

Members' Briefing

Pro Bono in Law Libraries

Law Librarians Working for the Public Good

The law library examples included below highlight collaborative pro bono legal efforts underway in various types of organizations. Members of the Special Committee on Pro Bono Partnerships gathered information via library surveys and by direct contacts.

State, Court, and County Law Libraries

by Pamela Gregory and Marcus Hochstetler

State, court, and county law libraries are partnering with pro bono programs with increasing regularity. Often these libraries have a physical presence in the courthouse and allow pro bono attorneys and patrons to meet and share information. The primary partnerships in these cases are ones where the library is a host for a local legal aid program during the week. Often the bar association runs these programs, or in some cases the staff facilitate the scheduling of appointments with patrons.

Each law library must make a determination as to whether it has the space, staff time, and willingness to support pro bono activities in its library. There are various levels of support depending on these choices. The following examples are just some of the ongoing partnerships that have developed across the country.

In Texas, the staff of Travis County Law Library teamed up with local and state bar leaders to help with the creation of the legal aid Web site, www.texasla.whelp.org. In addition, the library hired two in-house reference attorneys part time to work with the public for a total of 40 hours each week. It also hired a part-time bilingual reference attorney to work eight hours per week.

In Washington, the King County Law Library hosts two local bar association legal aid clinics each week in three small conference rooms. The Housing Justice Project helps represent low-income clients in eviction hearings, and the Neighborhood Legal Clinic offers half-hour sessions with pro-bono attorneys who offer advice with the understanding that they will not represent the patrons in court.

In Wisconsin, the staff at the Dane County Legal Resource Center for the Wisconsin State Law Library schedule half-hour

sessions with local pro bono attorneys for the Small Claims Assistance clinic, which is held two hours per week. They refer patrons to three other programs held weekly within the courthouse: Family Law Assistance, Family Court Assistance Project, and Restraining Order Clinic, which offer a total of 18 hours per week of service to the public.

In Minnesota, Anoka County Law Library and Dakota County Law Library coordinate pro bono clinics in collaboration with the local courts, legal assistance agencies, and volunteer attorneys. Sessions for self-represented litigants take place in library conference rooms; law librarians often provide supplemental self-help resources, forms, and videos to clinic customers.

New developments in Web site resources and technologies help enhance services provided by pro bono attorneys and are increasingly available in state, county, and court law libraries. In Maryland, the People's Law Library's award-winning legal self-help Web site has partnered with existing pro se outreach sites, public libraries, court family service coordinators, senior centers, and other community outreach sites where the host agency agrees to sponsor a site. For example, in Allegany County, the Allegany Law Foundation and the court provided access through six public library sites; there are 50 links with St. Mary's County Public Libraries.

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Law Librarians and Pro Bono: Doing Well by Doing Good

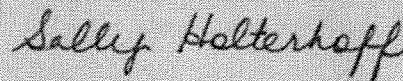
Within the legal profession, the provision of pro bono services is an established tradition. Librarians who work for law firms, law schools, and court or government libraries are well-positioned to be valuable partners in pro bono work. When we participate in collaborative efforts and provide public users with legal information resources, we serve the public good while also raising our visibility within the legal community.

Many partnerships already exist, but the need is great and there is much more to be done. During 2006-2007, members of the AALL Special Committee on Pro Bono Partnerships collected information about such activities that currently involve law librarians and identified potential new collaborations for law librarians in many states. This *Briefing* reports on some of the interesting projects and possibilities they discovered.

Across the country, librarians in state, court, and county law libraries create legal self-help Web sites and host legal aid programs conducted by bar associations. Within law firms, librarians assist attorneys representing pro bono clients. In academia, law librarians provide reference support for students doing pro bono work in family law or housing clinics, in externships, and in student organizations providing tax preparation assistance to the public.

To identify ideas for future cooperation, the special committee contacted providers of pro bono services around the country and asked in what new ways these organizations might welcome the assistance of law librarians. The suggestions they made are listed as part of this *Briefing*.

Improving the quality of justice and making legal information readily accessible to the public—these are core values for law librarians. After reading and discussing this *Members' Briefing*, I hope many more of us will rise to the challenge by becoming strong and visible partners in pro bono work.



Sarah G. Holterhoff
AALL President 2006-2007

What You Can Do

What pro bono providers want from law librarians:

- Train pro se.
- Serve as mentors for law students learning online programs and working in clinical programs.
- Make referrals to your clinics.
- Help design Web site court forms.
- Help get pro se resources to the public.
- Help volunteer attorneys with legal research and access to resources.
- Offer training videos to volunteer lawyers.
- Develop classes—work with bar programs; refer to bar programs.
- Help pro se with needed court forms.
- Maintain a collection of court forms.
- Serve as a host site for pro se clinics.
- Provide information on other state/federal services that might help clients.
- Provide Web site development help.
- Develop training programs for public librarians in areas without public law libraries.
- Collaborate in grant funding efforts to develop programs and services.

Private Firm Law Libraries

by Scott Larson and Jill Sidford

"You have the right to remain silent"—all of us should know this phrase. Many of us know that the Miranda warning came about as a result of *Miranda v. Arizona*, 384 U.S. 436 (1966), but how many of us know that the warning arose from a law firm's pro bono representation of Ernesto Miranda?

The law firm of Lewis Roca undertook this representation during the appeal of Miranda's rape trial; most likely Lewis Roca's librarians assisted these lawyers with their representation of the client, just as today's law firm librarians assist the members of their firms in their representation of pro bono clients.

When a law firm undertakes a pro bono representation, all of the resources of the firm are utilized. Some pro bono representations may require the library to go further afield to provide support in areas not usually handled by their firms.

A firm law librarian may provide the following support:

- Research the parties involved in public records, news, Internet, court filings, etc.
- Monitor and search court dockets and obtain documents from state and federal courts.
- Monitor federal or state legislation, regulations, and agency rulings. Compile legislative or regulatory histories. Learn the arcane workings of state or federal agencies or specialized adjudicative bodies.

- Identify expert witnesses; check on their qualifications; and search for prior testimony, reports, or publications to determine the positions they have espoused and to determine if that prior work is consistent with the matter at hand.
- Research the subject area of the case, which may be in any field of knowledge. Determine the key information resources in the field. Identify and locate special collections of this information, all pertinent studies, reports, monographs, articles, etc., on the topic. Borrow monographs and obtain articles via interlibrary loan or document delivery to amass a collection of legal or non-legal materials that the attorneys will use to draft documents, pleadings, briefs, etc. Purchase materials for the collection to assist the attorneys with representation of a pro bono client.
- Monitor all media to find information about events; verify information reported by a client; and continue monitoring the media for current developments, trends, or public sentiment about the issues.

Just as the attorneys at Lewis Roca did, firm librarians support their attorneys as they follow the representation through to a resolution and sometimes to the U.S. Supreme Court.

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Academic Law Libraries

by Camille Broussard and Monica Sharum

The role that the academic law library plays in support of pro bono activities varies depending on a number of factors, such as who is doing the pro bono work or the type of law school. The types of pro bono programs offered by law schools tend to be similar.

Pro bono activities are mainly implemented through two different

aspects of the law school curriculum. The more important of these are the clinics; for example, many schools have clinics that focus on family law or housing. Externships are another way in which law schools embrace and encourage their students to participate in pro bono activities. In addition to curriculum-based activities, student organizations also provide pro bono

activities, such as assistance with tax preparation.

While all libraries are open to students engaged in research on behalf of clinics and support these programs within their collection, the services offered by libraries in relation to these programs vary. All the libraries indicate that the librarians will offer reference support for

the students. Harvard's law library, for example, provides specific support to the law school's pro bono programs.

Harvard created a position within the library, titled coordinator of pro bono research. This librarian, who is a licensed attorney, offers research support through consultations for the clinics, research centers, student-run organizations, and independent pro bono projects. This is done in conjunction with the Harvard Law School Pro Bono Service Program.

Several law schools provide specialized presentations to the clinics and externship/internship programs. McGeorge Law School library participates as part of a larger program given to the students working in off-campus externships. In addition, many of the law libraries offer support to the clinic libraries in the areas of collection development or collection maintenance.

While most of the survey information focused on curriculum support for pro bono activities, several of the law libraries noted that some student

activities provided pro bono opportunities. For instance, with the clinics and externship programs, reference services are available. Also, one library stated that space in the library was supplied for the student volunteer tax program, Volunteer Income Tax Assistance.

Support provided to non-law school students seems to be more limited. All the libraries surveyed indicated that reference assistance is available to any patron within the library. The libraries also listed other activities in support of pro bono activities provided by the law school. One law school reported that its pro bono clinic would offer foreign language assistance. Harvard indicated that it has a special committee of its alumni association devoted to public interest activities.

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Ongoing Work of the Special Committee on Pro Bono Partnerships

1. Identify another AALL entity whose mission fits with the committee's, and establish pro bono partnerships within the purview of the SIS, committee, or other AALL entity for ongoing development.
2. Maintain a presence on the AALL Web site, either under the auspices of some other AALL entity or as a special committee page. On the Web site, include a Webpage listing the results that the committee collected from legal aid and bar associations in all 50 states to identify ways to strengthen partnerships with law librarians.
3. A funding request has already gone forward for AALL's support of the Self Represented Litigation Network (SRLN); in addition, AALL should consider appointing a representative to SRLN, as well as AALL becoming an organizational member of SRLN.
4. The Equal Justice Conference is all about pro bono and partnerships. AALL should try to stay involved by sending members to the meetings. For the 2008 meeting in Minneapolis, AALL members should consider developing a program proposal about law librarians and pro bono partnerships.

The Self Represented Litigation Network

by Charles R. Dyer

Recommendation to the AALL Executive Board on Participation in the Self Represented Litigation Network.

As reported in the April 2007 issue of *AALL Spectrum*, and in many other places, the Self Represented Litigation Network (SRLN) was created through the National Center for State Courts with funding from several national legal organizations and state court systems. The network is an "open and growing grouping of organizations and working groups dedicated to fulfilling the promise of a justice system that works for all, including those who cannot afford lawyers and are therefore forced to go to court on their own," according to the SRLN Web site, www.srln.org. "The network brings together courts and access to justice organizations in support of innovations in services for the self represented."

Formally begun in March 2006, the SRLN is very active, having already established several working groups devoted to sharing best practices and models of excellence, developing methods for

problem assessment and triage, promoting appropriate relief, doing research and developing evaluation tools, and performing outreach and marketing, as well as groups working on funding and management. Several law librarians participate in the working groups, and a subgroup of the outreach group is charged with outreach to law librarians.

The SRLN has developed several useful documents now on, or soon to be placed on, www.selfhelpsupport.org. It has held several regional conferences of judges, court personnel, law librarians, legal services providers, and others interested in serving self-represented litigants, and it just held its first national conference in conjunction with the second California conference, May 14-18.

Having begun from a seed grant from the State Justice Institute, the SRLN is actively seeking state court systems and national organizations to provide ongoing support (those already on board are listed on the Web site). The SRLN will establish protocols for the courts and others for working with self-represented

litigants that the AALL Special Committee on Pro Bono Partnerships believes will eventually be seen as the preferred models in most states. It is vital for law librarians to be active in the work of the SRLN in order that public law libraries may remain a valid part of the justice system for self-represented litigants.

It is hereby recommended by the Special Committee on Pro Bono Partnerships that the AALL Executive Board become an organizational supporter of the SRLN, including both ongoing financial support and service on the SRLN's management group. Our recommendation is to begin with \$5,000 per year. It should also encourage participation in the SRLN by law librarians who are offered that opportunity. At some point, the Executive Board may consider appointing an Association representative to SRLN.

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Legal Aid Organizations—State Surveys

by Jean Holcomb

In addition to the surveys conducted by the committee to identify collaborative efforts currently underway in all types of law libraries, the committee members also developed a plan to survey pro bono service providers. The committee hoped to reach out to those who manage pro bono programs in all 50 states to gather information about ways law librarians could work with them to provide services for their clients.

Using the American Bar Association's Web directory of pro bono programs at www.abanet.org/legalservices/probono/directory.html and information from state and local bar association Web sites, the committee began this outreach effort.

All states had at least one program in the listing, while many states had multiple programs. Some provided statewide service; others served a specific community within a smaller geographic area, helping with subjects such as bankruptcy, evictions, family law, refugees, or domestic abuse. During a four-month period, committee members talked with staff members in a wide variety of organizations, including legal service corporation offices, bar pro bono programs, access to justice organizations, county clerks, and university legal clinics.

In telephone and e-mail interviews with more than 40 providers, committee members asked a series of questions related to opportunities these pro bono organization leaders envisioned for collaboration and potential partnerships. They asked for ideas on how to recruit law librarians to work with these organizations, how to get service providers to refer their clients to law libraries, and how law librarians could effectively refer library patrons to the programs. Committee members also asked if the leaders were aware of any existing collaborative efforts between pro bono service providers and law librarians in their areas and states.

During the course of these conversations, common themes emerged. The conversations themselves, regardless of the range of suggestions for collaboration offered, functioned as a public relations opportunity for law librarians to share information about our interest in providing services for a common clientele. Even in sparsely populated states, some pro bono service providers could identify a law librarian by institution and often by name who had provided assistance.

From helping staff attorneys with research to designing Web sites that provide legal research information tools for the public, pro bono service providers understood that law librarians and law library resources could help their clients. Many focused on the role the Web and other communications technologies could play as foundations for collaborations that extend beyond local or state geographic borders, providing creative suggestions for future collaborative efforts.

In discussing the challenges they foresaw for future collaborations, pro bono service providers viewed the "match-making process," where pro bono programs with a need for assistance from a law librarian found a willing law librarian or library to work with them, as a major hurdle. Pro bono program directors shared concerns about developing collaborative service delivery models for states without public law library access points. They wondered who would take the initiative to follow up on the ideas they'd expressed.

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Equal Justice Conference

by Sara Galligan

In pursuit of the AALL special committee's interest in pro bono partnerships, I attended the 2007 Equal Justice Conference (EJC) in Denver. EJC's emphasis on leveraging partnerships to increase access to justice offered some possible opportunities for stronger collaboration with law librarians. The conference is co-sponsored by the American Bar Association and the National Legal Aid and Defender Association and focuses on legal services to the disadvantaged in civil litigation. The efforts and programs of EJC

participants most definitely dovetail with those of law librarians.

Several conference program tracks related to pro bono development, partners, delivery innovations programming, and technology. Program presenters were vitally interested in access to justice, new developments in technology (i.e. Web sites) and delivery systems, and pro bono partners. Many of the attendees I spoke with were genuinely interested in exploring partnership opportunities with law librarians.

AALL should strive to make continued connections with the programs, resources, and pro bono partnership opportunities available through this group. The conference next year takes place in Minneapolis, and AALL and law librarians should consider submitting a proposal for the 2008 program.

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