosures, bankruptcies, landlord/tenant etc.

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State Access Agenda for Public Libraries

- State plan integrated with other providers
- Ability to deliver informational services statewide
- Clarity and support on ethical role
- Materials updating program
- Diagnostic and support tools

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State plans, often developed or revised by access to justice commissions, should address and integrate the role of public libraries as gateways to legal information and assistance. The general statewide distribution of public libraries is a great plus in providing access when many providers are centrally located only. Commissions can provide ethical guidance to library staff as they broaden their scope of information services to legal information, but not legal advice. Such ethical guidance should also address privacy concerns. Training in these matters developed for court and legal service provider staff can be adapted to the needs and challenges of library staff. Legal resources and materials will require updating, as will diagnostic tools such as the FAQ template.

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Getting on a Commission/Body

- Most Commissions appointed by State Supreme Court
- Members often represented designated groups
- Creation/appointment documents available at www.ATJsupport.org
- Librarian could be added as designated seat

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Most commissioners are appointed by the state supreme court, and most appointees represent a designated group, such as the state bar, legal service providers, big law firms, IOLTA staff, judges/court administrators, and paralegal divisions. Creation/appointment documents are available at www.ATJsupport.org. Law or public librarians could be added as a designated seat on a commission or at least as integral working group members. The appointing body could be approached about creating this category of designated seat, and/or appropriate library management or staff should apply for a commission seat when such is open and advertised.

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Other Forms of Participation

- Participation through Commission's committee structure
- In some states, there is a separate Supreme Court Pro Se/SRL Task Force

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Before seeking a seat on a commission, or until a vacancy occurs, library representatives should seek to join, attend and perform as working group or committee members. They should also make it known among working group members that they seek to serve in leadership capacities on the commission. In some states, pro se task forces still exist in addition to or as a working group of a commission, providing a natural forum for librarians to express their positions and to contribute to plans to better provide legal information and services.

No Commission States – Options for Action

- Alternative bodies
- Court can be approached to play role without commission
- Libraries can set up information access programs and bring in partners as needed
- Model as gateway to governmental institutions

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Where no formal commissions have been established, library representatives can seek out alternative bodies such as pro se task forces or perhaps state bar committees addressing equal access to justice or public legal services and programs. Library systems may already have established their own committee on these issues. Where courts or the state bar have not yet addressed this topic, library representatives could approach them to do so, utilizing the material and creation document models and principles appearing at www.ATJsupport.org. Alternatively, or in addition, libraries can set up their own information access programs (using, for example, model FAQ templates) and bring in the other stakeholders just as a commission would. Either on their own, or ideally, as integral members of access to justice commissions, libraries can fill a leadership role and be models of gateways to governmental institutions and information.

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Public Library Networking- Advocacy Through Commissions

- Long term role will be as funnel for new money
- Includes comprehensive plan in which access points are key to cost reduction and leveraging technology
- Possibility of radical changes in system in next few years – opportunity to be at the table

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In changing economic times when the budgets of agencies, governmental institutions, educational systems and public libraries are all on the chopping block, survival demands cooperation and partnership, not cut-throat competition. Libraries should leap at the opportunity to be at the table of access to justice commissions in developing better means to meet the public's demand and need for legal information. By utilizing best practices, data gathering and information-sharing, libraries can show how their enhanced information services reduce costs to the overall system, leverage technology, and perform the fundamental obligation of government to provide its services equally to all.

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Getting Support

- Short term
- Long term

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Building short term support for libraries as gateways requires a first step of collaboration among law and public libraries to develop a plan for representation on access to justice commissions, or if that is not possible or does not yet exist, to take a leadership role. The next step is to achieve that representation or start that leadership role. Long term support requires bringing in all the partners or stakeholders in the access to justice effort.