1996

Legal reference services in public library

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LEGAL REFERENCE SERVICES IN PUBLIC LIBRARIES

**A Thesis Presented to
the Faculty of
the School of Library and Information Science
San Jose State University**

**In Partial Fulfillment
of the Requirements for the Degree
Master of Library and Information Science**

**by
Yuko Kikukawa-Neal**

August, 1996

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ABSTRACT

LEGAL REFERENCE SERVICE IN PUBLIC LIBRARIES

by Yuko Kikukawa-Neal

The purpose of this study is to identify the problems encountered by public librarians who assist library users with legal information needs and to offer possible solutions to resolve these problems. The literature suggests major areas of concern which need attention to improve general legal reference service, including legal collections, legal education, referral, and unauthorized practice of law. A survey method was employed to evaluate the current state of affairs of legal reference service in public libraries. The goal was to determine whether the problems indicated in the literature review continue to exist today and to identify new problems not covered in the literature. Survey results confirmed that public librarians continue to experience many problems when receiving legal queries. Several recommendations were presented to improve overall legal reference service in public libraries. Suggestions for future research are provided.

DEDICATIONS AND ACKNOWLEDGEMENTS

DEDICATIONS

In memory of Dr. Akira Kikukawa, my father.

To Jeffrey, my husband.

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I. Introduction

You are sitting at the reference desk of a public library. A patron approaches and asks, "How can I get a divorce?" or "What forms do I need to fill out to file for bankruptcy?" or "I am being evicted; what can I do?" Aside from the feeling of sheer panic, many thoughts may flash through your mind. Does the library have sufficient legal materials to answer this question? I have so little formal training in legal information or research; how far can I proceed in attempting to answer inquiries on the law? Do I give the patron a telephone number of our local county law library or another agency to call for information? I don't want to get sued. How do I determine what constitutes proper reference service and what crosses over into the realm of unauthorized practice and/or improper legal advice? These are among the myriad concerns that confront public library reference librarians when approached with legal reference questions. Legal queries are often intimidating and unclear. Understandably librarians have been confused in these situations.

Statistics published on behalf of the U.S. state courts indicate that people residing in the United States continually encounter situations and problems that involve the law.¹ To deal with these problems effectively, they may want to find

¹ See Brian J. Ostrom and Neal B. Kauder, *Examining the Work of State Courts, 1993: A National Perspective from the Court Statistics Project* (Williamsburg: State Justice Institute, 1995). This report reveals a substantial increase in civil, criminal, domestic relations, juvenile, traffic, and ordinance cases filed in the state courts since 1984. A ten-year growth rate between 1984 and 1993 was calculated at 30

out what the relevant law is and how it affects them. Lawyers in private practice or free legal clinics are an obvious source of this legal information. However, intimidated by the physical appearance of many law offices, by rumors of high fees, or by the lawyers themselves, it seems that people do not resort to lawyers until a serious or complex legal situation leaves them no choice.²

The public library is one of the few agencies through which a U.S. resident may obtain free access to information about the law. Friedland,³ Mills,⁴ and Jewett⁵ specifically address the issue of access to the law and the role of public libraries in that effort. Martin Friedland, in his study, "Access to the Law," describes the rationale for public access to the law. He explains that good citizenship requires knowledge of societal rights and obligations and that the general public is entitled to know what they are and how the law effects their daily lives. The American Association of Law Libraries conducted a panel discussion during their 1979 annual meeting to discuss the means for improving public access to legal information and of the librarian's role in that effort. Panelist Robin Mills, a law librarian and Assistant Professor of Law at the

percent, reflecting an increase rate of at least four times faster than the national population. The state courts received 90 million new cases in 1993 alone.

² Barbara A. Curran, *The Legal Needs of the Public: The Final Report of a National Survey*. (Chicago: American Bar Foundation, 1977).

³ Martin L. Friedland, *Access to the Law Study* (Toronto: Carsell Methuen, 1975).

⁴ Robin K. Mills, "Serving the Lay Public: The Public Library Versus the Law Library," in "Legal Information to the People," *Law Library Journal* 72, no. 4 (1979): 612-27.

⁵ Linda Jewett, "Libraries and Access to the Law," *Ontario Library Review* 59, no. 4 (Jan/Feb 1975): 220.

University of South Carolina, maintained that public libraries, not necessarily law libraries, are appropriate agencies for delivering basic legal information to laymen. Mills stated that public libraries are more conveniently located and their librarians are accustomed to working with the public. Linda Jewett, in her article entitled "Libraries and Access to the Law," believes that public libraries can be involved in the provision of information about law in three ways: librarian assistance to access legal materials, availability of legal reference collections, and referral.

Public libraries exist to serve their communities, to fulfill demands for information as expressed by the community, and to anticipate the need for information by that community. Legal reference service and information is no exception. The desire to actually see the law and read it for oneself is a legitimate desire. To be able to consult a source without having to walk into a government department or a lawyer's office is not unreasonable or unprecedented. Reference questions in the field of law, however, do present special challenges to the public reference librarian. According to the literature, some of these questions call for legal advice, which librarians cannot give; others are very technical, and a public library may not contain the necessary materials with which to answer them; still others are so difficult that patrons may need to

be referred to another source of information assistance; and to further complicate matters, more often than not, public librarians are untrained in legal research.

The purpose of this thesis, then, is to identify current problems encountered by public librarians in the United States who assist library users with legal information needs. The literature suggests that there are four major areas of concern which need attention in order to improve general legal reference service at the public library level: unauthorized practice of law, collection development, staff training, and referral. It is the intent of this study to: (1) confirm whether the problems identified in the literature continue to exist in the United States today, more specifically in Southern California; (2) determine whether there are new problems not revealed in the literature; (3) provide empirical data to better understand the current state of affairs relating to legal information service; (4) determine if library size is a factor in legal information service; and (5) provide recommendations to improve overall legal information service.

There are several reasons why this present study is important. First, there were only a few articles found relating to legal reference services. It is not a subject that is discussed actively or has a large amount of coverage in the literature in comparison to other more visible public library issues such as intellectual freedom and literacy. Secondly, no studies were found that

specifically address the overall problems involved with legal reference service in the United States. Although there have been studies conducted in the United States as well as in Canada which address a particular element of legal reference service (e.g., Kirkwood/Watts and Mills on unauthorized practice of law, Sekula and Elmore on collection development, and Crowther and Dykstra on referral), there is not one study which identifies all four of the major areas of concern as presented in the literature review. Furthermore, many of the articles found in the literature were written before 1985. It is of interest to confirm whether or not the problems with legal reference service reported ten years ago continue to exist today. Lastly, the majority of the articles found in the literature addressing this problem are not studies, but opinion pieces. There is a need for data collection and analysis to identify the issues and problems, if any, experienced by librarians in the United States when confronted with questions relating to the law. This thesis should make an empirical contribution to this underrepresented area of research.

This thesis is organized into five chapters: Introduction, Literature Review, Methodology, Data Analysis, and Conclusion. The Introduction consists of an overview of the issues involved with legal reference service and explains what contribution this study is expected to make. The Literature Review reports what others have written about legal reference service. It offers a perspective of

the various concerns shared by many librarians relating to legal reference services at the public library level. The Methodology chapter describes the steps taken to determine the types of problems faced by public reference librarians when approached with legal reference questions. A survey method has been selected to conduct this gathering of information. This chapter will contain four subsections: definitions, research design, survey construction and design, and survey administration. The Data Analysis chapter reports and analyzes the survey findings and includes tables and figures to help organize and present the data. Finally, an overview of the significant findings of the study, possible solutions to problems identified, and recommendations for future studies will be presented in the Conclusion chapter.

A review of the literature, as well as complete results and analysis of a mail survey are expected to indicate that public librarians are underprepared to provide adequate legal information service. It is anticipated the study will find that public librarians have many roadblocks which limit their ability to provide confident and useful legal reference assistance. The need for sufficient legal reference collections, legal training and education, legal reference service guidelines, and referral procedure will be identified. This study is designed to add knowledge and facilitate discussion among information professionals

attempting to meet the legal information and research needs of patrons in a public library environment.

II. Literature Review

To develop an overall perspective of legal reference service, a literature review was conducted to explore the practice of legal reference in non-law libraries. A thorough search was performed in thirteen online information databases: Wilson's Library Literature, Nexis's Legal Resources Index, Dialog's Library and Information Science Abstracts (LISA), Information Science Abstracts, Dissertation Abstracts Online, ERIC, INSPEC, British Education Index, Trade & Industry Database, Academic Index, Magazine Database, and Lexis. Although these databases were thought most likely to contain articles relating to legal reference or information service, this search found fewer articles than anticipated. There were fewer than thirty items relevant to legal reference service, of which twelve were Canadian studies focusing on Canadian public libraries. No relevant articles were found in the British Education Index, Trade & Industry Database, and Magazine Database files.

Different combinations of search terms were used to conduct this research: 'legal,' 'reference,' 'information,' 'service,' 'referral,' 'public library,' 'collection development,' 'training,' 'education,' 'community information service,' 'unauthorized practice of law,' 'westlaw,' 'lexis,' and 'legaltrac.' Additionally,

author and title searches were conducted based on new sources found in bibliographies and references cited in each article found.

The library literature identified relating to legal reference service can be classified into five categories: (1) studies conducted in Canada; (2) unauthorized practice of law; (3) legal collection development; (4) legal research education and training; and (5) referral. Although general articles relating to public legal education were also found during the literature search, these extend beyond the scope of this thesis. This thesis will concentrate on the issues relevant specifically to legal reference service in public libraries. The literature review will be presented in the order of the five categories listed above.

THE CANADIAN STUDIES

There are two significant studies conducted in Canada which form the basis of this current thesis. These studies evaluated legal reference service and dissemination of legal information in Canadian public libraries. The justification for legal information service was described in a landmark study for the Law Reform Commission of Canada in 1975 by Martin Friedland.² Friedland collected data about where people turn for information about law and legal advice and the accuracy of the answers they receive. Visits were made to information sources across Canada to study the various organizations from

² Martin L. Friedland, *Access to the Law Study* (Toronto: Carsell Methuen, 1975).

which citizens obtain legal information and advice. Interviews were conducted with, and questionnaires completed by, persons from legal aid and assistance centres, government information offices, community information centres, public libraries, and police departments.

The fifty-seven public libraries across the country that participated in this study indicated that they receive at least two and a quarter million reference inquiries each year, of which 3 to 4 percent were inquiries about the law. This study further revealed that several shortcomings prevented Canadian public libraries from achieving maximum effectiveness as sources of legal information. Even large libraries lacked staff trained in legal reference work. Librarians were unable to use or evaluate legal materials. Outdated and/or incomplete legal publications were common in public library collections. Furthermore, referrals to other agencies were often inaccurate.

To overcome these and other problems, the study advocated the following courses of action: improvement of existing legal materials; basic education of the public about law; improvement in the quality of legal information given by those approached by the public; and development of new print sources of law for non-lawyers. Specific recommendations included collection building, staff training in local and regional workshops, coordination of effort among cooperating libraries, and accurate knowledge of other organizations and

individuals better able to provide information about specific aspects of the law. The study concluded that meeting all of these goals would require the action of many public agencies other than libraries such as local law libraries, legal aid offices, and government agencies responsible for public legal education.

A follow-up study was conducted in 1987 by a team of professors and a graduate student at the University of Western Ontario School of Library and Information Studies.³ This effort was lead by Patricia Dewdney. Similarly, their goal was to identify the problems encountered by Ontario public librarians in providing access to legal information and to assess the need for training or other assistance. This study also revealed that the public does turn to its local public libraries for legal information. In fact, 8 percent of the reference questions handled by Ontario public libraries were reported to be law-related.

The Dewdney study utilized two methods to identify the difficulties faced by public librarians when they try to help people with legal information needs. The first method involved analysis of transcripts of tape-recorded reference interviews on various topics to determine the proportion of legal inquiries and to identify problems encountered by the librarians. Tape-recordings of 332 actual reference interviews were collected and transcribed. Of the 332 interviews,

³ Patricia Dewdney, Sam Coghlan, Christine Sue-Chan, Cathering S. Ross, "Legal Information Services in Ontario Public Libraries: A Final Report" (Ontario, Libraries and Community Information Branch, Ontario Ministry of Citizenship and Culture, 1987). This is a final report of a research study by the University of Western Ontario funded by and prepared for the Libraries and Community Information Branch, Ontario Ministry of Citizenship and Culture.

twenty-seven were reported to be queries relating to the law. Further, results of the reference interviews concluded that legal inquiries take more of the librarian's time and pose more problems for librarians than many other types of inquiries. The average duration of a legal reference interview was recorded at 5.3 minutes versus 3.11 minutes for a non-legal reference interview. The most common problem encountered by librarians when faced with a legal query was in conducting the reference interview. The interviewing librarian made assumptions about the nature of the query (29 percent); didn't ask enough questions (24 percent); lacked knowledge of the law (16 percent); or lacked knowledge of appropriate sources (16 percent). Assuming that the librarian was able to obtain an adequate description of the user's information need through the reference interview, there were the additional problems of developing a search strategy and using the appropriate sources. Even when librarians were knowledgeable about legal reference materials, these sources were frequently difficult to use, partly because of the changing nature of the law. Other major problems reported were inadequate indexing, poor subject access, and delays in revision.

The second method used in the Dewdney study to identify the difficulties faced by public librarians when they try to help people with legal information needs was a mail survey. Questionnaires were distributed to professional reference librarians in thirty-three public library systems serving populations of

50,000 or more in Ontario whose duties included provision of legal reference or information service to adult users of the central library or largest branch. Of the seventy-seven completed questionnaires returned, 96 percent indicated they felt unqualified and/or uncomfortable providing legal information service due to the fact that they had little or no legal research training or education. Respondents also reported problems relating to library collections: 18 percent reported the library does not own the materials responsive to legal queries received; 17 percent reported the sources missing or otherwise unavailable; and 9 percent reported difficulty using these source(s). Thirty-nine percent reported that during the reference interview the patron is unable or unwilling to provide the librarian with enough information for the librarian to be of assistance. Thirty-five percent of the respondents reported that even though they believed they had found the correct answer they feared providing the wrong answer or an interpretation of the law. Another 23 percent reported the source which would best answer the patron's query does not exist or is not yet published. Lastly, 8 percent reported that in cases where librarians may not be able to provide assistance to patrons, librarians do not necessarily know if a referral procedure exists.

Several recommendations were made by the librarians who participated in this study: education/training of librarians in legal reference service; coordination of programs by library associations, government, and universities to support

public librarians who provide legal information service; and a conscious effort by publishers to improve organization and indexing of legal publications. This study also concluded that there are problems with the delivery of legal information service that librarians cannot resolve alone. Indeed, librarians must work in cooperation with those who have a mandate in the area of public legal education, such as administrative government agencies and public education boards and committees. Together, these groups can identify the root causes of inadequate delivery of legal information services and then determine viable, logical, and creative solutions in a joint effort.

The Friedland and Dewdney studies acknowledge that legal inquiries occur in public libraries with sufficient frequency to justify special attention in Canada. The current study is interested in confirming the frequency of legal queries received by public libraries in the United States. Additionally, it is of interest to this study to identify whether the types of problems identified in Canada are being experienced by public librarians in the United States. Much effort has been made in Canada not only to identify existing problems but also to recommend and implement solutions including collection development models, legal research training workshops, referral procedures, and cooperation with local law libraries. Current issues and concerns of legal reference service and the feasibility of adopting and implementing such possible solutions in the United

States cannot be investigated until the problems and needs of United States libraries have been similarly documented. The overall aim of this study is to identify the problems encountered by Southern California public librarians in providing access to legal information and to generate solutions to these problems.

UNAUTHORIZED PRACTICE OF THE LAW

Undoubtedly the most controversial issue discussed in the literature was the unauthorized practice of law by librarians. Librarians are faced with patrons coming to the reference desk asking for legal advice in the guise of a reference question. The reference librarian is not the proper place to dispense legal advice. Not only does the librarian risk violating ethical codes,⁴ statutory law,⁵ and case law,⁶ the librarian and the library also risk being sued for malpractice if the advice is incorrect or if the patron misinterprets the advice.⁷

Thomas Heitz analyzed this issue in depth. In his essay, "Legal Information vs. Legal Advice," Heitz attempted to distinguish between providing legal information and providing legal advice. When the reference librarian

⁴ See American Library Association, *Code of Ethics* (Chicago: ALA, 1981).

⁵ See Ala. Code @34-3-1 (1991); Cal. Bus. & Prof. Code @ 6126 (Deering Supp. 1993). These statutes provide examples of statutory prohibitions of the unauthorized practice of law.

⁶ See *Arkon Bar Assn. v. Singleton*, 573 N.E.2d 1249 (Ohio Bd. Unautho. Prac. 1990) (No. UPL-90); *State Bar v. Cramer*, 249 NW2d 1 (Mich. 1976). The cases provide examples of prohibitions on the unauthorized practice of law.

⁷ Yvette Brown, "From the Reference Desk to the Jail House: Unauthorized Practice of Law and Librarians," *Legal Reference Services Quarterly* 13, no. 4 (1994): 32.

identifies a particular text, statute, law report, or other publications as useful in meeting a specific information need, says Heitz, the goal of access to legal information is served. Patrons seeking legal reference assistance are entitled to be told the location of the information, pointed in the right direction, assisted in locating holdings and materials, and given an explanation of how to use the specific legal sources. On the other hand, the provision of legal advice to a client requires the experience, skills, and education of a lawyer. Lawyers are trained to analyze relevant facts and issues to identify if there exists a legal problem requiring further expert advice. Having identified the problem, it is the lawyer's function to solve it.⁸

Peter Schanck has also addressed the issue of legal information versus advice. According to him, the main reason why those untrained in the law, including librarians, should not practice law is that it would be contrary to the interests of those who were seeking assistance.⁹ The attorney is, quite simply, better able to provide legal advice. The attorney has better access to the facts in the case, has more complete knowledge of the law, is able to expertly research the law, and understands the practical functioning of the legal system.

Schanck's basic principle in the matter of unauthorized practice is that the

⁸ Thomas R. Heitz, "Legal Information vs. Legal Advice," in *Reference and Information Services: A Reader*, ed. Bill Katz and Andrea Tarr (Metuchen, N.J.: Scarecrow, 1978).

⁹ Peter C. Schanck, "Unauthorized Practice of Law and the Reference Librarian," *Law Library Journal* 72, no. 1 (1979): 59.

reference librarian must take a conservative view, for once s/he inadvertently or deliberately wanders into the practice of law, s/he not only jeopardizes him or herself and the reputation of the library but also does a disservice to the public.¹⁰ If at any time the librarian is in doubt as to whether what s/he is doing may be encroaching on law practice, Schanck encourages that s/he should step back and err on the side of caution rather than recklessness. However, he points out that caution should not be equated with inaction and that librarians are obligated to make the materials in their libraries accessible to the people who have the right to use them.

In an article entitled "Legal Reference Service: Duties and Liabilities," C. C. Kirkwood and Tim Watts examined the duties and liabilities that reference librarians must take into consideration when providing legal information to patrons.¹¹ For the legal protection of the librarian and his/her employer, Kirkwood and Watts believe service must be tailored to the patron's level of legal knowledge. Three types of library patrons were identified: primary, secondary, and tertiary. Tertiary users are members of the lay public and constitute the majority of users in a public library. Kirkwood and Watts explain it is the tertiary user who offers the greatest potential for the librarian to inadvertently dispense

¹⁰ Ibid., 62.

¹¹ C. C. Kirkwood and Tim J. Watts, "Legal Reference Service: Duties and Liabilities," *Legal Reference Services Quarterly* 3, no. 2 (1983): 67-83.

legal advice as this user might enter the library expecting to find someone well trained in substantive law. As a result, this user may rely on what the librarian says and may suffer subsequent damages.

A thorough fifty-state legal search was conducted by Kirkwood and Watts to identify all statutes and regulations relating to the unauthorized practice of law by non-lawyers. They found that explicit limitations were set forth by law in many of the states prohibiting the unauthorized practice of law. In addition, most statutes of this nature set forth penal sanctions for persons engaged in such activity. Under the general principle, civil liabilities for employers could also be implied.¹² They concluded that a librarian providing legal reference service must consider the statutory limitations imposed on providing information and balance these against their duty to provide information.

In an extensive article, "Reference Service vs. Legal Advice: Is it Possible to Draw the Line," Robin Mills provided a detailed analysis of the legal principles involved in the unauthorized practice of law. Mills summarizes opinions given by courts regarding unauthorized legal practice by title and insurance companies, accountants, realtors, collection agencies, and other non-lawyers. She also describes efforts by bar associations to encourage the sale and distribution of self-help law books for the layman. Mills reports that whether or not legal advice

¹² Ibid., 70-72.

is being given depends on the circumstances of each case. She further reports that the courts have given two indications relevant to libraries. First, libraries are not practicing law by giving the public access to law books. Second, providing self-help books designed for the layman with forms and general instruction is not practicing law.¹³

In today's increasingly litigious society, those who wish to learn certain aspects of the law with or without professional legal assistance may be inclined to visit their local public library to conduct legal research or seek general legal information. The librarian may be put in a position to act as an intermediary for unlocking certain legal information resources. This obliges the librarian to provide good legal information service without overstepping the bounds of legal advice. The ability of the librarian to be an effective facilitator in this transaction and to determine where legal information ends and legal advice begins is essential.

Heitz and Schanck indicate there is an important distinction to be made between legal information and legal advice. Further, Kirkwood, Watts, and Mills advise there are laws in the majority of the states that prohibit non-lawyers from giving legal advice. This study is interested in discussing whether public reference librarians are aware of the difference between legal information and

¹³Robin Mills, "Reference Service vs. Legal Advice: Is it Possible to Draw the Line?" *Law Library Journal* 72, no. 2 (1979): 179-93.

legal advice; whether they are aware of the laws involved with the practice of law by non-lawyers; and whether public libraries provide written guidelines to their reference librarians which outline how legal reference inquiries should be handled. Upon review and confirmation of the current state of affairs in this regard, possible solutions could be suggested.

LEGAL COLLECTION DEVELOPMENT

The third category of literature about legal information for laymen consists of recommendations for effective library service using legal materials. Articles in this category mainly include those dealing with legal collection development models and the various phases of and considerations in building a legal collection. However, there was one article found which disclosed one library's frustrations at the limitations of legal resources available there.

Janet Crowther is a public reference librarian at Williamsburg Regional Library (WRL) in the state of Virginia. Crowther describes in her article, "Legal Information for the Public: A Public Library Perspective," what legal resources are found at WRL and why WRL does not make a greater effort to build a legal collection.¹⁴ She reports that WRL maintains only a small collection of legal materials which may be adequate for high school students writing a paper on a

¹⁴ J. L. Crowther, "Legal Information for the Public: A Public Library Perspective," *Law Library Journal* 84, no. 3 (1992): 561.

contemporary legal issue. She also reports, as a general policy, WRL does not purchase any title for the collection that exceeds thirty dollars. She further explains, WRL does not offer depth in any area of their collection. WRL places more importance instead to be all things to all people. Crowther concludes this situation is not unique among public libraries and that few public libraries will commit the resources necessary to build a legal research or reference collection of any consequence.

In an effort to help public libraries improve their legal collections and create an adequate collection of legal materials, there are many collection-development models offered by noted experts in the field to accommodate a spectrum of library sizes and budgets, including Corbin,¹⁵ Dollbaum,¹⁶ Henke,¹⁷ and Nixon.¹⁸ They offer bibliographies of relevant laws, regulations, court decisions, and other helpful legal reference tools and materials. They discuss the considerations to be made when establishing a core collection of materials and offer suggestions as to how to organize legal reference materials. They share helpful tips on how to use major reference tools in the field of law, outline the structure of the legal literature, identify the most important tools needed for

¹⁵ John Corbin, "Abiding by the Law: Legal Materials in Public Libraries," *Wilson Library Bulletin* 55, no. 6 (1981): 419-22.

¹⁶ Margaret Dollbaum, "Take the Law...Into Yr Own Hands!" *Booklegger* 2, no. 12 (1974): 2-7.

¹⁷ Dan Henke, "Law for Citizens -- How to Meet Their Needs in Academic and Public Libraries" *California Librarian* 35, no. 2 (1974): 51-60.

¹⁸ Judith M. Nixon, "Legal Service in the Public Library: A Guide to Primary-Source Legal Material," *RQ* 24, no. 2 (1984): 195-203.

legal research, and show how they all relate to one another. Prices and additional comments also are presented to help librarians build useful legal collections in public libraries.

In a paper submitted to the Atlantic Provinces Library Association Conference, Gail Dykstra reports that there are a wide variety of print and nonprint legal materials available. Dykstra is particularly impressed with the increased availability of bibliographies and buying guides, making the job of the librarian much easier.¹⁹

Maria Sekula advises librarians not to be intimidated by overzealous sales representatives of legal publications. In surveying Massachusetts public librarians, she found that many librarians had been persuaded to buy expensive, yet unnecessary, legal publications by sales representatives of law publishers. Sekula further realizes that budget is a major consideration for many public libraries. To help librarians with acquiring adequate law collections at reasonable costs, Sekula prepared a bibliographic manual which lists basic and discretionary titles for small, medium, and large libraries, emphasizing the subjects most frequently explored by the public.²⁰

¹⁹ Gail Dykstra, "Law and the Practicing Librarian," (paper presented at the proceedings of the Atlantic Provinces Library Association Conference, Cornerbrook, Newfoundland, May 1980), 16.

²⁰ Maria Sekula, "Taking the Show on the Road," *Law Library Journal* 72, no. 4 (1979): 618.

Legal research can be conducted using electronic as well as print today. Public libraries may opt to invest in online legal research databases in their collection development of legal materials. There are currently two primary services of computer-assisted legal research: LEXIS and WESTLAW.²¹ Barbara Elmore recommends in her conference paper, entitled "WESTLAW and Other Legal Database Searching in a Public Library," that any library considering the purchase of such online legal databases should carefully evaluate the need for them before installation. She presents a case study which describes an incident that took place at the Waukegan Public Library. In June 1983, the Board of Directors decided to explore the possibility of offering WESTLAW to library patrons.²² The library provided Dialog, BRS, and Orbit services for years with much success. A survey was mailed to over four hundred members of the Lake County Bar Association to find out if they had any interest in using WESTLAW at the public library. Based on the results of the survey, the library signed the contract with WESTLAW. From October 1983 to July 1984, 244 Dialog searches were conducted. In the same period of time only 35 WESTLAW searches were requested. Due to the low demand for WESTLAW searches, the board decided to cancel the WESTLAW contract.

²¹ J. Myron Jacobstein, Roy M. Mersky, and Donald J. Dunn, *Fundamentals of Legal Research*, 6th ed. (New York: Foundation Press, 1994), 528-53.

²² Barbara Elmore, "WESTLAW and Other Legal Database Searching in a Public Library," (paper presented at the proceedings of Online '84 Conference, San Francisco, Calif., October 1984), 103-8.

Margaret O'Brien discusses various aspects of managing legal collections in a public library, including currency, budget, space, jurisdiction, statutory instruments, government documents, free information, and classification issues. She suggests that there are three vital points to keep in mind. First, libraries must do their utmost to have the most current and complete version of the law. It is recommended that libraries deal directly with law book publishers rather than wholesalers. Otherwise, libraries increase their chances of not receiving notices of new publications, updates for loose-leaf services, and supplements for textbooks. Direct contact with the law book publishers will ensure receiving update materials and latest editions of publications. O'Brien's second point is that the legal collection must be geared to the patrons' needs. Materials purchased must be relevant to the appropriate jurisdiction. Although there is a huge and tempting array of popular materials, they should be avoided. Many of them sound attractive and look impressive, but may be irrelevant for the patrons' needs. Third, she suggests that libraries need to be reminded that government publications are a tremendous source of free materials. Many pamphlets, booklets, and reports are made available by the Government Printing Office (GPO) and provide excellent explanations of the law.²³

²³ Margaret O'Brien, "Managing Legal Materials," *Emergency Librarian* 4, no. 1 (1977): 290-308.

When a patron with a legal reference query arrives at the public library for help, the chance of that patron getting the information sought will in part depend on the adequacy of the library's collection. Of all the literature relating to collection development, there was only one article by Crowther which described the inadequacy of a legal collection in a public library. The remaining articles discussed collection development models (Corbin 1981, Dollbaum 1974, Henke 1974, Nixon 1984) and the various aspects of collection development which must be considered when building a legal collection, including the selection (Dykstra 1980), acquisition (Sekula 1979, Elmore 1984), and management and maintenance (O'Brien 1977) of a legal collection.

This study seeks to determine the current state of legal collections of public libraries in Southern California. What do public libraries own in terms of legal information materials? Are there collection development policies in place to guide librarians to select, acquire, manage, and maintain legal information materials? What is the budget allocation for legal materials compared to other collection areas? These are some of the questions this study would like to answer. It would also be of interest to evaluate the current administration of legal reference materials by public librarians in Southern California compared to the lack of support for legal collection development at WRL.

LEGAL RESEARCH EDUCATION AND TRAINING

The fourth category of articles on legal reference service are those that relate to legal education and training of public librarians. The Friedland and Dewdney studies indicate few public librarians are adequately trained to meet their patrons' legal information needs. Legal reference can be a difficult maze for public librarians because law-related questions are not always black and white. Legal research is a very specialized area, and public librarians must be provided not only with the necessary legal reference tools but also with appropriate legal research training to better serve the legal needs of their patrons.²⁴

There are many helpful published legal research guides that introduce public librarians to basic legal research techniques. For example, John Corbin's, Find the Law in the Library: A Guide to Legal Research.²⁵ This book offers a brief description of the American legal system and a summary of legal research methodology as well as sections on different topics of the law. It also includes chapters on broad categories such as "the family," "the community," "business organizations," and "concerns of the elderly." Within each topic there is a very brief discussion of the law, the facts of a research problem, and the results of the

²⁴ Crowther, *Legal Information for the Public*, 560.

²⁵ John Corbin, *Find the Law in the Library: A Guide to Legal Research* (Chicago: American Library Association, 1989).

search for legal information on the problem. Finally, a brief bibliography is provided for each topic.

There are legal research classes available to non-lawyers through paralegal programs, university extension classes, and community seminars. Claire Germain describes the purpose and organization of a course offered at Duke University by two law librarians to teach legal research to non-lawyers.²⁶ The course is designed to help the general public understand how the legal system works and how to use legal materials to find the law. Although the audience is diverse, there is much participation by local public librarians as well as documents and special librarians. The course consists of eight weeks of instruction and covers basic legal research information, including an introduction to legal research, sources of law, the common law system, the relationship between case and statutory law, federal, state, and administrative law, loose-leaf services, secondary research sources such as legal encyclopedias, periodical literature, legal newspapers, treatises, and Shepard's, and helpful research strategies and techniques. Many informative handouts are distributed such as an annotated list of legal reference books that may be helpful for legal reference in a public library. Germaine reports that the Duke effort has proved successful

²⁶ Claire M. Germain, "Teaching Legal Research to Non-Lawyers," *Legal Reference Services Quarterly* 8, no. 1-2 (1988): 247.

in demystifying the legal research process and training many public librarians to use legal resources.²⁷

A panel discussion was held during an annual meeting of the American Association of Law Libraries entitled, "Legal Information to the People," to discuss the means for improving public access to legal information and of the law librarians' role in that effort. Here Maria Sekula describes the workshops she organized throughout the state of Massachusetts at which law librarians taught public librarians the fundamentals of legal bibliography and reference work. These workshops were made financially possible through a generous grant from the Board of Library Commissioners in Massachusetts, who expressed a sincere concern for the need to improve legal reference service in public libraries. The workshops were conducted in three segments. The first segment consisted of a panel presentation on the history of law, types of legal materials, acquisition and maintenance of legal collections, legal reference versus legal advice, and county law library services. During the second segment, each panel member worked with a small group of participants discussing two legal reference questions, one federal and one state. The day ends with a tour of the local county law library. Sekula believes that the need for public librarian training and education in legal reference is almost universal, and she urges other states to adopt her model.²⁸

²⁷ Ibid., 248.

²⁸ Sekula, *Taking the Show*, 619.

Corbin explains, legal research is rarely easy and straightforward. However, it is a skill that could be acquired. To understand and conduct effective legal research, Germain and Sekula suggest legal research education and training is helpful and necessary. It is not expected that a public librarian be able to handle the caliber of research conducted by a paralegal or lawyer. However, the literature further suggests, acquiring basic legal research skills would be of great benefit in enabling the public librarian to meet ethical obligations and provide their best service to the community.

The first paragraph of the American Library Association (ALA) Code of Ethics states:

- I. Librarians must provide the highest level of service through skillful, accurate responses to all requests for assistance (*ALA Code of Ethics*, 1981).²⁹

The knowledge and ability to use fundamental legal research tools and to provide an effective and efficient legal reference service must be a part of every public librarian's training if he or she is to conduct competent legal reference service and uphold the ethics of the public library profession. The Friedland and Dewdney studies conducted in Canada suggest that public librarians do not receive the appropriate legal education and training to provide competent legal information service. No studies have been conducted on the overall status of legal education and training received by public librarians in the United States. It

²⁹ American Library Association, *Code of Ethics* (Chicago: ALA, 1981).

is the intention of this study to determine the amount of legal information education or training received by public librarians in Southern California. It will also explore whether public librarians feel such training is necessary or would be helpful and the type of training public librarians would like to receive to improve or maintain their quality of legal information service.

REFERRAL PROCEDURE

Lastly, the fifth category of literature relates to referral procedure and technique. The literature suggests that often the most appropriate and most practical answer to a request for legal information is to refer the patron to another agency for assistance. Thus, librarians are encouraged to direct patrons to local sources of legal assistance when appropriate. A referral is not an admission of defeat; sometimes it is the most effective and efficient way of answering a legal reference question.³⁰

Gail Dykstra is a veteran lecturer on library referral techniques in Canada, and she approached the issue of legal reference service in an interesting way. In "Answering Questions on the Law: Opinions," she presented a hypothetical legal reference situation to a sampling of librarians, lawyers, and law book publishers in Canada. The situation involved a student at a nearby community

³⁰ George S. Hawley, *The Referral Process in Libraries: A Characterization of Related Factors* (Metuchen, N. J.: Scarecrow, 1987).

college who calls the library to ask if he was entitled to vacation pay for a summer job. The student worked for his employer for three and a half months and thought there was a law that said he should get some vacation pay. Upon asking his employer the student was told that he could only get vacation pay after working for the company for one year. The responses Dykstra received were diverse, but most stressed a helpful referral as the most suitable answer.³¹

In a subsequent article based on this initial survey, Dykstra outlined procedures for conducting a legal reference interview and advised when to offer a referral. As she explains, every referral must be tailored to meet the specific demands of each individual and the available resources of the community.³² Dykstra stresses the importance of reference interview skills used in the legal referral process. She warns that it is often more difficult to determine the actual issue behind the question in law than in other fields. When confronted with a question on the law, she outlines what the librarian must determine: (1) the subject matter of the inquiry; (2) the extent of the inquiry; (3) whether the inquirer is looking for information or advice; and (4) how immediate the need for information is. If, after surveying the library's resources, a librarian feels the person should be referred to another agency for assistance rather than using the

³¹ Gail Dykstra, "Answering Questions on the Law," *Emergency Librarian* 4, no. 3 (1977): 18-20.

³² Gail Dykstra, "How and Why: Legal Information Referrals," *Emergency Librarian* 4, no. 3 (1977): 14.

resources of the library, Dykstra recommends the librarian must then refer the person to an appropriate agency.³³

In 1983, Dykstra was joined by Meg Richeson to present their paper, "Reference and Referral Techniques," during a conference held in Nova Scotia on "Libraries and the Law." This was an effort to continue their quest to assist Canadian public librarians in providing effective referrals. They offered many constructive suggestions regarding how reference librarians could be more helpful when making referrals. For example, do not just tell a person the name of the agency you're sending them to but also: (1) tell the patron where the agency is (draw a map), what its hours are, and how to get there (explain the bus system); (2) try to give the patron a name to ask for as well as information about the background of the person who will be assisting him; (3) call the agency and tell them who you are sending to them and why; (4) outline any restrictions on the service such as financial eligibility, language of the service; (5) always encourage a patron to return if more information or assistance is needed; (6) ask the patron to tell you later if the agency was able to assist them; (7) include comments in the referral reference file as to how patrons were treated after being

³³ Ibid., 15.

referred; and (8) ask the inquirer to report back to you if any of the information in the quick reference file was incorrect or inadequate.³⁴

Janet Crowther states in her article, "Legal Information for the Public: A Public Library Perspective," public libraries generally do not aim to provide research collections or train the staff necessary to provide legal research assistance. Given these limitations, public libraries have tapped into local community resources to meet the legal information needs of the communities they serve. Crowther evaluated a number of public libraries and found that these outreach efforts included sharing space with legal clinics and independent lawyers, providing legal assistance clinics staffed by local attorneys, and coordinating information networks. In Virginia, a public library and a legal clinic moved together into a newly renovated building. Each has its own separate entrance and hours of operation, but they share employees and technical services. The Oakland Public Library and the Alameda County Bar have hosted a "lawyers in the library" program for over ten years. This program involves over ninety area lawyers who voluntarily advise to library patrons several evenings each month. Some communities have information and referral centers organized and operated by the public library. Crowther's evaluation also found that law

³⁴ Gail Dykstra and Meg Richeson. "Reference and Referral Techniques," (paper presented at the proceedings of the Atlantic Provinces Library Association Conference, Cornerbrook, Newfoundland, May 1980), 103-4.

librarians could improve legal information service in public libraries by sponsoring legal reference workshops for public librarians, keeping their doors open to walk-ins, and perhaps considering the idea of combining the law library facilities with the public library.³⁵

Dykstra, Richeson, and Crowther suggest referrals are a significant way public libraries can handle requests for legal information. Absent such a network, it is usually the public library that fills the legal information role in the community. When that is the case, the public's legal information needs may not always be met. Referrals can help connect area residents with the organizations or individuals that can better address their problems. This study seeks to determine the current state of referral procedures in Southern California public libraries. The study would like to find out how frequently a referral is provided, whether referral procedure guidelines are in place, if there is anyone who could answer difficult legal questions on- or off-site, and where patrons are routinely referred. A library is not just a repository of written information. It is also a valuable source of information on the community and for the community it serves. Information on the law and legal services should not be an exception to that rule.

³⁵ Crowther, *Legal Information for the Public*. 563.

CONCLUSION

The Canadian studies as well as the literature found on the topic of legal information service indicate legal information queries pose problems for public librarians. These include insufficient legal collections, lack of legal training, inadequate referral services, and the unauthorized practice of law. The public library exists to serve the public and legal reference service must not be compromised. The literature suggests that public libraries in the United States and Canada do recognize that questions with a legal component are a legitimate part of their area of responsibility. The literature also suggests adequate legal reference service cannot be accomplished without decent collections, trained staff, and access to other organizations providing legal information and assistance. Without these, the troubling result will be that the library is likely to provide incomplete, inaccurate information to some inquirers, and frustrate others.

There are very few empirical studies and articles found which describe concerns shared by public librarians in the United States relating to legal reference service. Thus, many questions remain unanswered in terms of whether there exists any legal reference problems in the United States, and, if so, what they may be. Are they similar to those described in Canada? Is the legal reference collection sufficient to accommodate patrons in the United

States? Are librarians trained to handle legal reference queries? Are referral procedures in place to refer patrons to local community services who seek legal advice? Are librarians aware of the difference between legal information and legal advice?

The goal of this thesis is to address these questions fully. To do so, a mail survey was distributed to public libraries in Southern California. The survey seeks to identify the current state of affairs of legal reference service at the public library level. It will confirm or deny whether the four major areas of concern presented in the literature review currently exist in the United States. It is the hope of this study to determine whether there is a sufficient number of legal inquiries to justify further attention on this issue and whether libraries and librarians are prepared to handle legal information queries.

III. Methodology

The literature review revealed there are four major problem areas which must be addressed and evaluated to improve legal reference service at the public library level: unauthorized practice of law, collection development, librarian training and education, and appropriate referral procedures. In order to determine the types of problems faced by public reference librarians when handling legal reference inquiries, a survey method was employed. Two surveys were prepared to collect data. The goals of these surveys were to confirm whether the problems indicated in the literature review continue to exist today, to identify new problems not covered in the literature, and to offer possible recommendations to resolve these problems.

DEFINITIONS

Collection development. Collection development encompasses a number of activities related to the development of the library collection, including the selection, acquisition, management, and maintenance of legal materials. Some examples of the tasks involved in the collection development process are determination and coordination of selection policy, assessment of needs of users and potential users, collection evaluation, identification of collection needs,

obtaining free legal materials from a government depository program, collection maintenance, weeding, and updating legal materials.

Legal Advice. The right to dispense legal advice in the State of California is reserved for active members of the state bar. *West's Annotated California Codes, Business and Professions Code* section 6125 states, "No person shall practice law in California unless the person is an active member of the State Bar."³⁶ The fifth edition of *Black's Law Dictionary* defines "advice" as "the counsel given by lawyers to their clients."³⁷ The Preamble of the American Bar Association's *Model Rules of Professional Conduct* states that one of the functions of a lawyer is to provide advice and that advice entails "providing a client with an informed understanding of the client's legal rights and obligations and explaining their practical implications."³⁸ Further, Rule 2.1 provides, "In representing a client, a lawyer shall exercise independent professional judgment and render candid advice."³⁹

Legal Information. In this thesis, "legal information" is used in two different ways. When it is being used to describe a *type* of information it can be interpreted as "any information relating to the law or having a legal component." In discussions where it is used to illustrate the *difference* between "legal

³⁶ See Cal. Bus. & Prof. § 6125 (West 1990).

³⁷ *Black's Law Dictionary*, 6th ed., s.v. "advice."

³⁸ American Bar Association, *Model Rules of Professional Conduct* (Chicago: American Bar Association, 1995), 5.

³⁹ *Ibid.*, 54-5.

information” and “legal advice,” it carries another interpretation. In this case, it represents the level of assistance a librarian may provide to a patron who seeks legal information, such as giving information regarding specific library holdings and materials, assisting in the location of materials, and providing an explanation on how to use a digest or index. Any additional assistance may cross over into the realm of “legal advice” which could only be provided by a lawyer.

Legal information needs. In this study, “legal information needs” refers to the need of information related to the law sought by members of the general public. These could include requests for specific government documents such as statutes or regulations; questions that involve a specific aspect of the law such as income tax, human rights, divorce, and child adoptions; requests for sample legal forms; requests for assistance with student projects; and requests for referrals to community legal agencies.

Legal reference/information service. Assistance to library users with inquiries related to the law.

Referral. The act of referring a public library patron to an appropriate agency or source of information to obtain further assistance and response to a question related to the law which the public library is not prepared or qualified to answer.

Unauthorized practice of law. There are statutory limitations that prohibit the practice of law by non-lawyers, including librarians. *West’s Annotated California*

Codes, Business and Professions Code section 6126(a) states, "Anyone person advertising or holding himself or herself out as practicing or entitled to practice law or otherwise practicing law who is not an active member of the State Bar, is guilty of a misdemeanor."⁴⁰ Further, Canon 3 of American Bar Association's *Model Code of Professional Responsibility and Code of Judicial Conduct* states:

The practice of law relates to the rendition of services for others that call for the professional judgment of a lawyer. The essence of the professional judgment of the lawyer is his educated ability to relate the general body and philosophy of law to specific legal problems of a client; and thus, the public interest will be better served if only lawyers are permitted to act in matters involving professional judgment."⁴¹

RESEARCH DESIGN

As previously stated in the literature review, Dewdney's 1987 study examined the types of problems encountered by Ontario public librarians when providing access to legal information. This effort determined the need for training and other kinds of assistance. Results indicated that public reference librarians in Ontario public libraries not only received legal inquiries frequently (8 percent of all inquiries received), but also experienced multiple problems with such queries. Librarians had much difficulty with the reference interview process, lack of legal materials, inadequate legal research skills, referral, and risk factor related to the unauthorized practice of law.

⁴⁰ See Cal. Bus. & Prof. § 6126 (West 1990).

⁴¹ American Bar Association, *Model Code of Professional Responsibility and Code of Judicial Conduct* (Chicago: American Bar Association, 1986), 37-42.

The purpose of this study is similar to Dewdney's efforts in that it also is interested in the types of problems encountered by public librarians, but in the United States. Permission was sought and granted by Dr. Dewdney to replicate portions of the mail survey administered in her study (Appendix A). Modifications were made to Dewdney's questionnaire to better accommodate the four major areas of concerns as revealed in the literature review. The present study, however, differs from Dewdney's in three ways. First, two separate surveys were distributed to each public library. Secondly, the survey population consisted of public reference librarians in all sizes of public libraries in the Southern California region, as opposed to the "populations of 50,000 or more" criteria used by Dewdney. Last, in-person interviews with public librarians were not conducted, as was the case in Dewdney's work.

This study, then, is a partial replication, re-examination, and extension of Dewdney's work in an attempt to determine the following: (1) frequency of legal inquiries; (2) responsibilities of reference librarians in providing legal information; (3) experience and training of reference librarians in legal information service and/or legal research; and (4) types of problems most frequently encountered by reference librarians when approached with legal inquiries. An additional area of interest was to determine whether library size is a factor in terms of library

collection, legal education, referral procedure, and awareness of librarians of the unauthorized practice of law.

As reference librarians are the frontline library staff members who would most likely receive and assist in legal reference inquiries, the target survey recipients were reference librarians in public libraries of all sizes located in Southern California. The American Library Directory (ALD)⁴² was consulted to locate the survey population. A total of 170 public libraries were identified in the State of California, 73 of which are located in the Southern California region.

The California Library Statistics (CLS)⁴³ was then consulted to categorize public libraries by population served. Based on these figures, the libraries were grouped into seven categories:

Group 1 - over 200,000 population

Group 2 - 100,000 to 200,000 population

Group 3 - 75,000 to 100,000 population

Group 4 - 50,000 to 75,000 population

Group 5 - 30,000 to 50,000 population

Group 6 - 15,000 to 30,000 population

Group 7 - under 15,000 population.

⁴² R. R. Bowker, *American Library Directory 1994-95*, 47th ed., vol. 1, *Libraries in the United States* (New Jersey: R.R. Bowker, 1994).

⁴³ California State Library, *California Library Statistics 1995* (Sacramento: Library Development Services Bureau, 1995).

A representative sample of three public libraries were selected from each group, for a total of twenty-one. This sample size represents close to 30 percent of the total number of public libraries in Southern California. Assuming that each public library employs three to five reference librarians, the number of possible survey respondents was estimated between 63 and 105. Due to time and administrative constraints, it was determined that this sample size was adequately representative of the overall survey population for our purposes. It was thought this sample would be sufficient to illustrate the current state of affairs of public libraries relating to legal reference service. Additional sampling to move beyond this exploratory level is welcomed in a future research project.

Library branches were excluded from the sample, as legal reference queries are often referred to the main library. Of the twenty-one public libraries selected, ten have branch locations. During the pre-survey stage, each library director was contacted. When asked whether their branch librarians receive legal queries, all responded patrons with legal and/or medical queries are referred to the main library.

SURVEY CONSTRUCTION AND DESIGN

Two surveys were designed to provide a means of understanding the existing circumstances and capturing a realistic perspective of the problems faced by reference librarians when approached by a patron who requests legal

information assistance. This methodology was approved by the San Jose State University Human Subjects Review Board (Appendix B). The questions for each survey were developed based on (1) issues and concerns relating to legal information service raised in the literature and, more specifically, (2) results of the Dewdney study conducted in Canada. The questionnaire prepared in the Dewdney study was developed to collect opinions from practicing public reference librarians about problems in legal information service and possible solutions to these problems. The current study was prompted by findings reported in the Dewdney study. It is of interest to find out whether problems identified in Canada may also exist in the United States.

The "institution survey" was to be completed by the library director or the head of reference or adult services (Appendix C). The "staff survey" was to be distributed to all the professional librarians who are responsible for information/reference services that include assisting adult library users with legal materials and/or answering inquiries related to some aspect of the law (Appendix D). The surveys were prepared in this way to minimize the time to complete them and to avoid unnecessary repetition of questions. As a result, the time involved to complete the questionnaires was not expected to exceed 15 minutes.

The surveys were descriptive in nature and not prepared to test the knowledge or competence of survey respondents. The purpose of these surveys

was to obtain opinions about the difficulties that public librarians in the United States encounter in dealing with legal inquiries. It was not of interest, however, to determine *how* a legal reference query would be handled by a public reference librarian or the quality of responses. This would be beyond the scope of this thesis, though may be of interest for future research. Although the institution survey requested information relating to legal materials owned by the respective libraries, respondents were not asked or expected to know all the legal materials owned by the library without consulting the library catalog. Similarly, staff survey respondents were not asked or expected to conduct any type of information research when completing the survey.

A pretest was conducted to discover confusing and otherwise problematic areas in the survey draft. The draft survey consisted of nine pages and twenty-two questions. It was distributed to ten reference librarians and student interns to measure taking time and evaluate overall appearance and effectiveness. This pretest group reviewed and commented on question order, survey flow, question content, inherent bias or inferences, wording, length, spacing, type font, format, and any other survey design considerations.

I received the most comments about the “Unauthorized Practice of the Law” section. Many of the pretesters found this section to be confrontational in nature and urged various changes. There was confusion about a question

regarding number of years of experience a librarian had in the provision of legal reference service. Pretesters expressed difficulty in calculating the number of years of “legal” reference service. One pretester suggested the removal of the single quotation marks around the word ‘expert’ in question 15 which asked, “Do you have a resident legal ‘expert’ who can be called upon to answer difficult questions.” There was confusion as to whether the term “expert” was intended to suggest a lawyer or another librarian in the library. To avoid any misinterpretation, the question was reworded. Another pretester felt it was unnecessary to have two questions in Part IV that solicited comments and suggestions. Since there are several opportunities throughout the survey to make comments and elaborate as deemed necessary, the second question in Part IV was deleted. Other comments received included those relating to wording, sentence structure, and typographical errors. These were noted and incorporated accordingly.

All changes made to the final draft survey were reviewed by the thesis committee. Upon further discussions with the committee, a decision was made after the pretesting stage to prepare two versions of the survey; one to be completed on behalf of each individual library institution by the library director or head of reference services and one to be distributed to as many, if not all, librarians who may encounter legal reference queries. The reason for this

survey design change was, in large part, to render test taking more efficient by cutting the survey taking time by half. Also, upon review of all the questions presented in the original survey, it became apparent there are two aspects of this survey: institutional and individual librarian. It was felt that the most accurate responses would be received by addressing questions relating specifically to the institution to a library representative as opposed to each individual librarian. For instance, it is not necessary or efficient to request that every librarian respond to questions relating to library hours, number of reference staff, library collections, and government depository program. Similarly, there were questions that may be best responded to by individual librarians. For instance, those questions relating to librarian education and training, the number of legal inquiries received, and issues in connection with the unauthorized practice of law would be best addressed by each librarian.

There were a total of twenty-two questions in the final versions of the institution and staff surveys. These questions were prepared to elicit information on issues relating to legal collections, librarian education and training, referral procedures, and unauthorized practice of law. Respondents were also requested to provide general library information as well as any comments or suggestions to improve the delivery of legal information. The questions were organized in this fashion to accommodate the four major areas of concern in

legal information service as indicated in the literature review and to provide librarians an opportunity to share any thoughts or suggestions to improve legal information service in the future.

The “institution survey” consisted of nine questions which requested information regarding library operations, legal collections, and referral. Questions to elicit information about the library included those relating to library hours and the number of reference staff members currently employed. These were intended to procure a general profile of each participating library.

There were five questions dealing with collection development. Library directors and reference heads were asked whether a collection development policy for legal materials existed and who was responsible for selecting and maintaining the library’s legal collection. This study sought to find out how much money was allocated for legal materials compared to other collection areas and whether the library is a depository for government publications. These questions were asked to obtain a general understanding of the procedures and administrative processes which currently exist to handle the development of legal materials in the public libraries.

In addition, library directors and referenc heads were asked to read through a list of forty-two items that were either specific legal reference sources or types of sources and to state which of these was owned by their library. The

basic format of this list of legal materials replicated the Dewdney study, though sources included in Dewdney's study were replaced with those more commonly used in the United States.⁴⁴ Selection was based on recommendations by practicing lawyers, law school professors, and librarians of the Los Angeles County and Orange County Law Libraries. Legal research manuals, and legal research hornbooks used in law schools were also consulted. It is not expected that all these sources will be available at the public library level. The literature suggests legal materials are expensive and public libraries often are not able to afford them. Also, many basic legal research materials are voluminous and public libraries do not always have the space available to accommodate these multivolume works. However, it was of interest to determine exactly what sources are available. There were legal materials not selected for inclusion in the list. These include the very expensive and advanced legal research materials. Legal professionals advised that such materials would more likely be found in a county law library or law firm library.

The last two questions of the institution survey pertained to referral procedure. The survey sought to find out whether libraries have referral procedures in place and, if so, whether a quick referral file is readily available to consult should a referral need to be provided. The literature suggested that

⁴⁴ Explanation of each source selected for inclusion in this list is provided in Appendix E.

librarians should be encouraged to conduct referrals when appropriate. The purpose of these questions was to determine if such a referral protocol exists and if referrals are being made available to patrons who need further assistance.

Questions regarding legal education and training, unauthorized practice of law, and types of problems faced by librarians were not included in the institution survey. It was felt these issues would be more appropriately answered by reference librarians.

The “staff survey” consisted of thirteen questions requesting information regarding library operations, legal education and training, referral, unauthorized practice of the law, and frequency of various types of problems with legal queries. At the end of the survey, respondents were encouraged to share their suggestions and comments for improving legal service in public libraries.

Additional questions to elicit information about library operations were sought in the staff survey to assess the frequency of law-related inquiries received at public libraries and the specific job functions performed by librarians which involve a legal component. These were included in the staff survey, instead of the institution survey, as staff librarians would best be able to provide an accurate count of legal queries received as well as describe their daily activities and responsibilities relating to legal reference service.

Questions regarding librarian education and/or training were replicated from the Dewdney study in their entirety. Librarians were asked what type of legal education or training they possessed and what training programs they found most helpful. The Friedland and Dewdney studies indicated public librarians are not always provided with the necessary skills to conduct adequate legal research. In most cases, librarians acquired what skills they had from on-the-job experience. It was of interest to determine whether the amount of legal research education or training possessed by public librarians in the United States would be consistent with results reported in Canada. Librarians were also provided the opportunity to identify any specific training programs that they may find helpful to improve the quality of legal information service. Six training topics were presented: introduction to the law, collection development, using legal research materials, the legal reference interview, community legal resources, and the role of the librarian in legal information services. A rating scale was provided for librarians to indicate the degree of helpfulness (very helpful, helpful, and not helpful) of each topic.

Four questions addressed the issue of referral. These questions were incorporated to determine the frequency of referrals, if there is someone available to answer difficult legal questions, and who that individual may be. The fourth question asked where patrons were referred (local law firm, local legal

clinic, local law library, or other). The results should reveal current referral procedures and practices of public libraries.

There were three questions concerning the unauthorized practice of law. These were prepared based on issues raised in the literature. One question asked librarians if they are aware of the difference between legal information and legal advice. A second question attempted to find out if librarians are aware of the risks, liabilities, and/or laws relating to the practice of law by non-lawyers. In the third question, librarians were solicited to answer “yes” or “no” in response to whether written guidelines exist which provides an outline of appropriate handling of legal reference queries. This line of questioning was used to measure the understanding and awareness of librarians regarding the issue of legal information versus legal advice.

The main purpose of this study was to identify the types of problems that librarians most frequently encounter when they attempt to help a patron with a legal inquiry. Eight problem scenarios were presented that may be experienced by a reference librarian when receiving a legal question. These were also replicated from the Dewdney study. Librarians were asked to measure the degree of frequency of these problems on a scale (very often, often, occasionally, rarely, and never).

The final series of questions on the staff survey asked librarians to suggest what would help them most to improve their service effectiveness with legal questions. These were included to offer librarians an opportunity to share any comments or suggestions they may have to improve legal reference service. Ample space was provided for elaboration.

Questions regarding legal collection were not included in the staff survey as these were included in the institution survey. It was deemed unnecessary to request every librarian to review the legal collections owned by the libraries. Other questions relating to legal collection were of policy, budgetary, and administrative in nature. Again, these could be responded to by one representative for each library.

Every attempt was made to construct the surveys to increase response rate and to facilitate the summarization and analysis of the collected data. A variety of research survey design books written by leading survey constructionists were consulted, including Berdie,⁴⁵ Tuckman,⁴⁶ Dillman,⁴⁷ Oppenheim,⁴⁸ and Sudman.⁴⁹ Many survey design practices were suggested.

⁴⁵ Douglas R. Berdie, John F. Anderson, Marsha A. Niebuhr, *Questionnaires: Design and Use*, 2d ed. (Metuchen, N. J.: Scarecrow Press, 1986).

⁴⁶ Bruce Tuckman, *Conducting Educational Research*, 3rd ed. (New York: Harcourt Brace, 1988).

⁴⁷ Don A. Dillman, *Mail and Telephone Surveys: The Total Design Method* (New York: Wiley, 1978).

⁴⁸ Abraham N. Oppenheim, *Questionnaire Design, Interviewing, and Attitude Measurement* (New York: Pinter Publishers, 1992).

⁴⁹ Seymour Sudman, *Asking questions*, Jossey-Bass Social and Behavioral Science Series (San Francisco: Jossey-Bass, 1982).

The survey should be attractive, easy to fill out, have adequate space for response, be legible, and must emphasize pleasant appearance and arrangement. Douglas Berdie, in his book entitled, *Questionnaires: Design and Use*, observes, "People typically associate appearance with quality and are more willing to complete and return well-organized survey forms."⁵⁰ Surveys were organized to start with a few nonthreatening general questions to increase the likelihood of the subject's completing them. Questions following were grouped into specific topics as raised in the literature (legal collections, legal education or training, referral, and unauthorized practice of the law) to avoid the appearance of a series of unrelated questions. Each questionnaire item was numbered in a straightforward fashion so as not to confuse the respondent during completing the surveys. Careful attention was paid not to overcrowd pages with too many questions. Questions were prepared so they did not require extensive instructions or examples. Each question was arranged so that the place where respondents mark their answers is close to the questions, which encourages fewer mistakes. Questions were worded in the simplest terms and phrased in the least offensive manner possible. Loaded and/or biased questions were avoided.

⁵⁰ Berdie, *Questionnaires: Design and Use*, 26.

SURVEY ADMINISTRATION

Surveys were distributed to selected public libraries by the United States mail. Shortly before mail distribution, each library director was contacted by telephone to introduce the project and solicit participation. The purpose of the study, the two versions of the survey, anticipated survey completion time, the number of survey copies needed, and survey return deadline were discussed. Directors were assured that participation in this study was completely voluntary and anonymous. This telephone call approach was used to increase the probability of full participation by the public libraries selected.

Twenty-one library directors were initially contacted to discuss survey participation. The majority were eager to participate. Two library directors declined to participate. One expressed no interest in the project and the other was very disappointed, but was unable to meet the survey deadline unless it was extended by two months. The enthusiastic support by most library directors indicated an interest to explore and discuss the problems and issues relating to legal reference service at public libraries. Many of the library directors expressed a need for research in this area and offered words of encouragement and appreciation.

The survey package mailed to each of the public libraries selected included a cover letter to the library director, one copy of the institution survey,

staff surveys copies, an information sheet attached to each survey, and self-addressed and stamped return envelopes for each survey requested to be completed and returned. The cover letter included a re-introduction in writing of the information previously provided and discussed by telephone (Appendix F). Each survey was numerically coded before distribution to reflect the population group, the library, and the librarian. This coding scheme helped protect the anonymity of the respondent and the integrity of the survey. The information sheet included information regarding thesis committee members, purpose of the study, definition of legal information needs and service, study procedures, and participation (Appendix G). A self-addressed and stamped return envelope was enclosed for easy and convenient return of completed surveys. Population group mailing labels were affixed to indicate return address to maintain anonymity and consistency with survey coding.

The survey response deadline was scheduled in two weeks after the mailing date of the survey package. In order to achieve the highest response rate, a follow-up telephone call was made to the directors of libraries whose responses were not received by the designated due date. Survey response deadline was extended two weeks to accommodate libraries who requested additional time to complete the surveys. A total of twenty-one institution surveys and one hundred seventy-one staff surveys were mailed to the participating

libraries. Of the twenty-one institution surveys, twenty were completed and returned reflecting a response rate of 95 percent. Staff surveys were distributed through the library directors, who were asked to give the questionnaires to professional librarians whose duties included provision of legal reference or information service to adult users of the library. Since participation in the survey was voluntary and anonymous, and since library directors could choose not to distribute all of the questionnaires to their staff, there is no way of knowing the precise response rate. However, 110 completed staff surveys were returned, indicating a response rate of at least 64 percent. Many of the library directors requested extra copies of surveys in case staff surveys were lost or misplaced after initial distribution. If accurate counts of these surveys could be obtained, a higher response rate could be calculated. Nevertheless, the number of staff surveys received reflected more than the anticipated number of survey returns estimated between 63 and 105.

IV. Data Analysis

In this chapter the findings of the mail survey are presented to describe the types of problems currently faced by public librarians relating to legal information service. This survey yielded some interesting results.

Based on a review of the literature, four general problem areas of legal information service were identified. Respectively, four research questions were formulated to address and examine these issues:

1. Are legal collections in public libraries adequate for offering legal information service?
2. Are public librarians sufficiently trained to assist patrons with legal queries?
3. Do referral procedures exist to direct patrons to other legal information sources in the community?
4. Are public librarians aware of the difference between legal information and legal advice?

In evaluating the overall results, the data indicate that public libraries' legal collections are adequate and that most libraries have referral procedures. This could reflect improvement of legal collections during the last ten years for which very little literature exists. Further, it was found that virtually all librarians were aware of the potential consequences concerning the unauthorized practice

of law by non-lawyers. The survey results indicated that most librarians have some form of legal education or training, though it is primarily on the job.

Survey results will be reported in the same general order in which the questionnaires were designed and presented in the "Survey Construction and Design" section of the Methodology chapter: (a) general information, (b) legal collections, (c) public librarian education and training, (d) referral practice and procedure, (e) unauthorized practice of law, (f) types of problems, and (g) specific comments received by survey respondents.

A total of 20 institution surveys and 110 staff surveys were received in response to the mail survey conducted in this study. Statistical summaries of the institution survey and staff survey are provided in appendices H and I, respectively.

GENERAL INFORMATION

Several questions eliciting administrative information about the public libraries were included in the surveys.

Results from the twenty completed institution surveys indicated that in terms of library hours, public libraries reported to be open 6 or 7 days a week. Every library reported being open more than 40 hours a week. Despite the reports of public libraries closing down or library hours being decreased due to government cutbacks, it is interesting to note that all twenty library

representatives reported their libraries are open at least 6 days and up to 71 hours in a one-week period.

The institution survey also included a question relating to the number of reference staff members currently employed at the library. One hundred twenty full-time reference librarians, 76 part-time reference librarians, 29 full-time reference staff members, and 77.5 part-time reference staff members were reported to be employed in the twenty libraries surveyed.

There were two questions in the staff survey which requested information relating to the frequency of legal questions and specific functions performed by librarians relating to legal information service. In the first question, librarians were asked to estimate the frequency with which public library users ask questions related to the law or request legal materials. Of the 110 respondents, 60 percent answered "often" or "very often." The estimated frequency of legal questions is presented in table 1 according to the numbers and percentages of responding librarians.

Table 1
Frequency of Legal Queries

Frequency	n	%
Very often (over 10%)	25	23
Often (6-10%)	41	37
Occasionally (1-5%)	42	38
Rarely, never (less than 1% of all inquiries)	2	2
Total	100	100

The second question asked respondents to indicate the function or functions performed by them which involved a legal component. Four types of library functions were listed for librarians to review. The responsibilities of the librarians usually included more than one function. Ninety-two percent of the 110 librarians provide legal reference/information service to the public. The provision of legal information include tasks such as direct service to users in person or by telephone (87%), interlibrary loan services (21%), on-line searching (18%), and public education related to legal topics (4%). Thirty-three percent of the survey respondents are involved in the selection and/or acquisition of legal materials. Twenty-seven percent of the librarians checked 'maintenance of legal materials collection' and 11 percent responded they are responsible for the 'management or supervision of staff who work with legal materials.' Figure 1 indicates the

types of functions performed by reference librarians in relation to legal information service.

Figure 1. Librarian Functions

LEGAL COLLECTIONS

To examine the first research question involving the adequacy of legal collections, a series of questions relating to legal collections and materials were incorporated in the institution survey. These questions asked if the library participates in a depository program, what specific materials are owned by the library, if a collection development policy exists, who is responsible for the selection and maintenance of legal materials, and how much of the library budget is allocated to purchase legal materials.

Of the twenty institution surveys responding to the question about the status of their library as a depository for government documents, 35 percent reported that their libraries were depositories. Twenty percent of the seven

libraries are full depositories. Full depositories receive state and federal materials published and made available by the Government Printing Office for public distribution. The remaining 15 percent of the seven libraries are partial depositories, meaning they participate in the California state depository program but not the federal depository program. Sixty-five percent of the libraries reported they do not participate in any government depository program. The participation of public libraries in a depository program is illustrated in figure 2.

Figure 2. Government depository program

The study sought to identify the types of legal materials available to patrons in public libraries. A question in the institution survey asked library representatives to identify the legal materials owned by their libraries. Legal sources and materials were divided into four groups: primary sources or authorities; secondary sources or authorities; index, search, and finding tools;

and other legal research materials. The “primary sources or authorities” group was broken down further into four sub-groups: statutes, court reports, court rules, and administrative laws. The primary sources owned by public libraries is presented in table 2 according to the numbers and percentages of responding libraries.

Table 2
Primary Sources Owned by Public Libraries

Primary sources	yes		no	
	n	%	n	%
Statutes				
Federal	13	65	7	35
State	17	85	3	15
Court Reports				
Federal	5	25	15	75
State	2	10	18	90
Court Rules				
Federal	9	45	11	55
State	10	50	10	50
Local	2	10	18	90
Administrative Law				
Federal Register (FR)	9	45	11	55
Code of Federal Regulations (CFR)	10	50	10	50

The “secondary sources or authorities” group listed five types of secondary materials: American Law Reports, legal encyclopedias, legal dictionaries, looseleaf services, and legal periodicals. Table 3 shows the ranked

frequency of responses to this question about the secondary sources owned by public libraries.

Table 3
Secondary Sources Owned by Public Libraries

Secondary sources	yes		no	
	n	%	n	%
Legal Dictionaries	20	100	0	0
Legal Encyclopedias	9	45	11	55
Looseleaf Services	9	45	11	55
Legal Periodicals	7	35	13	65
American Law Reports	0	0	20	100

The "index, search, and finding tools" group was broken down into four sub-groups: citators, digests, legal periodical indexes, and legal databases. Overall, the data indicates public libraries do not tend to invest in these materials. Only 15 percent of the twenty libraries owned citators. As little as 5 percent own digests. None of the twenty libraries owned any of the legal periodical indexes. As far as legal databases are concerned, 5 percent of the libraries has access to LEXIS. One library representative reported they have limited access to legal materials through the legal files contained in the Dialog databases. Another library representative has limited access to the US codes, state codes, CFR, and FR materials available on the Internet. The index,

search, and finding tools owned by public libraries are presented in table 4 according to the numbers and percentages of responding libraries.

Table 4
Index, Search, and Finding Tools Owned by Public Libraries

Legal Tools	yes		no	
	n	%	n	%
Citators	3	15	17	85
Digests	1	5	19	95
Legal Periodical Indexes	0	0	20	100
Legal Databases				
LEXIS/WESTLAW	2	10	18	90
Other	2	10	18	90

The "other legal research materials" group listed eight types of materials reported by public librarians to be the most often used legal sources by laypersons. All twenty libraries reported having one or more of these sources. In order of frequency, twenty or 100 percent of the libraries reported owning the Nolo Press series⁵¹ in their collections. Nearly all of the libraries, 95 percent, reported they have law directories in their collections. These include the *Martindale-Hubbell Law Directory*, *Parker Directory of California Attorneys*, *United States Court Directory*, *Judges of the United States*, and *The American*

⁵¹ A series of self-help books published by Nolo Press which discuss a variety of legal issues in laymen terms.

Bench. Ninety percent of the libraries reported having a copy of the *United States Government Manual*. Seventy-five percent of the libraries house a variety of form books such as *American Jurisprudence Legal Forms*, *West's Legal Forms*, *California Legal Forms*, or *CalForms*. Sixty percent responded they carry a copy of the *Guide to American Law* on their shelves. Fifty-five percent of the libraries own general legal reference materials which provide general legal research information, for example, *American Jurisprudence Desk Book*, *Encyclopedia of Legal Information Sources*, *West's Legal Desk Reference*, and *Oxford Companion to Law*. Twenty-five percent of the twenty library representatives reported their libraries owned a legal thesaurus. Ten percent of the library representatives responded they owned the Nutshell series of how-to books. Table 5 shows the other legal research materials owned by public libraries in rank order.

Table 5
Other Legal Research Materials Owned by Public Libraries

Other sources	yes		no	
	n	%	n	%
Nolo Press series	20	100	0	0
Law Directories	19	95	1	5
U.S. Government Manual	18	90	2	10
Form Manuals	15	75	5	25
Guide to American Law	12	60	8	40
General Legal Reference	11	55	9	45
Legal Thesaurus	5	25	15	75
West's Nutshell series	2	10	18	90

In terms of selection and maintenance of the library's legal collection, sixty percent of the libraries reported they did not have collection development policies for legal materials. Regardless of whether such a policy is in place or not, 60 percent of the library representatives reported the responsibility of selecting and maintaining the legal collection is assigned to the supervising or managing reference librarian. Thirty percent of the library representatives responded it is the responsibility of a reference librarian. At one library, an acquisitions librarian made all the decisions relating to the selection and acquisition of legal materials. At another library, this responsibility was fulfilled by a technical services librarian. Table 6 shows the ranked frequency of responses to this question.

Table 6
Responsibility of Selection and Maintenance of Legal Materials

Responsibility	n	%
Supervisor/Manager Reference librarian	12	60
Reference Librarian	6	30
Acquisitions Librarian	1	5
Other	1	5

On the institution survey, library representatives were requested to indicate the amount of money allocated to legal materials compared to other collection areas. Seven of the twenty libraries reported a dollar amount figure for legal materials or other collection areas or both. One library representative reported only the amount of money allocated to legal materials. No information was provided to indicate the amount of money allocated to other collection areas. Another library representative reported only the amount of money allocated to collection areas other than legal materials. No information was provided to indicate the amount of money allocated to legal materials. No ratios could be computed for these two reportings. However, five other library representatives reported the respective dollar figures allocated to both legal and other collections enabling calculations of budget ratios. The percentage of the budget allocated to legal materials compared to other collection areas was reported at 2%, 2%, 7%, 11%, and 33% respectively, as reflected in table 7.

Table 7
Library Budget Allocated to Legal Materials

Population Group*	Legal Materials	Other Materials	Total Budget	%
1-1	\$10,000	\$130,000	\$140,000	7%
1-2	\$ 7,959.50	\$467,000	\$474,959.50	2%
4-2		\$186,000		
4-3	\$ 2,300			
5-2	\$ 2,869	\$136,679	\$139,548	2%
6-3	\$ 3,000	\$ 6,000	\$ 9,000	33%
7-1	\$20,000	\$168,000	\$188,000	11%

* All surveys were coded to maintain anonymity of institutions and staff librarians. A total of three public libraries were selected from each population group to participate in the mail survey. The first number signifies the population group. The second number represents a public library.

PUBLIC LIBRARIAN EDUCATION AND TRAINING

The second research question dealt with the issue of legal education and training of public librarians. The staff survey contained three questions to gather information about legal education and training received by librarians. On the questionnaire, librarians were asked what type of education or training they have, which type of education or training they find most helpful, and how beneficial they would feel specific training programs would be for a librarian with no previous experience in legal information or reference service.

The question, "What type of legal education or training do you have?" asked the respondents to identify which of seven types of training they had

received. Table 8 shows the ranked frequency of responses to this question. Since the majority of all respondents reported more than one type of training, totals do not reflect the number of respondents. Eight percent of the librarians possessed “other” types of legal education or training such as assistance by Lexis/Nexis customer service representatives, previous jobs with legal information responsibility, professional reading, college law classes, in-house training, and previous law library experience.

Table 8
Librarian Training and Education

Rank	Type of legal training or education	n	%
1	On-the-job experience	100	91
2	Advice from supervisor or other librarians	66	60
3	Workshops, seminars, etc. outside library	50	45
4	Library school course(s) on legal materials	27	25
5	Other	9	8
6	No formal experience	4	4
7	LL.B. degree	2	2

Eighty percent of the 110 librarians replied to the question referring to the types of training or preparation most helpful to them. Thirty-five percent of the librarians reported that on-the-job experience was the most helpful. The second most frequent category of helpful training reported (18 percent) was workshops or courses held outside the library. Eleven percent of the librarians responded either library school courses or advice from supervisor and other librarians is

helpful. Five percent of the librarians indicated “other” types of legal education or training most helpful. One librarian reported the most helpful source of legal training was a law class taken at a local college. Two librarians reported they continue to receive in-house legal training and this has been the most helpful for them. Three other librarians felt their previous law library experience has been most helpful to understand basic legal research skills. Twelve librarians reported that a combination of different sources of legal training is most helpful:

- 1 library school/workshops outside the library
- 1 on-the-job experience/library school
- 1 workshops outside the library/in-house training
- 1 workshops outside the library/law library experience
- 1 library school/on-the-job experience/ in-house training
- 3 on-the-job experience/workshops outside the library
- 4 on-the-job experience/advice from supervisor and other librarians

The third question regarding legal education and training asked librarians to rate various kinds of training that would, in their opinion, most help an inexperienced librarian learn to provide effective legal information service. The rating scale listed three levels of helpfulness: very helpful, helpful, and not helpful. The six training topics listed were introduction to the law, collection development, using legal research materials, the legal reference interview, community legal resources, and the role of the librarian in legal information services.

The majority of the 110 librarians responded that all the training topics presented would be “helpful” or “very helpful” for a librarian who has no previous experience in legal information/reference service. Table 9 indicates the ranking for the training programs, expressed as percentages of the number of librarians who assessed the program as “very helpful”/“helpful” or “not helpful” for an inexperienced librarian.

Table 9
Training Programs for New Librarians

Training topic	“very helpful/helpful”		“not helpful”	
	n	%	n	%
Using legal research materials	100	100	0	0
Legal reference interview	107	97	3	3
Community legal resources	107	97	3	3
Role of librarian in legal information services*	101	91	9	8
Introduction to the Law	98	89	12	11
Collection development*	94	86	16	15

* Totals do not reflect 100%, as figures are rounded.

Additional space was provided in the staff survey in which librarians were given an opportunity to provide any suggestions or training programs that they feel would be helpful to an inexperienced librarian in preparation of handling legal information and/or reference service. Five librarians suggested contacting local county law libraries to request tours of the law library, schedule internships for public librarians, plan in-house observation opportunities for public librarians

at the law library, and coordinate a paging system in which law librarians could be available on a on-call basis with public libraries. Four librarians reported a variety of training topics not included in the staff survey including online legal database search techniques, a patent law workshop, information available on the Internet and how to access it, and societal issues of heightened controversy (i.e., abortion, employment issues, child abuse, adoptions, etc.). Lastly, one librarian recommended a list of laws often referred to by title or popular name.

REFERRAL PRACTICE AND PROCEDURE

There were a total of six questions in the institution and staff surveys to evaluate the third research question relating to referral procedure. The staff survey results indicate that 33 percent of the 110 librarians reported that legal referral assistance is provided to patrons “often” or “very often” (see figure 3).

Figure 3. Frequency of Referral

Seventy-five percent of the twenty library representatives who completed the institution survey reported that they have a referral procedure in place. Sixty-five percent of the libraries indicated a list or a quick reference referral file of legal information resources in their community is available.

Of the 110 librarians, 38 percent have someone they could call to answer difficult legal questions before considering a referral. Twenty-two percent of the forty-two librarians indicated their source to be found inside the library. Twenty-six percent of the forty-two librarians seek assistance outside the library. A few librarians reported contacting more than one source should difficult legal questions arise. Table 10 reflects sources which librarians contact for assistance when receiving difficult reference queries related to the law.

Table 10
Sources Consulted for Difficult Legal Queries

Internal/External	n	%	Sources consulted (n)
inside library	24	22	librarian II (7) librarian III (4) reference supervisor (2) librarian supervisor-formerly law librarian (2) check with reference head (2) another reference librarian (2) research librarian (1) reference librarian with law library experience (1) librarian co-workers (1) full-time librarian (1) computer search (1)
outside library	29	26	county law librarian (20) Metropolitan Cooperative Library System (4) friend in law library (2) state/federal agency (1) law firm librarian (1) large public library (1)

Once a decision is made by the librarian to conduct a referral, 95 percent of the 110 librarians reported they refer patrons to the local law library. Twenty percent refer patrons to the local legal clinic. Four percent are referred to a local law firm. Twelve percent reported they refer patrons to "other" sources such as the bar association, a government publications department of a library, a landlord/tenant resolution center, a public library depository, a state or federal agency, social services, an attorney referral service, MCLS, or an in-house lawyer who provides free legal consultation in the library. Two percent of the

librarians have not needed to provide a referral yet. Table 10 indicates the rankings for the sources patrons are referred to when conducting a referral, expressed as percentages of the number of librarians.

Table 11
Sources Referred

Sources Referred	n	%
Local Law Library	104	95
Local Legal Clinic	22	20
Other*	13	12
Local Law Library	4	4

* Bar assoc., gov't pubs dept., free consultation by lawyers at library, landlord/tenant resolution ctr., state/fed agency, social sves., attorney referral, MCLS.

UNAUTHORIZED PRACTICE OF LAW (UPL)

The fourth research question addressed related to issues concerning the unauthorized practice of law. Three questions in the staff survey pertained to the unauthorized practice of law by non-lawyers. The first question asked, "Do you think there is a difference between legal information and legal advice?" A vast majority of the librarians reported they were indeed aware of the difference. In response to the second question asked, "Are you aware of any risks, liabilities, or laws involved with the practice of law by non-lawyers," again the librarian awareness factor was very high. Lastly, the librarians were asked whether

written guidelines are in place for handling legal inquiries. The majority of the 110 librarians reported there were no such guidelines. Table 12 illustrates the awareness of librarians of the distinction between legal information and advice, the awareness of librarians of the risks, liabilities, and laws involved with unauthorized practice of the law by non-lawyers, and the existence of a legal reference service guideline in public libraries.

Table 12
Unauthorized Practice of Law

Survey Questions	yes		no	
	n	%	n	%
Do you think there is a difference between legal information and legal advice?	106	96	4	4
Are you aware of any risks, liabilities, or laws involved with the practice of law by non-lawyers?	99	90	11	10
Does your library have written guidelines for handling legal reference inquiries?	38	35	72	65

TYPES OF PROBLEMS

One of the major goals of this study was to identify the types of problems experienced by public librarians when providing assistance to patrons with a legal inquiry. One of the last questions on the staff survey requested librarians to rate eight problem scenarios on a five-point scale. This scale was labeled

“very often,” “often,” “occasionally,” “rarely,” and “never.” Each problem scenario provided a space for comments for librarians to elaborate any thoughts relating to the problem posed. Table 11 illustrates the relative occurrence of problems that librarians reported encountering “often” or “very often” for each type of problem in rank order.

Table 13
Types of Problems

Rank	Type of problem	n	%
1	Library does not own the source	52	47
2	Patron presents incomplete or unclear query	42	38
3	Librarian fears wrong answer, interpretation	22	20
4	Librarian does not know enough about law	20	18
5	Source is missing, unavailable	16	15
6	Librarian not familiar with electronic sources	7	6
7	Librarian has difficulty using the source	7	6
8	Librarian is unsure of referral procedure	7	6

Note: “n” represents the number of librarians who described the problem as occurring “often” or “very often.”

The most commonly occurring problem is that the library does not own the materials that might be most useful to provide adequate legal information or reference service. Eight of the fifty-two librarians specifically stated that many of the legal queries they receive involve case law and their libraries do not own the court report volumes that contain these. Although case law is currently available in print and electronic format, 95 percent of the library representatives reported

on the institution survey they do not own legal materials in electronic format.

One librarian reported, "We really need an online legal search service such as Westlaw to efficiently search the materials we have. Unfortunately cost is prohibitive for a public library."

Other librarians feel legal collection development is a problem:

Don't have federal regulations, requests for these are referred to a nearby college.

We have a very basic collection, have limited space and budget.

We refer many patrons.

Great demand for Nolo, but not always available. Also, no online legal service available.

We do have a lot of stuff available on the Internet but patrons don't know how to access.

Government documents need to be purchased and increased (e.g., labor statistics).

The size and expense of useful, basic legal tools are prohibitive.

Budget is not sufficient to purchase additional legal materials and to update existing.

The second most common problem reported is that the librarian has difficulty with the reference interview. The patron is unable or unwilling to present the question clearly or completely, and it is difficult to understand what he/she wants. As a result, the librarian is not provided with enough information. Several librarians added specific comments concerning this problem.

Patrons often don't know how to phrase questions correctly or are unsure what they really want.

Patrons rarely know what they are looking for in legal questions. They have a combination of half information, vague terminology, questionable section numbers, state or federal regulation, title numbers, etc. I think they expect a solution rather than information heading to one.

Patron may be unwilling to provide information needed due to fear of the law.

Patrons will explain situation in great detail. It is hard to get to the specific question.

A thorough reference interview is essential when dealing with legal queries.

Sometimes patrons don't know how to ask legal questions - they have a partial citation or heard something on the radio 4 years ago.

Distinguishing legislation from regulatory law not always clear from question where information will be found.

The third most common problem is related to the issue of unauthorized practice of law. Librarians were asked to rate the frequency with which they believed they found the answer but did not want to risk giving the wrong answer or provide an interpretation of the law. As previously indicated, the awareness factor of the librarians regarding the distinction between legal information and legal advice is high. Of the twenty-three comments received by librarians in response to this problem, fifteen of the librarians pointed out that they make it very clear to the patrons during the reference interview process that librarians cannot and will not provide legal advice or interpretation. Patrons are further

reminded that legal professionals must be sought to obtain additional legal assistance other than legal information service. Librarians made some additional comments relating to the practice of law by non-lawyers:

I usually explain to patrons that this is what I found but that it may not be complete, to consult a lawyer.

Patrons need to read it. If patron doesn't understand, they may need to consult someone with more legal training.

Always preface with statement not lawyers and can't advise on law. Give instruction how to use source and leave to them to select appropriate sections.

I wouldn't offer an interpretation, I would suggest patron to consult professional in field.

I would never give an interpretation of law. This is not part of our job.

It's a good idea to remind patrons that you are just a guide to legal information and not necessarily a lawyer. Never interpret, recommend, advise, etc.

Legal questions are difficult to analyze without legal education. These could only be resolved by an attorney. But, patrons can use collections to further educate themselves or use them to get simple legal information.

The fourth most common problem is that the librarian understands what the patron wants to know, but is not sure what sources might be useful. Eighteen percent of the 110 librarians responded that this problem occurred "often" or "very often." Additional comments were received by three librarians in response to this problem scenario. Two librarians indicated that when this problem occurs, they consult with co-workers to find a source to best

accommodate the patron's needs. One librarian shared the difficulty of making the determination whether the legal query received involves a federal or state legal issue.

Out of the eight problem scenarios, the fifth most commonly occurring problem is another one which relates to the legal collections. Fifteen percent of the librarians reported that legal materials are "often" or "very often" missing from the library collection or, if found, the applicable pages have been torn out. One librarian reported that this problem frequently occurs with tax forms. Another librarian mentioned that a whole bound volume of the federal or state codes have been known to disappear.

The remaining three problem scenarios presented in the staff survey were rated equally at 6 percent. Two of the problem scenarios related to legal research and the other one related to referral. Six percent of the librarians reported they "often" know that certain sources owned by the library might be useful in response to a legal query but they have difficulty using them. This data further supports the figures previously reported which indicated that a vast majority of public librarians do not have sufficient legal research training or education. One library reported legal reference books are hard to use due to the "legalese" contained in them. Two librarians pointed out the difficulty in using a subject index. They stated they are unsure of the correct legal terms to find what

they are looking for. One librarian commented that it is difficult to determine when to use the Code of Federal Regulations and United States Codes. Another librarian commented the Commerce Clearing House Federal Tax Guide was the most difficult to use and understand. One librarian reported assistance is sought of co-workers when legal queries are received. Two other librarians reported they have extensive background in legal research and have no problem with legal research.

The other problem scenario relating to legal research deals with legal materials available in electronic format and the inability of the librarians to conduct basic legal searches. Six percent of the 110 librarians indicated this problem occurs "often " or "very often." One librarian pointed out "there is a lack of good documentation on use of electronic sources." Another librarian reported that legal database searching is not conducted for ready reference questions and such requests are taken only as fee-based searches by research librarians. Five librarians have a small collection of legal CD-roms, but no access to LEXIS or WESTLAW. One librarian commented that the reference staff has electronic access to the US codes, but since the staff does not conduct legal searches on a regular basis the search strategy skills are lost. Lastly, another librarian stated, "When this happens, I just call a librarian II."

The eighth and last problem scenario presented was a situation relating to referral procedure. Some librarians reported that for problems that seem to require a referral to a legal professional, they are unsure of the most appropriate procedure. Six percent of the librarians indicated this is a problem which occurs "often." Three librarians pointed out that patrons who come to the public library to seek legal information assistance do so because oftentimes they cannot afford a lawyer or they do not want to pay lawyers for basic legal research they could conduct on their own before consulting a expensive lawyer. One librarian mentioned that his/her library will not assume the responsibility of assisting patrons to find other sources for additional assistance.

An opportunity was provided for librarians to share any other problems encountered when a legal question is received other than the eight problem scenarios presented (see table 12). Of 110 librarians, forty-eight provided additional comments relating to problems faced by them when dealing with legal inquiries.

Table 14
Other Types of Problem Scenarios

Rank	Types of Problems	n	% of 48	% of 110
1	Patrons do not understand that librarians cannot give legal advice or interpretation	17	35	15
2	Specific problems relating to the legal reference interview	13	27	12
3	Patrons have high expectations of public librarians	7	15	6
4	Specific problems relating to legal sources	6	13	5
5	Specific problems relating to referral	<u>5</u>	<u>10</u>	<u>5</u>
Total		48	100	43

Seventeen of the forty-eight librarians reported that it is difficult to explain to a patron that librarians cannot give legal advice or legal interpretation. Patrons become angry and impatient when librarians cannot confirm whether they found the right law or not. Some patrons feel librarians are uncooperative. One librarian reported that patrons seeking legal information are often 'clingy' and they are hard to get away from. Another librarian commented that public librarians are faced with this predicament due to the increasing number of "arrogant lawyers." Five librarians indicated that patrons who come to the public library for legal information do so because they do not wish to contact a lawyer and pay their expensive fees. Patrons would rather resolve their own legal matters than to deal with what they consider to be obnoxious lawyers. One

librarian mentioned that patrons often rephrase questions when they are told they must consult a lawyer. Another librarian stated that most of the patrons who seek legal information will not accept a referral to a lawyer.

Thirteen librarians submitted comments relating to various aspects of the legal reference interview process. First, ambiguity on the part of the patron is a problem. Patrons often provide the librarian with incorrect or incomplete information when seeking legal information assistance:

Sometimes people have a code citation and you have to figure out which document it is from.

Taking partial or garbled citations patrons have through the reference interview to the needed code or regulation. (Do you have "Title 16" is a difficult question to accurately answer.

Inaccurate or incomplete citations to law (i.e., codes).

Citations given by patrons are not complete enough.

Secondly, several librarians reported that patrons do not understand the legal process and how legal materials are organized:

A lot of patrons don't understand the difference between federal and state laws, or indeed that there are federal and state codes.

Patrons do not know if case requested is federal, state, case law, etc.

Patrons often lack a clear understanding of how laws are made, what "currently in force" means, what regulatory law is as opposed to codes, etc. I have often done a quick explanation to help them understand what part of the legal collection is appropriate.

Public sees process as being addressed by one source (i.e., "the book on statutes of limitations").

Unfamiliarity with the US legal structure.

Patrons get confused between looking at the text of a statute and magazine articles on a particular law.

Patron comes with bill number for legislation that is a few years old - hard to trace using bill number. Once passed, it is given a chapter, statute, or code number.

Thirdly, seven librarians reported that patrons have higher expectations than librarians can meet at the public library level. Patrons sometimes expect public librarians to know specific court procedures and forms required for certain legal actions. Further, there are patrons who rely on or expect the librarians to conduct the legal research for them. One librarian commented that "Sometimes patrons do not realize they are asking a complex legal question and do not want to do any of the research themselves." Another librarian stated, "Patrons do not want to do their own study and push a public librarian to conduct an inordinate amount of research." One librarian suggested that librarians be cautious not to offend patrons who seek legal information. This librarian was approached by a patron who wanted to know the jail sentence for a particular illegal offense. The librarian pulled out the index volume of the U.S. Codes and started with the heading, "criminal offenses." The patron quickly looked up to the librarian and shouted, "He is NOT a criminal!"

Specific comments relating to problems with legal collections were shared by six librarians:

The patron does not understand why public libraries are limited in the number of legal documents and reference sources they can collect. They do not want to take the time to go to a law library.

Some federal materials only available online or microform.

Sometimes the US Senate and House bills and resolutions on microfiche do not match the references.

If you have tax forms, people expect tax advice.

Tracing laws in a non-law library, non-depository collection.

Source materials are not written in clear language.

Lastly, five of the forty-eight librarians reported problems relating to referral. Two of the librarians commented that there is a need for more legal clinics or other forms of low cost legal help to refer patrons. It was also suggested that a legal clinic for new immigrants would be most helpful for patrons who are "new to the English language and/or American culture." Legal reference assistance for foreigners or non-English speaking patrons are much more difficult than English speaking patrons. Three other librarians expressed their frustrations regarding patrons who are referred to the public library for legal information assistance by courts and colleges. One librarian reported that the local municipal court refers litigants seeking legal research assistance to the public library. This librarian further stated that the municipal court has no idea

which legal materials the public library may or may not have in its limited legal collection. Another librarian reported that a college professor of a local community college refers his students to the public library to conduct legal research. This public library also has a very modest legal collection. The professor "cannot understand why we don't have all the reporters." The third librarian indicated that there are patrons who choose to handle their own cases and are frequently referred to the public library to search for legal form books. Although the library owns these form books, librarians are instructed not to assist patrons to complete the forms. Patrons become frustrated and this, in turn, creates additional problems for the librarian.

SUGGESTIONS/COMMENTS RECEIVED BY PUBLIC LIBRARIANS

The staff survey concluded with a question which provided an opportunity for public librarians to share any suggestions or comments to help them improve their overall legal reference service effectiveness. Of the 110 librarians, 68 percent responded to this question. Various practical suggestions were received. Several comments and insights, not necessarily suggestions, were also given. Most of the responding librarians offered more than one suggestion or comment. There were six categories of help suggested (see table 13). Seven or 9 percent of the seventy-five librarians responded to this question with comments, more specifically, opinions of their current legal reference practices.

Table 15
Suggestions by Public Librarians to Improve Legal Reference Service

Rank	Suggestions	n	%
1	More legal education and training for public librarians	50	67
2	Improve legal collections and collection administration	15	20
3	Solicit assistance from community legal professionals	11	15
4	Development of handbooks, indexes, and guidelines	9	12
5	Establish a effective and efficient referral procedure	8	11
6	Other*	3	4

* Suggestions relating to time, staff, theft and budget.

The help most desired by librarians was legal information education including in-house workshops, off-site seminars, hands-on training, self-training, refresher courses, and library school courses (67 percent). A variety of training topics, many of which were included in the staff survey in a previous survey question, relating to legal information or legal reference were requested: legal collection development; basic legal research methods; using legal research materials; referral procedure; librarian responsibility; legal information vs. legal interpretation; legal terminology; and legal bibliography. Some librarians were more specific as to what legal information training they desired. Suggestions included workshops about: legal forms; the difference between state statutes, federal statutes, and federal regulations; "new" legal reference sources; legal research tools; supreme court cases; state and federal tax sources; electronic legal research materials; and legal sources available on the Internet. One

librarian urged that legal information and research training be geared toward public librarians. Another librarian suggested that training should be made available to all reference staff members including part-time reference personnel. A third librarian expressed a need for a "traveling" workshop to provide on-site training, which would increase the participation by librarians. In addition to the above suggestions and recommendations, two comments were received which related to legal training and education. One librarian commented that it has been helpful to conduct informal staff discussions of various problems with legal queries experienced by the reference staff and how they were handled. Another librarian encouraged pursuing a J.D. or paralegal degree.

A second area of concern focused on the collection management of legal materials. More specifically, the selection, maintenance, and accessibility of information related to the law. Twenty percent of the seventy-five librarians pointed out that the following would be helpful:

Have a larger collection.

More materials.

More reference sources.

Quick reference tools.

Up-to-date online state, city codes, etc.

I would like us to have more/better/different forms books. We are frequently asked for forms and have all recently agreed CalForms disappoint us.

I wish we could keep Nolo books on the shelf! Perhaps those of us who have extensive standing orders with Nolo, could have additional access via the Internet.

Additional copies of Nolo Press publications would be useful. They are very useful and popular.

Periodic review of sources available in library.

Being able to keep longer runs of FR, bills, etc.

More access to quasi-law and proposals -- e.g., AQMD info (it's better now that they have Internet site).

Better US Code (cd-rom) product. The EPO CD-Rom product is inferior.

Knowing when to update.

CalForms, Witkins, CalJur, Larmac Index, USC and CFR in print versions.

Another category of help requested by public librarians was support and cooperation from the local legal community. Fifteen percent of the librarians suggested soliciting assistance from local law libraries and other legal professionals such as paralegals, lawyers, and legal clinic staff members. A few of the librarians felt that on-going in-service training provided by practicing law librarians would be beneficial. Several other librarians mentioned a need for periodic advice sessions with law librarians to discuss legal collection issues, for example, updating, weeding, discarding irrelevant materials, selection of more useful sources, evaluation of existing collection, and effective use of legal research tools. Three librarians recommended scheduled observation opportunities at local law libraries. They strongly feel spending time in a law

library to observe daily activities, reference desk practices, law library services, and collections would help them better understand the overall handling of legal reference service to the public. One librarian added, "An understanding of what services and collections are available at their local law library would be helpful to refer a public library patron to the local law library as well when conducting a referral." Another librarian commented that "A legal librarian on staff would be ideal."

The fourth category of help pertains to the need for handbooks, indexes, and guidelines for librarian use. Twelve percent of the seventy-five librarians reported that this type of information would be beneficial to improve their legal service effectiveness. Two librarians requested that a printed bibliography of all legal materials owned by the library be prepared. One of the two suggested a bibliography separated by California and LA County would be appreciated. Two other librarians responded that a guideline for legislative history would help librarians to gain an understanding of tracing bills to statutes. One librarian suggested a list of all legal materials and sources available in electronic format. One librarian expressed a need for "guidelines to purchase legal materials for a public library." One librarian felt an urgent need for guidelines which describe how to handle legal reference service. Another librarian recommended the

creation of a list of frequently asked questions, including the sources where answers could be found.

Eleven percent of the seventy-five librarians who responded to this question expressed a need for an improved referral procedure. Half of the librarians were not aware of the community sources where patrons should be referred. They expressed a need for up-to-date information on where to refer patrons for additional legal information assistance. Two librarians reported they immediately refer patrons to sources outside the library upon receiving any reference question with a legal component. One librarian refers all patrons with legal queries to the Metropolitan Cooperative Library System (MCLS)⁵² reference desk. Another librarian redirects patrons to two city courthouse libraries for California law or to the local county library for out-of-state law inquiries. Some librarians responded it is equally important to know what sources and services are available at the community legal sources where they are referring patrons. This would help librarians to select the appropriate agency or organization when conducting referrals. One librarian commented that their referral file is underrepresented and inadequate and that more clinics and organizations need to be added. Another librarian commented that a referral is the best safeguard

⁵² The California Library Services Act cooperative public library system to which public libraries belong. There are fifteen in the state of California.

to avoid crossing over into the danger zone of dispensing legal advice or interpretation.

Other kinds of help requested included those relating to time, staff, theft, and budget:

More time! Timeliness is often a factor in legal reference.

More staff.

Stop the theft. I wish we could keep Nolo books on the shelf!

Larger collections budget for this area.

In addition to all the insightful suggestions reported above, comments and opinions were also received by librarians relating to legal reference service. Two librarians opined that public librarians “should not get into the legal assistance field” and that “this could be another service that the beleaguered librarian would take on in the name of public service.” One librarian shared their difficult experience with staff training:

I used to be in charge of legal collection. Now I supervise front line staff who must use collection. It is important to train staff to know how to use the legal materials -- as many are intimidated and tend to lead people to the materials with little instruction and then walk away. Users can be shown how the materials can be accessed without staff providing legal advice, I believe. But it's a difficult concept to get across to staff.

One librarian warned how legal research tools “behave” differently than other reference tools (i.e., frequent updates, supplements, key systems, etc.). Another librarian added, “Getting legal questions more frequently, using legal reference

tools once in awhile only, does not make you very proficient." A angry librarian commented on the rudeness of law students who come to the public library to seek assistance. This librarian encouraged law schools to offer courses on good manners. One librarian expressed appreciation for Nolo books with which most questions can be answered in this library.

V. Conclusion

This study indicates that legal inquiries do occur in U.S. public libraries with sufficient frequency to justify special attention. Sixty percent of the public librarians reported that legal queries are received “often” or “very often.” Another 38 percent responded “occasionally.” Of 110 librarians surveyed, 108 indicated they have been confronted at one time or another with patrons requesting legal information. This relatively high frequency of legal queries encountered by librarians, combined with the fact that public librarians possess unique reference interview and public service skills, supports the idea that the public library may be an appropriate entity to respond to the public's basic legal information needs. Yet the literature suggested that public libraries are not prepared to provide adequate legal reference service. Rarely can they afford the resources necessary to develop adequate legal collections and staff training. Also, librarians are in danger of dispensing legal advice to patrons. Furthermore appropriate referral procedures are not always in place.

Based on these reports, four research questions were formed. This study examined each research question to determine the current practices of legal reference service at public libraries in Southern California. The first research question referred to whether legal collections at the public library level were adequate to enable timely and accurate legal reference service. The second

research question related to the amount of legal education or training public librarians possess and whether they are prepared to provide sufficient legal reference service. The third research question reflected the inadequacies of current referral practices and procedures. The fourth research question dealt with the awareness of public librarians regarding the unauthorized practice of law by non-lawyers.

DISCUSSION

The first research question presented in this study addressed the adequacies of legal collections. The literature suggested that legal materials available at public libraries are less than sufficient. On the contrary, this survey indicated that a majority of the libraries own print versions of the federal and/or state statutes. Sixty-five percent of the public libraries own a complete multi-volume set of the federal statutes. Eighty-five percent of the twenty public libraries who participated in the institution survey responded they own a complete set of the California state statutes. An impressive majority of the libraries reported having a variety of legal directories, the United States Government Manual, and form books on their shelves. Half of the libraries owned local court rules, federal and state regulations, legal encyclopedias, looseleaf services, and general legal research materials. All twenty of the libraries reported they owned at least a legal dictionary and the Nolo Press

series of self-help legal guides. Although there are more libraries than expected with respectable legal collections, by no means did the results indicate that legal collection content is no longer a problem. There is still a sizeable percentage of libraries who reported they do not own in print or electronic versions any of the basic primary and secondary legal sources to conduct even the most simple legal reference service. Forty-seven percent of the 110 librarians reported that the problem in which the library does not own the materials that might be most useful to provide adequate legal information or reference service occurred "often" or "very often." With a reasonable legal collection, the public librarian can and should be able to answer many legal questions for the layman. In cases where even a basic collection of legal materials cannot be developed, perhaps a referral could be conducted to redirect patrons to other community sources which could be of assistance.

The second research question dealt with the level of legal education or training of public librarians. Most of the public librarians received a combination of education and training. Only four librarians reported they had no legal information experience or training, indicating the remaining 106 librarians possess some form of legal education or training. The survey results revealed 100 of the 110 librarians received their training on-the-job. Depending on the definition of "adequate training," some may argue that on-the-job training would

not be considered formal education. One must determine the practical applicability of such type of training. Some librarians commented real-life experiences are not always covered in formal education and that on-the-job training is the best form of education. Other librarians added that even with formal legal education acquired through a college course, library school course, paralegal training, or law school, if hands-on legal reference service or legal research is not conducted regularly, much of the knowledge is useless. A combination of both formal education and on-the-job training may be the best solution.

The third research question concentrated on the issue of whether public libraries have referral procedures in place. Although only 33 percent of the librarians reported referral assistance was provided "often" or "very often," it was further indicated that the majority of the libraries have referral procedures in place (75 percent). Public libraries are part of a network of sources which can provide access to information on the law. Other sources include county law libraries, police departments, county courthouse libraries, academic law libraries, legal clinics, local government agencies, and law firms. The answers to questions received at public libraries will not always be found in the pages of the books on their shelves. If, after surveying the library's resources, a librarian feels the resources are not sufficient, the librarian could refer them to an appropriate

agency. If there is more than one agency which might meet the inquirer's need for information, librarians should offer information for all of the appropriate agencies to allow the patrons to decide as to the agency best suited to offer the required assistance. The public library is only one element in the total network of sources of legal information available within a community. An effective referral should help connect patrons with the appropriate organizations or individuals that are able to provide response to their questions or problems.

The fourth and last research question related to the awareness in public librarians of the difference between legal information and legal advice. The survey results indicated an overwhelming majority of public librarians understand the distinction between legal information and legal advice (96 percent). Not only are librarians aware of the difference between legal information and legal advice, 90 percent also responded that they are aware of the risks, liabilities, and laws involved with the practice of law by librarians. The temptation to practice law can be insidious and a request for legal advice in the guise of something quite innocent can be beguiling. However, it appears public librarians for the most part are exercising sensitivity and good judgment when dealing with legal inquiries.

The survey data seems to indicate that library size is not a factor in terms of the library collection, legal education, referral procedures, and unauthorized practice of law. An assumption was made that it could be a factor. For example,

it was assumed that larger libraries would have a larger legal collection, more trained librarians in legal research and assistance, a referral procedure in place, and high awareness of issues relating to the unauthorized practice of law. Likewise, it was assumed that smaller libraries would be inadequate and underprepared in each of these areas of legal reference service. On the contrary, these assumptions were not confirmed. Overall, library size did not have bearing on any of the areas reflected in the institution and staff surveys including library hours, reference staff members, frequency of legal queries, librarian functions, legal collections, librarian education and training, referral procedures, and the unauthorized practice of law. However, survey responses received to two questions reflected a possible correlation between library size and participation in government depository programs and the possession of local court rules. Of the twenty libraries who responded to the institution survey, seven of the largest libraries surveyed indicated they participate in a state and/or federal depository program while the remaining thirteen smaller libraries did not. One library from each of the top two population groups owned a copy of the local court rules, while the remaining eighteen libraries (small and large) did not. Otherwise, there were no other significant connections between library size and legal reference service.

RECOMMENDATIONS

The following recommendations are intended to stimulate discussion between the Southern California public library community and other organizations and individuals concerned with the multi-faceted issue of legal information. Recommendations are provided in the same order the four research questions were presented and evaluated: (1) legal collections, (2) legal education and training, (3) referral, and (4) unauthorized practice of law. These recommendations are based on problems and issues identified in the survey and suggestions provided by librarians who participated in this study.

LEGAL COLLECTION

1. *Participation in a government depository program.* The survey revealed that less than half of the libraries participate in a government depository program. State and federal depositories provide an extraordinary opportunity to enable public libraries to provide better legal service to the general public. A possible means to improve legal collections at no cost is offered by the government. The Government Printing Office (GPO) offers a wide spectrum of legal information for distribution to the public at no charge. Although these materials may not fall into the category of primary sources of legal research materials, they could be informative and helpful to patrons seeking legal information. Of the six libraries who reported their budget allowance for legal

materials, it was calculated only 2 to 5 percent of the funds allocated to other collection areas are spared towards building the legal collection. The benefits from the library's perspective to participate in such a depository program are that no charges are incurred other than that of processing the materials and housing them and it enables the public libraries to offer the materials freely to patrons in support of their public service efforts.

2. Create a collection development policy to build or enhance a useful legal collection. Sixty percent of the library representatives who participated in the institution survey reported their respective libraries do not have a collection development policy in place. Such a policy can provide a framework to select and acquire the legal sources that will best accommodate the specific needs of the community the library serves. In preparation of developing a collection development policy, a library could review: (1) strengths and weaknesses of the current legal collection; (2) the legal needs, both known and anticipated, of the users; and (3) other resources available locally and those accessible through interlibrary loan. Once this evaluation is conducted, a policy statement can be created. This statement could establish guidelines relating to the various aspects of collection development, including selection, acquisition, weeding, and evaluation of legal materials. A written collection development policy could serve as a day-to-day working tool that provides the necessary guidelines for carrying

out the tasks within the area of collection building. Such a policy could serve a broad range of functions: (1) help set standards for the selection and weeding of legal materials; (2) serve as an in-service training tool for new staff; (3) provide a means of periodic staff evaluation of existing legal materials; (4) provide information to assist in budget allocations; and (5) contribute to operational efficiency in terms of routine decisions. To work effectively in legal collection development librarians must have some guidelines. Without it, there may be much difficulty to build the type of legal collection the library needs to serve its community.

LEGAL EDUCATION AND TRAINING

3. Providing a variety of legal education and training opportunities for public librarians to assist in providing legal information. The survey results indicated that a vast majority of public librarians acquire their legal reference skills on-the-job. The comment that was received most in the staff survey was the need for more in-service training, workshops, seminars, and refresher courses relating to legal information. If public librarians are to cope with the unique difficulties of legal information service, a key issue is their professional training and development.

There are many legal courses, seminars, certificate programs, and conferences offered throughout the Southern California area. Library schools

offer legal research courses. Colleges provide general business law and paralegal classes. Library associations schedule seminars and workshops in legal bibliography. National and statewide organizations plan informative sessions on legal research. Training for legal information service must be made available in different forms and at different times throughout a librarian's career, in a planned sequence of activities that are financially and geographically accessible. Library management must make a commitment to fulfill librarians' needs to obtain the appropriate education and training to handle legal queries.

Professional development is beneficial in many ways. Reference librarians will be provided with the necessary knowledge and skills to handle legal queries in a timely, accurate, and efficient manner. Gaining the knowledge to handle legal information and research may boost confidence and comfort levels of the librarian. Proper legal education or training may decrease the amount of fear and anxiety experienced by many librarians when receiving legal questions.

4. Cooperate with the community's legal professionals, including lawyers, paralegals, legal clinic staff, and law librarians, to improve overall legal information service. Legal education and training cost money. Not all public libraries can afford the expense, not to mention the time of sending their reference staff to a workshop, college class, or seminar. One librarian

suggested a “traveling workshop” which would alleviate the time issue. Better yet, if arrangements can be made with local legal professionals to present an annual legal workshop or participate in a legal reference Q & A session or schedule periodic visits to review the legal collection, it would be a time and money saving resolution. Observation sessions, tours of the law library, and internships may be planned in which public librarians could spend some time in a law library or legal clinic to review the legal collection and observe handling of legal information requests. One librarian suggested it would be helpful to have a legal professional on-call. Networking with legal professionals in the community could be a very beneficial relationship for all the parties.

5. Create handbooks, indexes, and other instruction materials that can be consulted by public librarians who receive legal queries as the need arises.

Librarians expressed a need for a variety of reference tools to improve their legal service effectiveness and efficiency. Public librarians requested that in-house handbooks be prepared which list frequently asked questions, define basic legal terms, explain how to read a law citation, provide brief descriptions of the contents of primary and secondary legal research materials, and outline the court structure. Others suggested an easy-to-read index of legal collections owned by the library. A few of the librarians who receive legal queries on a regular basis encouraged the preparation of a set of guidelines to trace

legislative history from bill to statute. Such reference tools could be beneficial to all public librarians, regardless of their legal training background. Librarians with little or no knowledge in legal research could find such materials very helpful and educational. Librarians who possess formal legal education may refer to these to refresh his or her memory.

REFERRAL

6. *Establish an effective and efficient referral procedure.* Although most of the libraries reported they have a referral procedure in place, the survey results indicated that 25 percent of the twenty libraries did not. The first step in preparing to conduct an effective referral is to survey the available legal information resources of the community. The information gathered in the survey could be put into a ready reference list or card file arranged by broad subject headings. Referral experts suggest inserting as many cross-references in the card file or list as possible. Date and initial all information and conduct periodic updates of the information. Once such a referral procedure is established, when a patron requires additional legal assistance beyond what the public library can provide, an effective referral could be efficiently conducted.

A few librarians reported that they are unsure of the most appropriate procedure to follow when they receive legal questions that seem to require a referral to a legal professional. If a referral procedure is not currently in place,

one should be created and implemented. On the other hand, if a procedure does exist, it must be shared with every librarian who will answer reference questions. Further, there must be a commitment by library management to ensure that information of all such procedures, policies, and guidelines be provided to all reference librarians and staff members.

UNAUTHORIZED PRACTICE OF LAW

7. *Create written guidelines for legal information service.* The majority of the libraries reported they have no written guidelines to handle legal reference inquiries. The public librarian must make a sincere effort to disseminate accurate information for without this care, the public is open to unfortunate misinformation and blatant deception. A library should be prepared to function in this capacity and should develop its own policies in this area, not easy to prepare and a time commitment would be necessary to produce such a document. A policy guideline can delineate the responsibilities and limits of the librarian. Suggestions for developing such a policy include all aspects and issues of legal reference service relating to legal collection development, legal education and training, unauthorized practice of the law, and referral procedures. To expend time, money, and effort in providing access to information on the law without contemplating the extent to which a librarian should attempt to handle legal questions is a disservice to the public the library serves not to mention the

risk and liability issues associated with the unauthorized practice of law by librarians. Each library should have or develop a realistic and relevant policy for dispensing legal reference service to avoid such consequences and offer the most helpful legal assistance possible.

8. Prepare legal research handouts for distribution to patrons seeking legal information service. Four percent of the librarians reported they are unaware of the difference between legal information and legal advice. Another 10 percent reported they are unaware of any of the risks, liabilities, or laws relating to the unauthorized practice of law by non-lawyers. First of all, the library management must explain to librarians the importance of understanding the difference between legal information and legal advice and its consequences. The creation and implementation of a written guideline for legal information service as discussed above would be beneficial. In addition, one-page legal research handouts on frequently asked legal topics could be helpful to avoid the unauthorized practice of law by librarians. These handouts could be distributed to patrons at the reference desk. They could explain in simple terms how to read and locate a case or statute citation, how to use indexes of the various legal materials owned by the library, how to find specific forms in the respective legal form books the library has. For example, a divorce handout could list the library's holdings on divorce, form books, state codes, and court rules books. It

could also contain a list of local bar association numbers and lawyer referral services numbers. The handouts should not contain any specifics about divorce law or any research topic. The handouts are merely to guide the patron in using a public library and performing legal research. It should basically be a one page selective annotated bibliography. All handouts should contain a disclaimer preferably in large bold print explaining that the handout is only for information purposes regarding the library's holding and anyone with a legal problem or question is strongly advised and encouraged to consult an attorney. Distribution of such handouts could avoid or lessen the potential for librarians to dispense legal advice. If patrons have written instructions to help them conduct their legal research, they may not find it necessary to rely on librarians to find the legal information they need.

9. Post disclaimers throughout the library to encourage patrons to retain counsel for legal advice. Although the survey results reported that almost every public librarian is aware of issues involving the unauthorized practice of law, there could not be enough safeguards and precautionary measures to avoid crossing the line between legal reference and legal advice. The posting of notices urging those who need legal advice to consult an attorney may help to reinforce the limits of librarians to assist patrons with legal questions. Such notices could be posted in visible areas throughout the library, in display cases,

at the reference desk, on the pillars and bookshelves where legal materials are organized, on library desks, at sitting areas, etc. There is a great deal that public libraries can do to satisfy some of the basic legal information of the public without practicing law. A lot of simple questions could be answered safely. Public librarians can provide the information laymen want and need before they go to a lawyer or law library. The laws set forth pertaining to the unauthorized practice of law allow non-lawyers to assist patrons in *locating* the laws they are seeking. Understanding the law is a complicated process, and librarians are not qualified to *interpret* the law on any topic. Legal professionals must be sought to receive such legal counsel. Posting disclaimers may reduce the risk that the patron will actually rely on information given by the library and will make clearer to patrons the status of the public library in the legal system.

COOPERATION BY PUBLIC LIBRARY SYSTEMS

There are 15 cooperative public library systems in California. They are governed by Administrative Councils made up of the directors of the member public libraries and aided by System Advisory Boards representing the public served. Most systems employ a Coordinator/Director and support staff. Either through system vans or by contract with member libraries, they provide regular delivery service for exchange of materials. Systems are supported by a combination of local membership fees and state program grants.

Public library systems may be of great assistance to implement most, if not all, of the recommendations presented above. They could organize workshops, prepare policies, solicit for help from legal professionals, create reference tools, and print disclaimers on behalf of all the public libraries they represent. This centralized approach would allow each public library to avoid spending valuable staff time and effort to carry out these projects individually.

Each library system submits grant applications to the state throughout the year. This study could be utilized to justify the funding needed to accommodate public libraries with the recommended materials and solutions to improve overall legal reference service.

LEGAL REFERENCE EDUCATION IN LIBRARY SCHOOLS

The recommendations presented above can be achieved by public libraries to improve their respective legal information service. It was not the intent of this study to present far-fetched and impossible recommendations. Practicality and feasibility was essential. Many, if not all, of the recommendations provided in this study can be accomplished by library staff or library systems with reasonable time and effort.

Although there are many ways public libraries could improve legal reference services on their own, library schools could also contribute to improve overall legal information and reference service in public libraries. The survey

results revealed that the majority of the public librarians receive legal inquiries quite frequently already. The state court statistics also indicate there is an increasing trend in litigation activity across the United States. Such an explosion in lawsuits being filed in this country may bring more of the general public to the public library to seek legal information assistance in years to come. Library schools must prepare library students to be able to handle reference questions involving the law.

Incorporation of specific reference skills geared towards legal queries in general reference courses would be helpful. Specialized courses such as legal bibliography, basic legal research, and government documents could be advantageous to those who are thinking about pursuing a library career which may include reference responsibilities.

It would be beneficial to both prospective reference librarians and library school administrators to offer the appropriate instruction and provide the necessary skills relating to legal reference and research in library school curriculums. Reference librarians will be better prepared to provide the most effective and efficient legal reference service. Library school administrators will fulfill a responsibility to provide public libraries with competent and capable reference librarians with basic legal reference skills.

FUTURE RESEARCH

There is a great need for further research to be conducted and the results of this study strongly indicate a number of directions for future study.

The nature and scope of legal information inquiries directed to public libraries could be studied in more depth. What types of legal information or assistance is requested by patrons? What are the frequently asked questions? Why do people go to a public library and not a law library to seek legal information? Do patrons know there are other free sources of legal information assistance such as county law libraries and legal clinics? This approach might yield some useful answers about the expectations of library users and the role of libraries and librarians.

Another related study would be to survey all the possible entities capable of providing legal information or assistance to the general public, including lawyers, paralegals, law libraries, police departments, public libraries, legal aid offices and clinics, and local government agencies. Interviews could be conducted at each entity to provide them an opportunity to discuss roles, relationships, and responsibilities of the dissemination of legal information and contribution towards public legal education in the United States. Every entity may express their individual concerns and proposals. The Friedland study conducted in Canada concluded that no single institution has a monopoly on the

distribution of legal information to the private citizen. A similar effort could be made in the United States to assess existing legal information sources. The needs of a particular patron may be better met by one type of information source than by another. The nature of the information need may call for a response ranging from a simple statute reference to complex litigation research. All of those involved in the dissemination of legal information to private citizens should recognize an obligation to evaluate the patron's requirements to the extent that an intelligent judgment can be made as to which source of information or service best meets the their needs. Where the patron plugs into the system, s/he should be assured of getting not only access to the information they require, but of getting it from the organization or source best suited to provide it in a competent manner. The principle requires sensitivity on the part of all organizations in a given community and a knowledge of what type of legal information can be obtained at each. What is needed is good sense and judgment on the part of those replying to a inquirer's information requirements.

Perhaps a more basic research question involves studying the competence of reference librarians when handling legal reference queries. Site observations could be scheduled with different public libraries. A review of the legal collection, interviews with the reference staff, and reference desk observation could be conducted to determine the level of knowledge and ability

of the reference librarian to respond to legal questions. This could also be assessed in a less intimidating manner by using mail surveys. Legal reference questions could be prepared for librarians to review and provide written responses. Once the ability of reference librarians to handle legal queries are determined, suggestions for improvement could be made.

Public librarians in Southern California seem very aware of the difference between legal information and legal advice. The study indicated they are also aware of the risks and liabilities involved in dispensing legal advice as opposed to legal information. A nationwide review of statutes and case law pertaining to the unauthorized practice of law could be useful. It could be of further interest to study the rate or frequency of litigation activity across the United States. Are public librarians in northern California or central California just as sensitive to the issues relating to the unauthorized practice of law by non-lawyers? California is reported to be a highly litigious state. This may explain the high awareness factor of California librarians of the consequences of crossing over the line into the dangerous territory of giving legal advice. But, how about in other parts of the country where law suits and litigation are not so common? Do they even need to worry about it? Where are the other litigious states? Are the public librarians in other litigious states as cautious and aware of the boundaries of providing legal reference service as California librarians? Kirkwood and Watts

conducted such a 50-state search in 1983. These laws may be outdated. There are rumors that the Professional Responsibility Committee of the American Bar Association is in the process of compiling a summary of state laws pertaining to the unauthorized practice of law in the United States. If this information becomes available, a coordination project to disseminate this research could be conducted. A joint cooperation effort with the American Bar Association and American Library Association could be formed to distribute this information in print and electronic versions to all public libraries in the country.

Lastly, replication of this study is encouraged in other states. The current study was a partial replication of a study previously conducted in Canada. A research project to compare the state of affairs relating to legal information service between Canada and the United States could be interesting and insightful. The Canadian public libraries have much support from government agencies mandating public legal education, community legal professionals, and local law libraries. They provide a good model for others to study and follow.

This study was exploratory in nature and certainly not comprehensive. The data collected revealed that legal information inquiries are a significant part of a reference librarian's activities. The data also confirmed the need for more research. It is hoped that the results of the present study will help to guide future

research which will help public libraries to provide more effective legal references services.

Works Cited

- American Bar Association. *Model Rules of Professional Conduct*. Chicago: American Bar Association, 1995.
- _____. *Model Code of Professional Responsibility and Code of Judicial Conduct*. Chicago: American Bar Association, 1986.
- Berdie, Douglas R., John F. Anderson, Marsha A. Niebuher. *Questionnaires: design and use*. 2nd ed. Metuchen, N.J.: Scarecrow Press, 1986.
- Bowker, R.R. *American Library Directory 1994-95*. 47th ed. Vol. 1, *Libraries in the United States*. New Jersey: R.R. Bowker, 1994.
- Brown, Yvette. "From the Reference Desk to the Jail House: Unauthorized Practice of Law and Librarians." *Legal Reference Services Quarterly* 13, no. 4 (1994): 31-45.
- California State Library. *California Library Statistics 1995*. Sacramento: Library Development Services Bureau, 1995.
- Corbin, John. "Abiding by the Law: Legal Materials in Public Libraries." *Wilson Library Bulletin* 55, no. 6 (1981): 419-22.
- _____. *Find the Law in the Library: A Guide to Legal Research*. Chicago: American Library Association, 1989.
- Crowther, J.L. "Legal Information for the Public: A Public Library Perspective." *Law Library Journal* 84, no. 3 (1992): 559-65.
- Curran, Barbara A. *The Legal Needs of the Public: The Final Report of a National Survey*. Chicago: American Bar Foundation, 1977.
- Dewdney, Patricia, Sam Coghlan, Christine Sue-Chan, Catherine S. Ross. *Legal Information: Services in Ontario Public Libraries: A Final Report*. Ontario, Libraries and Community Information Branch, Ontario Ministry of Citizenship and Culture, 1987.
- Dillman, Don A. *Mail and Telephone Surveys: The Total Design Method*. New York: Wiley, 1978.

- Dollbaum, Margaret. "Take the Law..Into Your Own Hands!" *Booklegger* 2, no. 12, (1974): 2-7.
- Dykstra, Gail. "Answering Questions on the Law." *Emergency Librarian* 4, no. 3 (1977): 18-20.
- _____. "How and Why: Legal Information Referrals." *Emergency Librarian* 4, no. 1 (1977): 14-5.
- _____. "Law and the Practicing Librarian." Paper presented at the proceedings of the Atlantic Provinces Library Association Conference, Cornerbrook, Newfoundland, May 1980.
- Dykstra, Gail and Meg Richeson. "Reference and Referral Techniques." Paper presented at the proceedings of the Atlantic Provinces Library Association Conference, Cornerbrook, Newfoundland, May 1980.
- Elmore, Barbara. "WESTLAW and Other Legal Database Searching in a Public Library." Paper presented at the Online '84 Conference, San Francisco, Calif., October 1984, 103-8.
- Friedland, Martin L. *Access to the Law Study*. Toronto: Carswell Methuen, 1975.
- Germaine, Claire M. "Teaching Legal Research to Non-lawyers." *Legal Reference Services Quarterly* 8, no. 1-2 (1988): 247-52.
- Hawley, George S. *The Referral Process in Libraries: A Characterization of Related Factors*. Metuchen, N.J.: Scarecrow, 1987.
- Heitz, Thomas R. "Legal Information vs. Legal Advice: Is it Possible to Draw the Line?" *In Reference and Information Services: A Reader*. Edited by Bill Katz and Andrea Tarr. pp. 28-35. Metuchen, N.J., Scarecrow, 1978.
- Henke, Dan. "Law for Citizens - How to Meet Their Needs in Academic and Public Libraries." *California Librarian* 35, no. 2 (1974): 50-62.
- Jacobstein, J. Myron, Roy M. Mersky, Donald J. Dunn. *Fundamentals of Legal Research*. 6th ed. New York: Foundation Press, 1994.

- Jewett, Linda. "Libraries and Access to the Law." *Ontario Library Review* 59, no. 4 (1975): 220-5.
- Kirkwood, C.C. and Tim J. Watts. "Legal Reference Service: Duties and Liabilities." *Legal Reference Services Quarterly* 3, no. 2 (1983): 67-82.
- Mills, Robin K. "Serving the Lay Public: The Public Library Versus the Law Library." In "Legal Information to the People." *Law Library Journal* 72, no. 4 (1979): 612-27.
- _____. "Reference Service vs. Legal Advice: Is It Possible to Draw the Line?" *Law Library Journal* 72, no. 2 (1979): 179-93.
- Nixon, Judith M. "Legal Service in the Public Library: A Guide to Primary-Source Legal Material." *RQ* 24, no. 2 (1984): 195-203.
- O'Brien, Margaret. "Managing Legal Materials." *Emergency Librarian* 4, no. 1 (1977): 290-308.
- Oppenheim, Abraham N. *Questionnaire Design, Interviewing, and Attitude Measurement*. New York: Pinter Publishers, 1992.
- Richeson, Marion E. "Legal Information Services in British Columbia." *Emergency Library* 4, no. 3 (1977): 5-7.
- Schanck, Peter C. "Unauthorized Practice of Law and the Reference Librarian." *Law Library Journal* 72, no. 1 (1979): 57-64.
- Sekula, Maria. "Taking the Show on the Road." *Law Library Journal* 72, no. 4 (1979): 618-20.
- Sudman, Seymour. *Asking Questions*. Jossey-Bass Social and Behavioral Science Series. San Francisco: Jossey-Bass, 1982.
- Tuckman, Bruce. *Conducting Educational Research*. 3d ed. New York: Harcourt Brace, 1988.

Sources Consulted

- Angoff, Allan. "Library Malpractice: Could it Happen to You?" *American Libraries* 7 (1976): 489.
- Beal, S.W. *Legal Reference Collections for Non-Law Libraries*. Ann Arbor, MI: Pierian Press, 1973.
- Begg, Robert T. "The Reference Librarian and the Pro Se Patron." *Law Library Journal* 69 (1976): 26-32.
- Berring, Robert C. "How to be a Great Reference Librarian." *Legal Reference Services Quarterly* 4, no. 1 (1984): 17-37.
- Blandy, Susan G., Lynne M. Martin, Mary L. Strife. *Assessment and Accountability in Reference Work*. Binghamton, NY: Haworth Press, 1993.
- Brown, Irving. "The Lawyer's Easy Chair." *Legal Reference Services Quarterly* 8, no. 3-4 (1988): 284-6.
- Christensen, John E. *Learning to Use LEXIS: Policies and Procedures, Training Exercises, Resource Materials*. Classroom material, Texas University, 1977, 43p.
- Coleman, Kathleen. "Legal Reference Work in Non-Law Libraries." *Special Libraries* 72, no. 1 (1981): 51-8.
- Crocker, Jane Lopes. "How Much Should We Tell." *Bay State Librarian* 64, no. 5 (1975): 12-3.
- Danner, Richard A. "Reference Theory and the Future of Legal Reference Service." *Law Library Journal* 76 (1983): 217-32.
- Dewdney, Patricia. "Legal Information Services in Ontario Public Libraries." *Canadian Law Journal* 45, no. 6 (1988): 371.
- Dewdney, Patricia, Joanna G. Marshall, Muta Tiamiyu. "A Comparison of Legal and Health Information Services in Public Libraries." *RQ* 31 (1991): 185-96.

- Diamond, Rand J. **Comparing Lexis and Westlaw: Using System Features to Improve Search Results.** Master's Thesis, Kent State University, Master of Library Science, 1991.
- Dowling, Shelley. "Continuing Education of Reference Librarians." *International Journal of Legal Information* 19, no. 3 (1991): 268-9.
- Foster, Lynn and Phyllis C. Self. "Legal and Medical Reference: A Dilemma for Libraries." *Illinois Libraries* 60 (1978): 243-8.
- Gray, John A. "Personal Malpractice Liability of Reference Librarians and Information Brokers." *Journal of Library Administration* 9 (1988): 71-83.
- Grogan, Denis. *More Case Studies in Reference Work.* Hamden, CT: Shoe String, 1972.
- _____. *Practical Reference Work.* Hamden, CT: Shoe String, 1979.
- Katz, William A. *Introduction to Reference Work, Volume 1.* New York: McGraw-Hill, Inc., 1992.
- Katz, William A. *Introduction to Reference Work: Reference Services & Reference Practices, Volume 2.* New York: McGraw-Hill, Inc., 1992.
- Leone, Gerome. "Malpractice Liability of a Librarian." *Law Library Journal* 73 (1980): 44-65.
- Lesko, Matthew. "In Our Information Society, Why Isn't the Public Library the Most Important Building in Our Community?" *Public Libraries*, 31, no. 2 (1992): 85-7.
- Logan, R. "United States Law: Reference Sources." *Law Librarian* 23, no. 4 (1992): 188-91.
- Maslow, Linda S. "The Use of Legal Bibliographies in the Modern Reference Room." *Legal Reference Services Quarterly* 9, no. 1-2 (1989): 57-70.
- Medves, Gian. "Legal Reference Sources on the Internet." *Canadian Law Libraries* 19, no. 2 (1994): 52-6.

- Pritchard, Teresa and Michelle Quigley. "The Information Specialist: A Malpractice Risk Analysis." *Online* 13, no. 3 (1989): 57-62.
- Snyder, Fritz. "State Legal Research Guides." *Legal Reference Services Quarterly* 4, no. 1 (1984): 3-15.
- Rawnsley, L. Scott. "Marking Tracs: Road-Testing the INFOTRAC and LEGALTRAC Videodisk." *Legal Reference Services Quarterly* 6, no. 3-4 (1986): 169-80.
- Reinertsen, Gail. "Bibliography on Public Access to Legal Materials." *Legal Reference Services Quarterly* 6, no. 304 (1986): 181-93.
- Stevens, Roland E. and Joan M. Walton. *Reference Work in the Public Library*. Littleton, CO: Libraries Unlimited, 1983.
- Way, Derek J. "The Legal Researcher's Desk Reference." *Law Librarian*, 26, no. 1 (1995): 311(1).
- Yirka, Carl A. "Best Legal Reference Books." *Law Library Journal* 81, no. 2 (1989): 305-42.

APPENDIX A
LETTER OF PERMISSION

The UNIVERSITY of WESTERN ONTARIO

Graduate School of Library and Information Science

March 6, 1996

Yuko Neal
San Jose State University
School of Library and Information Science
9522 Netherway Drive
Huntington Beach, CA 92646

Dear Yuko,

I am writing to grant permission for use of the questionnaire that was prepared in the study "Legal Information Services in Ontario Public Libraries" conducted by Patricia Dewdney, Sam Coghlan, Christine Sue-Chan, and Catherine S. Ross and published in Canadian Library Journal 45, no. 6 (1988): 365-371. This study was supported through the Faculty-Student Research Program of the Ontario Ministry of Citizenship and Culture.

Please let me know what modifications, if any, you make on the mail survey you plan to conduct and provide me with a copy of any journal publications resulting from your work. Should you have any questions or comments, please do not hesitate to contact me at (519) 679-2111 ext. 8506 or dewdney@julian.uwo.ca.

Sincerely yours,

Patricia Dewdney, Ph. D.
Associate Professor

PD:wg.

APPENDIX B

HUMAN SUBJECTS LETTER OF APPROVAL

Office of the Academic Vice President • Associate Academic Vice President • Graduate Studies and Research
One Washington Square • San Jose, California 95192-0025 • 408/924-2480

TO: Yuko Neal
22420 Ocean Avenue, #21
Torrance, CA 90505

FROM: Serena W. Stanford *Serena W. Stanford*
AAVP, Graduate Studies & Research

DATE: October 24, 1995

The Human Subjects-Institutional Review Board has approved your request to use human subjects in the study entitled:

"Legal Reference Service in Public Libraries"

This approval is contingent upon the subjects participating in your research project being appropriately protected from risk. This includes the protection of the anonymity of the subjects' identity when they participate in your research project, and with regard to any and all data that may be collected from the subjects. The Board's approval includes continued monitoring of your research by the Board to assure that the subjects are being adequately and properly protected from such risks. If at any time a subject becomes injured or complains of injury, you must notify Serena Stanford, Ph.D., immediately. Injury includes but is not limited to bodily harm, psychological trauma and release of potentially damaging personal information.

Please also be advised that each subject needs to be fully informed and aware that their participation in your research project is voluntary, and that he or she may withdraw from the project at any time. Further, a subject's participation, refusal to participate, or withdrawal will not affect any services the subject is receiving or will receive at the institution in which the research is being conducted.

If you have any questions, please contact me at (408) 924-2480.

APPENDIX C
INSTITUTION SURVEY

LEGAL INFORMATION SERVICES

Institution Survey

1. What are the library hours?

Sunday _____ to _____	Thursday _____ to _____
Monday _____ to _____	Friday _____ to _____
Tuesday _____ to _____	Saturday _____ to _____
Wednesday _____ to _____	

2. Please indicate the number of reference staff members currently employed at your library:

_____ Reference Librarians (full-time)
 _____ Reference Librarians (part-time)
 _____ Other Reference Staff Members (full-time)
 _____ Other Reference Staff Members (part-time)

3. Is your library a depository for government documents?

Yes _____ No _____

4. Which of the following types of legal materials does your library own?

<Primary Sources or Authorities>

a) Statutes

_____ United States Statutes at Large
 _____ United States Codes (USC) or United States Codes Annotated (USCA) or United States Code Service (USCS)
 _____ West's Annotated California Codes or Deering's California Codes
 _____ Other (specify: _____)

b) Court Reports

Federal Court Reports
 _____ United States Reports
 _____ West's Supreme Court Reporter
 _____ United States Supreme Court Reports, Lawyer's Edition
 _____ Federal Reporter
 _____ Federal Supplement
 _____ Other (specify: _____)

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State Court Reports

- ☐ California Reports
☐ California Reporter
☐ Pacific Reporter
☐ Other (specify: _____)

c) Court Rules

- ☐ Federal Court Rules
☐ State Court Rules
☐ Local Court Rules

d) Administrative Laws

- ☐ Federal Register (FR)
☐ Code of Federal Regulations (CFR)

<Secondary Sources or Authorities>

- a) ☐ American Law Reports (i.e., ALR - ALR 5th, ALR Federal)
b) ☐ Legal Encyclopedias (i.e., Corpus Juris Secundum, American Jurisprudence, California Jurisprudence, subject encyclopedias, etc.)
c) ☐ Legal Dictionaries (i.e., Black's Law Dictionary, Ballentine's Law Dictionary, Bouvier's Law Dictionary, etc.)
d) ☐ Looseleaf Services (i.e., Commerce Clearing House (CCH), Bureau of National Affairs (BNA), Matthew Bender, Clark Board Callaghan, etc.)
e) ☐ Legal Periodicals (i.e., Daily Journal, law reviews, Bar Association newsletters, special subject periodicals, etc.)

<Index, Search, and Finding Tools>

a) Citators and Digests

- ☐ Shepard's Citator series (i.e., US Citations - Cases, US Citations - Statutes, California Citations - Cases, California Citations - Statutes, Federal Citations, Pacific Reporter, Code of Federal Regulations, etc.)
☐ General Digest

b) Legal periodical indexes

- ☐ Index to Legal Periodicals
☐ Current Law Index
☐ Legal Resource Index
☐ Other (specify: _____)

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c) Legal Databases

☐ LEXIS
☐ WESTLAW
☐ Other (specify: _____)

<Other Legal Research Materials>

☐ Nolo Press series (i.e., How To.....File for Divorce, Adopt a Child, etc.)
☐ West's Nutshell series
☐ Guide to American Law
☐ United States Government Manual
☐ General legal reference (i.e., American Jurisprudence Desk Book, Encyclopedia of Legal Information Sources, West's Legal Desk Reference, Oxford Companion to Law)
☐ Form manuals (i.e., American Jurisprudence Legal Forms, West's Legal Forms, California Legal Forms, Cal Forms)
☐ Law Directories (i.e., Martindale-Hubbell Law Directory, Parker Directory of California Attorneys, United States Court Directory, Judges of the United States, The American Bench, etc.)
☐ Legal Thesaurus
☐ Other (specify: _____)

5. Do you have a collection development policy for legal materials?

Yes _____ No _____

6. Who is responsible for selecting and maintaining the library's legal collection?

☐ a reference librarian
☐ a supervisor/manager reference librarian
☐ acquisitions librarian
☐ other (specify: _____)

7. How much money is allocated for legal materials compared to other collection areas?

\$_____ legal materials \$_____ other collection areas

8. Does your library have a referral procedure?

Yes _____ No _____

9. Do you have a list or a quick reference referral file of the legal information resources available in your community?

Yes _____ No _____

APPENDIX D
STAFF SURVEY

LEGAL INFORMATION SERVICES Staff Survey

1. How often do you receive questions related to the law?

- ☐ Rarely or never (less than 1% of all inquiries received)
- ☐ Occasionally (1% to 5%)
- ☐ Often (6% to 10%)
- ☐ Very often (more than 10%)
- ☐ Comments: _____

2. Check all the functions that you perform:

- ☐ Provision of legal information/reference service to the public:
 - ☐ Direct service to users (in person or by telephone)
 - ☐ Interlibrary loan services
 - ☐ On-line searching
 - ☐ Public education related to legal topics (i.e., workshops, seminars, tours)
- ☐ Selection/acquisition of legal materials
- ☐ Maintenance of legal materials collection
- ☐ Management/supervision of staff who work with legal materials
- ☐ Other (specify: _____)

4a. What type of legal education or training do you have (check all that apply)?

- ☐ LL.B. degree
- ☐ Library school course(s) on legal materials
- ☐ On-the-job experience
- ☐ Advice from supervisor or other librarians
- ☐ Workshops, seminars, etc. held outside the library
- ☐ No formal experience or training
- ☐ Other (specify: _____)

4b. Which of the above have been most helpful to you? How has it helped you?

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5. For a librarian who has no previous experience in legal information/reference service, how helpful do you think training programs on the following topics would be?

- (a) Introduction to the law (i.e., structure of fed/state law and court system; how laws are made and changed, legal terminology)

Very helpful ____ Helpful ____ Not helpful ____

- (b) Collection development (i.e., legal material selection, subscription services, weeding guidelines)

Very helpful ____ Helpful ____ Not helpful ____

- (c) Using legal research materials (i.e., types of sources, how to use the major resources effectively, updating, indexes and finding aids)

Very helpful ____ Helpful ____ Not helpful ____

- (d) The legal reference interview (i.e., how to find out what library users with legal questions really want to know; techniques for manual or on-line pre-search interviewing)

Very helpful ____ Helpful ____ Not helpful ____

- (e) Community legal resources (i.e., identifying community agencies that provide specialized legal information or assistance; making appropriate referrals; cooperating with other libraries and information centers)

Very helpful ____ Helpful ____ Not helpful ____

- (f) The role of the librarian in legal information services (i.e., professional responsibilities and liabilities; legal information vs. legal advice)

Very helpful ____ Helpful ____ Not helpful ____

- (g) Please provide any other suggestions or training programs that may be helpful to you:

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6. How often do you provide legal referral assistance to patrons?

- ☐ Rarely/Never
☐ Occasionally
☐ Often
☐ Very Often

7a. Is there someone you could call to answer difficult legal questions?

Yes ☐ No ☐

7b. Who? Please provide job title.

8. Where do you refer patrons when conducting a referral?

- ☐ local law firm
☐ local legal clinic
☐ local law library
☐ other (specify: _____)

9. Do you think there is a difference between legal information and legal advice?

Yes ☐ No ☐

10. Are you aware of any risks, liabilities, or laws involved with the practice of law by non-lawyers?

Yes ☐ No ☐

11. Does your library have written guidelines for handling legal reference inquiries?

Yes ☐ No ☐

12. We are interested in the types of problems that you personally encounter when you receive a legal question. For each of the following problems, please indicate how frequently it occurs and add any comments or examples that will help to assess the extent of the problem.

(a) The patron is unable or unwilling to present the question clearly or completely, and it is difficult to understand what he/she wants.

Very often ☐ Often ☐ Occasionally ☐ Rarely ☐ Never ☐
Comments:

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- (b) Your library does not own the materials that might be most useful.
- Very often ____ Often ____ Occasionally ____ Rarely ____ Never ____
Comments:
- (c) Your library owns the materials in electronic format, but you are not familiar with the basic search commands.
- Very often ____ Often ____ Occasionally ____ Rarely ____ Never ____
Comments:
- (d) You understand what the patron wants to know, but you are not sure what sources might be useful.
- Very often ____ Often ____ Occasionally ____ Rarely ____ Never ____
Comments:
- (e) You know that certain sources owned by your library might be useful but you have difficulty using them.
- Very often ____ Often ____ Occasionally ____ Rarely ____ Never ____
Comments:
- (f) For problems that seem to require a referral to a legal professional, you are unsure of the most appropriate procedure.
- Very often ____ Often ____ Occasionally ____ Rarely ____ Never ____
Comments:
- (g) You believe that you have found the answer but do not want to risk giving the wrong answer or providing an interpretation of the law.
- Very often ____ Often ____ Occasionally ____ Rarely ____ Never ____
Comments:
- (h) Your library owns the relevant legal materials, but they are missing from the library collection or if found, the applicable pages have been torn out.
- Very often ____ Often ____ Occasionally ____ Rarely ____ Never ____

Legal Information Services - Thesis Survey
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- (i) Please share any other problems encountered when a legal question is received:

- 13. What would help you most to improve your own service effectiveness with legal questions? What do you need to have, or to learn? How would it help you? (Mention as many kinds of help as you think necessary.)

THANK YOU FOR COMPLETING THIS SURVEY. PLEASE RETURN IT IN THE ENVELOPE PROVIDED OR MAIL TO THE FOLLOWING ADDRESS by March 15, 1996: Yuko Neal, San Jose State University, School of Library and Information Science, 9522 Netherway Drive, Huntington Beach, California 92646.

APPENDIX E

BASIC LEGAL RESEARCH SOURCES AND TOOLS

BASIC LEGAL RESEARCH SOURCES AND TOOLS

<Primary Sources or Authorities>

Statutes represent the body of law (federal and state) enacted by the legislature.

Court Reports are compilations of court cases from state and federal appellate courts, and sometimes from trial court cases. Each court case reported includes information such as case name, citation, docket number, date of decision, summary of the case, summary of the legal rule and other significant facts of the case, names of counsel, statement of facts, and the opinion.

Court Rules control the operation of the courts and the conduct of the litigants appearing before them. Court rules relate to such matters as the issuance of complaints, assignment of cases, method of appeal, and the proper means for making motions that are required during the many phases of a court proceeding.

Administrative laws are created by administrative agencies and are in the form of rules, regulations, orders, and decision. They are designed to implement, interpret, or prescribe law or policy and have the same legal effect as statutes.

<Secondary Sources or Authorities>

ALR annotations are encyclopedic essays that collect cases germane to a particular point of law and then, through use of these cases, discuss and analyze in depth that particular point of law.

Legal encyclopedias are written in narrative form, arranged by subject and containing supporting footnote references to cases in point. They provide the propositions of law as well as citations to cases, statutes, and other commentary sources.

Legal dictionaries are useful for locating the definition of words in their legal sense or use. For each word or phrase a short definition is given. Most legal dictionaries also provide a citation to a court decision or other reference tracing the source of the word or phrase.

Looseleaf services are an effort made by commercial publishers to enable efficient tracking of the most current development of the law in a binder form for easy updating. It brings together in one place full text of statutes, any court cases relevant to the statutes, and editorial comments. It typically includes topical indexes, tables of cases and statutes, finding lists for statutes, cases, and administrative materials, indexes to current materials and cumulative indexes, current reports summarizing recent development, and a weekly, biweekly, or monthly publication schedule.

Law Reviews consist of articles on various topics usually written by law professors, practitioners, and academics from other disciplines. These articles are scholarly in nature and may have a substantial impact in changing the law or in charting the course for newly-developing fields of law. There is also a section written by law students devoted to critical analysis of recent court cases and legislation.

<Index, Search, and Finding Tools>

Citators are sources that provide subsequent history and interpretation of reported cases. They list cases and legislative enactments construing, applying, or affecting statutes. They also provide references to a variety of secondary sources..

Digests are abstracts of court decisions arranged by subject and published in sets. After court cases are decided, editors for commercial publishers analyze the cases and write brief descriptive abstracts of the various points of law in the cases.

A variety of specialized indexes, called **legal periodical indexes**, provide access to legal publications. Legal periodicals include, law reviews, bar association journals and newsletters, subject or special interest journals, interdisciplinary journals, legal newspapers, and legal newsletters

WESTLAW and **LEXIS** are the two primary services for computer-assisted legal research available today. Both services contain almost complete libraries of primary materials and have added significant collections of secondary sources.

<Other Legal Research Materials>

The sources listed under the heading 'other legal research materials' may be helpful to the average adult with little or no legal knowledge. An assumption was made that patrons who may go to a public library seeking legal information assistance may not necessarily be lawyers, law students, paralegals or patrons with substantial legal knowledge. There are many other published legal resources to assist those with lesser knowledge of the law, such as research guides and manuals prepared for the layman, professional development materials, form books, law directories, legal thesaurus, etc.

APPENDIX F
MAIL SURVEY COVER LETTER

[date]

[Library Director]
[Library Name]
[Library Street Address]
[Library City, State, Zip Code]

Dear Director [],

It was a pleasure to speak to you on the telephone this morning. I am currently a MLIS student at the San Jose State University, School of Library and Information Science, Southern California Campus. My thesis topic is "Legal Reference Service in Public Libraries." I am investigating the problems, if any, encountered by public librarians who provide assistance in legal information needs. Your participation in this study is greatly appreciated.

Please find enclosed one copy of the "institution survey" and [#] copies of the "staff survey," as you requested. The "institution survey" is requested to be completed by you or the head of reference. The questions presented in this survey are administrative and policy oriented in nature and could be answered efficiently by one source. These include library hours, staff count, government depository, legal collections, budget, and referral. The "staff survey" is requested to be distributed to all professional librarians responsible for information/reference services that include assisting adult library users with legal materials and/or answering inquiries related to some aspect of the law. The surveys were divided in this way to minimize the time to complete them and to avoid unnecessary repetition of questions to staff librarians. The time involved to complete the questionnaires will be 10-15 minutes.

Survey responses may be faxed to (310) 783-2999 or mailed in the attached stamped and addressed envelopes to me **before March 15, 1996**. Individual participation is completely voluntary, and your librarians and library system will not be identified in any reports or publications resulting from this study.

Should you have any questions, please do not hesitate to contact me as indicated below. If you have questions or complaints about research subjects rights or in the event of a research related injury, please contact Serena Stanford, Ph.D., Associate Academic Vice President for Graduate Studies and Research at (408) 924-2480. Thank you for your cooperation.

Sincerely yours,

Yuko Neal
(310) 783-3282 tel
(310) 783-2999 fax
yukoneal@cerf.net

APPENDIX G

MAIL SURVEY INFORMATION SHEET

LEGAL REFERENCE SERVICE IN PUBLIC LIBRARIES

Information Sheet

Representation:

This study is being conducted at the School of Library and Information Science, San Jose State University, Southern California Campus, Fullerton, California as a Master's Thesis project. The thesis student is Yuko Neal. Thesis committee members include Ed Pai (Chair), Dr. Debra Hansen, and Sally Young. For further information on the study, please contact Yuko Neal at (310) 783-3282 or yukoneal@cerf.net.

Purposes of the study:

The purposes of this thesis are (a) to identify the most common problems encountered by librarians who provide legal information or reference services to public library users and (b) to investigate some possible solutions to these problems. The results of the study may be useful in assessing the needs of public librarians in terms of collection development, staff education and training, referral procedures, etc.

Definition of legal information needs and service:

In this study, legal information service is broadly defined as assistance to library users with inquiries related to the law.

Examples:

- requests for specific government documents such as statutes, regulations, or municipal by-laws
- questions that involve a specific aspect of the law such as income tax, human rights, etc.
- inquiries from users who require materials about the history of law
- requests for sample legal forms
- patrons who ask for assistance with student projects
- those who need a referral to community legal agencies

Study procedures:

Library Directors of public libraries in the Los Angeles and Orange County metropolitan areas will be requested to complete two types of questionnaires. The "institution" survey includes questions which are administrative or policy oriented in nature and will be requested to be completed by the library director or head of reference. The "staff" survey will be requested to be completed by all professional librarians who deal with legal inquiries from the adult public. Survey results are expected to be complete in April, 1996. Upon identification of existing problems, possible solutions and recommendations to these problems will be provided in the final thesis conclusion by July, 1996.

Participation:

Participation in this study is completely voluntary. There are no anticipated risks. Responses are anonymous and will be reported in summary form; neither the individual respondent nor the library system will be identified.

If you choose to participate, please fill out this questionnaire and return it in the envelope provided before March 15, 1996.

APPENDIX H
INSTITUTION SURVEY (SUMMARY)

LEGAL INFORMATION SERVICES

Institution Survey (summary)

Total # of institution surveys rec'd: 20

1. What are the library hours?

Total # of days/week	6 days	10 (50%)
	7 days	10 (50%)

Total # of hrs/week	41-50 hrs.	4 (20%)
	51-60 hrs.	9 (45%)
	61-70 hrs.	6 (30%)
	71- hrs.	1 (5%)

2. Please indicate the number of reference staff members currently employed at your library:

Reference Librarians (full-time)

Total # of full-time ref lib'ns: 120
Avg mean: 6.00 lib'ns/lib

Reference Librarians (part-time)

Total # of part-time ref lib'ns: 76
Avg mean: 3.80 lib'ns/lib

Other Reference Staff Members (full-time)

Total # of other full-time ref staff: 29
Avg mean: 1.45

Other Reference Staff Members (part-time)

Total # of other part-time ref staff: 77.5
Avg mean: 3.88

Total # of all ref staff: 302.5
Avg mean: 15.1 staff/lib

3. Is your library a depository for government documents?

Yes: 7 (35%)
No: 13 (65%)

4. Which of the following types of legal materials does your library own?

<Primary Sources or Authorities>

a) Statutes

(federal)	(state)
Yes: 13 (65%)	Yes: 17 (85%)
No: 7 (35%)	No: 3 (15%)

b) Court Reports

(federal)	(state)
Yes: 5 (25%)	Yes: 2 (10%)
No: 15 (75%)	No: 18 (90%)

c) Court Rules

(federal)	(state)	(local)
Yes: 9 (45%)	Yes: 10 (50%)	Yes: 2 (10%)
No: 11 (55%)	No: 10 (50%)	No: 18 (90%)

d) Administrative Laws

(FR)	(CFR)
Yes: 9 (45%)	Yes: 10 (50%)
No: 11 (55%)	No: 10 (50%)

<Secondary Sources or Authorities>

a) American Law Reports	Yes: 0 (0%)	No: 20 (100%)
b) Legal Encyclopedias	Yes: 9 (45%)	No: 11 (55%)
c) Legal Dictionaries	Yes: 20 (100%)	No: 0 (0%)
d) Looseleaf Services	Yes: 9 (45%)	No: 11 (55%)
e) Legal Periodicals	Yes: 7 (35%)	No: 13 (65%)

<Index, Search, and Finding Tools>

a) Citators and Digests

(citators)	(digests)
Yes: 3 (15%)	Yes: 1 (5%)
No: 17 (85%)	No: 19 (95%)

b) Legal periodical indexes

Yes: 0 (0%)
No: 20 (100%)

c) Legal Databases

(LEXIS/WESTLAW)	(other databases)
Yes: 2 (10%)	Yes: 2 (10%)
No: 18 (90%)	(1-dialog, 1-internet)

<Other Legal Research Materials>

Yes: 20 (100%)
No: 0 (0%)

5. Do you have a collection development policy for legal materials?

Yes: 8 (40%)
No: 12 (60%)

6. Who is responsible for selecting and maintaining the library's legal collection?

reference librarian	6 (30%)	
supervisor/manager reference librarian	12 (60%)	
acquisitions librarian	1 (5%)	
other	1 (5%)	tech sves lib'n

7. How much money is allocated for legal materials compared to other collection areas?

6 libraries reported:

(legal materials)	(other collection areas)
\$ 2,300.00	\$ 6,000.00
\$ 2,869.00	\$130,000.00
\$ 3,000.00	\$136,679.00
\$ 7,959.50	\$168,000.00
\$10,000.00	\$186,000.00
\$20,000.00	\$467,000.00

- 8. Does your library have a referral procedure?**

Yes: 15 (75%)

No: 5 (25%)

- 9. Do you have a list or a quick reference referral file of the legal information resources available in your community?**

Yes: 13 (65%)

No: 7 (35%)

APPENDIX I
STAFF SURVEY (SUMMARY)

LEGAL INFORMATION SERVICES

Staff Survey (summary)

Total # of staff surveys rec'd: 110

1. How often do you receive questions related to the law?

2 (2%)	Rarely or never (less than 1% of all inquiries received)
42 (38%)	Occasionally (1% to 5%)
41 (37%)	Often (6% to 10%)
25 (23%)	Very often (more than 10%)

2. Check all the functions that you perform:

101 (92%)	Provision of legal information/reference service to the public:
96 (87%)	Direct service to users (in person or by telephone)
23 (21%)	Interlibrary loan services
20 (18%)	On-line searching
4 (4%)	Public education related to legal topics (i.e., workshops, seminars, tours)
5 (5%)	No sub-function indicated
36 (33%)	Selection/acquisition of legal materials
30 (27%)	Maintenance of legal materials collection
12 (11%)	Management/supervision of staff who work with legal materials

4a. What type of legal education or training do you have (check all that apply)?

2 (2%)	LL.B. degree
27 (25%)	Library school course(s) on legal materials
100 (91%)	On-the-job experience
66 (60%)	Advice from supervisor or other librarians
50 (45%)	Workshops, seminars, etc. held outside the library
4 (4%)	No formal experience or training
9 (8%)	Other
	1 - Lexis/Nexis help
	1 - college law classes
	1 - previous jobs
	2 - in-house training
	1 - professional reading
	3 - law library experience

4b. Which of the above have been most helpful to you? How has it helped you?

0 (0%)	LL.B. degree
4 (4%)	Library school course(s) on legal materials
38 (35%)	On-the-job experience
8 (7%)	Advice from supervisor or other librarians
20 (18%)	Workshops, seminars, etc. held outside the library
22 (20%)	No response rec'd

(combination responses)		(other)	
1 (1%)	lib sch/ojt/in-house trng	1 (1%)	college law classes
1 (1%)	lib sch/wkshp	2 (2%)	in-house training
1 (1%)	ojt/lib sch	3 (3%)	previous law library exp.
1 (1%)	wkshp/in-house trng		
1 (1%)	wkshp/law lib experience		
3 (3%)	wkshp/ojt		
4 (4%)	ojt/advice		

5. For a librarian who has no previous experience in legal information/reference service, how helpful do you think training programs on the following topics would be?

(a) Introduction to the law (i.e., structure of fed/state law and court system; how laws are made and changed, legal terminology)

Very helpful: 53 (48%) Helpful: 45 (41%) Not helpful: 12 (11%)

(b) Collection development (i.e., legal material selection, subscription services, weeding guidelines)

Very helpful: 48 (44%) Helpful: 46 (42%) Not helpful: 16 (15%)

(c) Using legal research materials (i.e., types of sources, how to use the major resources effectively, updating, indexes and finding aids)

Very helpful: 84 (76%) Helpful: 26 (24%) Not helpful: 0 (0%)

(d) The legal reference interview (i.e., how to find out what library users with legal questions really want to know; techniques for manual or on-line pre-search interviewing)

Very helpful: 51 (46%) Helpful: 56 (51%) Not helpful: 3 (3%)

- (e) Community legal resources (i.e., identifying community agencies that provide specialized legal information or assistance; making appropriate referrals; cooperating with other libraries and information centers)

Very helpful: 62 (56%) Helpful: 45 (41%) Not helpful: 3 (3%)

- (f) The role of the librarian in legal information services (i.e., professional responsibilities and liabilities; legal information vs. legal advice)

Very helpful: 50 (45%) Helpful: 51 (46%) Not helpful: 9 (8%)

- (g) Please provide any other suggestions or training programs that may be helpful to you:

(see attached)

6. How often do you provide legal referral assistance to patrons?

13 (12%)	Rarely/Never
60 (55%)	Occasionally
29 (26%)	Often
8 (7%)	Very Often

- 7a. Is there someone you could call to answer difficult legal questions?

Yes: 42 (38%)
No: 68 (62%)

- 7b. Who? Please provide job title.

57 (52%)	no answer
24 (22%)	inside library
1	computer search
1	full-time librarian
1	librarian co-workers
1	reference librarian with law lib experience
1	research librarian
2	another reference librarian
2	check with reference head
2	librarian supervisor (formerly law librarian)
2	reference supervisor
4	librarian III
7	librarian II

29 (26%) outside library
 1 large public library
 1 law firm librarian
 1 state/federal agency
 2 friend in law library
 4 MCLS
 20 county law librarian

8. Where do you refer patrons when conducting a referral?

4 (4%) local law firm
 22 (20%) local legal clinic
 104 (95%) local law library
 2 (2%) no response
 13 (12%) other
 1 - bar association
 1 - government publications department
 1 - free consultation by lawyers at library
 1 - landlord/tenant resolution center
 1 - public library depository (Torr/LB)
 1 - state/federal agencies
 2 - social services
 2 - attorney referral service
 3 - MCLS

9. Do you think there is a difference between legal information and legal advice?

Yes: 106 (96%)
 No: 4 (4%)

10. Are you aware of any risks, liabilities, or laws involved with the practice of law by non-lawyers?

Yes: 99 (90%)
 No: 11 (10%)

11. Does your library have written guidelines for handling legal reference inquiries?

Yes: 38 (35%)
 No: 72 (65%)

12. We are interested in the types of problems that you personally encounter when you receive a legal question. For each of the following problems, please indicate how frequently it occurs and add any comments or examples that will help to assess the extent of the problem.

- (a) The patron is unable or unwilling to present the question clearly or completely, and it is difficult to understand what he/she wants.

Very often:	7 (6%)	Comments: (see attached)
Often:	35 (32%)	
Occasionally:	48 (44%)	
Rarely:	20 (18%)	
Never:	0 (0%)	

- (b) Your library does not own the materials that might be most useful.

Very often:	11 (10%)	Comments: (see attached)
Often:	41 (37%)	
Occasionally:	55 (50%)	
Rarely:	3 (3%)	
Never:	0 (0%)	

- (c) Your library owns the materials in electronic format, but you are not familiar with the basic search commands.

Very often:	1 (1%)	Comments: (see attached)
Often:	6 (5%)	
Occasionally:	19 (17%)	
Rarely:	17 (15%)	
Never:	67 (61%)	

- (d) You understand what the patron wants to know, but you are not sure what sources might be useful.

Very often:	2 (2%)	Comments: (see attached)
Often:	18 (16%)	
Occasionally:	67 (61%)	
Rarely:	22 (20%)	
Never:	1 (1%)	

- (e) You know that certain sources owned by your library might be useful but you have difficulty using them.

Very often:	0 (0%)	Comments: (see attached)
Often:	7 (6%)	
Occasionally:	57 (52%)	
Rarely:	37 (34%)	
Never:	9 (8%)	

- (f) For problems that seem to require a referral to a legal professional, you are unsure of the most appropriate procedure.

Very often:	0 (0%)	Comments: (see attached)
Often:	7 (6%)	
Occasionally:	29 (26%)	
Rarely:	47 (43%)	
Never:	25 (23%)	
No resp:	2 (2%)	

- (g) You believe that you have found the answer but do not want to risk giving the wrong answer or providing an interpretation of the law.

Very often:	3 (3%)	Comments: (see attached)
Often:	19 (17%)	
Occasionally:	28 (25%)	
Rarely:	32 (29%)	
Never:	28 (25%)	

- (h) Your library owns the relevant legal materials, but they are missing from the library collection or if found, the applicable pages have been torn out.

Very often:	1 (1%)	Comments: (see attached)
Often:	15 (14%)	
Occasionally:	45 (41%)	
Rarely:	39 (35%)	
Never:	10 (9%)	

- (i) Please share any other problems encountered when a legal question is received:

(see attached)

13. What would help you most to improve your own service effectiveness with legal questions? What do you need to have, or to learn? How would it help you? (Mention as many kinds of help as you think necessary.)

(see attached)

5 (g). Please provide any other suggestions or training programs that may be helpful to you:

- 1-1-7 How to create core collection - small, med, and large.
- 1-1-10 Online database training is most important.
- 1-2-3 Internships.
- 1-2-6 Stress patrons try to entangle librarian in their legal problem routinely. They need to develop a technique to avoid being enslaved.
- 1-2-7 Patent workshop/local law library tour.
- 1-3-2 contemporary issues that influence public's use of public library for information (job issues/economic hardship/other social problems (abuse, etc.)).
- 1-3-18 List of laws often referred to by title (T IV Educ Act). Need updating on what is available on Internet and how to access it.
- 1-3-23 Hands-on training. Very first training should be intro to structure of law and definition of statutes v. regulations v. case law.
- 2-3-9 Internships at law libraries.
- 3-3-2 How to trace a bill from introduction to codes.
- 3-3-10 In-house observation at a law library.
- 3-3-12 Do not feel qualified to answer law questions.
- 4-1-5 Structure of law (codes, regs, case law), basic legal terms.
- 4-3-3 Public library can always refer patrons to law library.
- 5-2-2 Training on online databases.
- 6-1-4 Government/law library tours and have these librarians on call.

12 (a). The patron is unable or unwilling to present the question clearly or completely, and it is difficult to understand what he/she wants.

- 1-1-7 Some are basic sources, you hate to send people to law lib for this.
Can't really satisfy with ILL.
- 1-2-3 Patron often doesn't know how to phrase questions correctly
or are unsure what they really want.
- 1-3-8 A thorough reference interview is essential.
forms are required) or they want legal opinions.
- 1-3-23 Sometimes patron doesn't know how to ask legal questions -
has partial citation or heard something on radio 4 years ago.
- 4-3-3 This is common to any reference query.
- 5-1-2 Once patron realizes only way to give desired information is to
state their case, they usually tell why they need info (traffic
ticket, drug charge).
- 7-1-1 Legal questions difficult to analyze without legal education.
Usually could only resolved by attorney. But, patron can use
collections to further educate or get simple legal info.

12 (b). Your library does not own the materials that might be most useful.

1-1-7	Just starting to access this type of source - need more training and public workstations.
1-2-4	Really beyond intended scope.
1-2-6	Nolo Press provides great materials for general legal usage anything beyond that codes, are available.
1-2-7	Usually involves state court cases, only found in local law libraries.
1-3-9	Urban public library, but doesn't collect case law.
1-3-10	Case law, legal periodical indexes and legal periodicals.
1-3-14	We have no case law materials.
1-3-17	Case law.
1-3-21	Requests for case law, codes from other states.
1-3-23	We don't carry much case law. Sometimes pocket parts, loose leaf parts are missing.
2-3-1	Don't have fed regs, requests for these are referred to nearby college.
2-3-3	We have a very basic collection, have limited space and budget.
3-3-1	We refer many patrons.
3-3-10	Does not have space!
4-1-1	Case law - out of state law in detail.
4-1-10	Case law.
6-3-2	Depends how you define "most useful."
6-3-5	We do have lot of stuff available on Internet but patrons don't know how to access.

- 7-1-1 **Great demand for Nolo, but not always available. Also, no online legal service available.**
- 7-2-1 **We're small.**

12 (c). Your library owns the materials in electronic format, but you are not familiar with the basic search commands.

1-3-9	We could only 'own' a CD-rom and at present have no CD-rom capable machines.
1-3-14	When this happens, I just call a Librarian II.
1-3-21	We generally don't provide legal database search for ready reference questions. These requests are instead taken as fee-based searches.
2-3-1	True of Barclays.
2-3-3	Only have Barclay's CA Codes in electronic form.
2-3-6	Patrons often need to use Barclay's CA Code of Reg in CD-rom - very user friendly. The only electronic source we own.
3-3-10	We do not have Lexis-Nexis.
4-1-1	We have US codes but staff doesn't use often and many lose expertise.
4-1-10	Have only one CD-rom legal database - US Codes.

12 (d). You understand what the patron wants to know, but you are not sure what sources might be useful.

1-2-3 Consult with co-workers.

1-2-7 Sometimes patron doesn't know whether fed or st law and its difficult to search for answer without narrowing to st/fed,

1-3-21 In these cases, I seek the assistance of co-workers.

12 (e). You know that certain sources owned by your library might be useful but you have difficulty using them.

- 1-2-7 Legal reference books hard to use because of legalese - often interpreting text that we don't really understand.
- 1-3-8 23 yrs experience, 8 yrs in charge of gov't docs, significant amount of time with legal materials.
- 1-3-10 Finding right terms in subject index. Deciding whether CFR or USC is appropriate. Tracking CA laws from previous sessions.
- 1-3-21 I seek the assistance of co-workers.
- 1-3-23 Given enough time a difficult tracing can be done. Sometimes there are problems with indexes, etc.
- 4-3-3 CCH Federal Tax Guide.
- 6-1-4 I've been reference supervisor for a long time!

12 (f). For problems that seem to require a referral to a legal professional, you are unsure of the most appropriate procedure.

- 1-1-7 Use sources with legal names but not a real referral.
- 1-2-1 Most patrons are unable to afford a lawyer when coming to a public library for legal help.
- 1-3-10 Usually people know they can go to a lawyer but don't want to pay.
- 2-2-4 Usually, if they are in library, it's because they don't want to hire a lawyer.
- 4-2-3 Finding a professional is always left to patron - we never suggest one.

12 (g). You believe that you have found the answer but do not want to risk giving the wrong answer or providing an interpretation of the law.

- 1-1-7 I usually explain to patron that this is what I found but that it may not be complete, to consult a lawyer.
- 1-2-1 I always emphasize to patrons that I can help them use the codes and regs, but patron must determine if appropriate.
- 1-2-3 We don't interpret - the patron is shown the info we have found.
- 1-2-4 Such points would be explained.
- 1-2-7 Patron need to read it. If patron doesn't understand, they may need to consult someone with more legal training.
- 1-3-8 Always explain that I may not have found the right part of the law and that interpretation is up to patron.
- 1-3-10 When leading patron to code sections, I can't be sure that all relevant sections are included.
- 1-3-14 I am pretty clear on what my limits are and feel no risk in doing my job.
- 1-3-19 We don't find answers we show patron where they can find the answer.
- 1-3-21 Always preface with statement not lawyers and can't advise on law. Give instruction how to use source and leave to them to select appropriate sections.
- 2-2-4 I don't do any legal research for people.
- 2-3-3 Don't provide answers - give sources for them to consult.
- 2-3-4 I wouldn't offer an interpretation, I would suggest patron consult professional in field.
- 2-3-7 I would never interpret.
- 3-2-6 We have very small collection and usually refer patrons to local law library.

- 3-3-2 Always cite source, read directly from book, tell them to consult a professional.
- 3-3-5 I would never give an interpretation of law. This is not part of our job.
- 3-3-9 Tell patron what has been found and read verbatim.
- 4-1-10 We do not provide interpretation - we direct customer to index - they must interpret.
- 4-3-3 It's good idea to remind patron you guide to info and not info source or lawyer. Never interpret, recommend, advise, etc.
- 4-3-5 We don't interpret the law.
- 5-2-3 I give patron what I found and ask them if they think it will be useful.
- 6-2-1 Don't give answer as such give patron material to find answer.

12 (h). Your library owns the relevant legal materials, but they are missing from the library collection or if found, the applicable pages have been torn out.

1-3-9 But, a persistent problem, whole bound volumes of codes have been known to disappear.

3-3-1 This frequently happens with tax forms.

12 (i). Please share any other problems encountered when a legal question is received:

- 1-1-6
 - o request involves out-of-state laws
 - o patron seeks fantasy lawyer (such as one seen on TV)
 - o some fed materials only available online or microform
- 1-1-7
 - o sometimes people have a code citation and you have to figure out which document it is from - even though you don't have it - you don't always know the name of the code
- 1-1-9
 - o patron new to english language and/or american culture have great difficulty explaining their needs. for this type of patron, it might be very helpful to be able to refer them to a legal clinic for new immigrants
- 1-1-10
 - o budget is not sufficient to purchase additional legal materials and to update existing. Also, gov't docs need to be purchased and increased. eg - labor statistics
- 1-1-11
 - o The patron is impatient with the fact that you cannot provide an instant answer to their questions.
 - o The patron does not understand why pub lib's are limited in the # of legal documents and ref sources they can collect. They do not want to take the time to go to a law lib.
- 1-2-1
 - o Explaining to patrons that I cannot determine if they have found the right law.
 - o Taking partial or garbled citations patrons have through the ref interview to the needed code or regulation (Do you have 'Title 16' is a difficult question to accurately answer).
- 1-2-3
 - o Convincing the patron that no legal advice can be given and that not all cases, especially criminal cases, can be handled without professional legal advice.
- 1-2-6
 - o Patrons sometimes are uneducated and don't understand the complexity of some legal issues. They are unable to interpret laws and therefore look to librarians to help them. We are not lawyers or paralegals and so when we say we are unable to do any interpretation they thin we are uncooperative.

- 1-3-3
 - o Patrons will explain situation in great detail. It is hard to get to specific question.
 - o Hard to get away from patron.
 - o We have a written statement which we give to the patron.
- 1-3-4
 - o Patrons not understanding, or not willing to accept, the fact that we cannot interpret the law for them.
- 1-3-8
 - o Patrons often lack a clear understanding of how laws are made, what "currently in force" means what regulatory law is as opposed to codes, etc. I have often done a quick explanation to help them understand what part of the legal collection is appropriate.
- 1-3-10
 - o Sometimes patron expects librarian to know court procedures (eg which forms are required or they want legal opinions).
- 1-3-11
 - o Patron quite often doesn't really have a good idea of what they're looking for.
 - o A lot of patrons don't understand the difference between Fed and St laws, or indeed that there are Fed and St codes.
 - o Patrons get confused between looking at the text of a statute and magazine articles on a particular law.
 - o Patrons a lot of the time don't understand the potential complexity of what they are asking.
- 1-3-18
 - o Patron comes with bill no. for legislation that is a few years old - hard to trace using bill no (once passes, given a chapter, statute, or code #).
 - o Distinguishing legislation from regulatory law - not always clear from question where info will be found
 - o Missing materials or supplements that still have 2 mo. time lag.
- 1-3-19
 - o Patrons having higher expectations than we can meet at a pub lib - usually regarding case law.
- 1-3-21
 - o Inaccurate or incomplete citations to law (ie codes).

- 1-3-22 o Unfortunately many patrons are trying very hard to avoid paying for legal counsel and want to do it themselves. They have the mistaken idea that they can walk into the lib and find just the one law that will answer their question. It is never that easy. We have good self-help law books, but they disappear.
- 1-3-23 o Patrons frequently want you to explain law even after you've told them you can't.
- 2-1-2 o Unwillingness of patrons to go to the county law library.
- 2-2-3 o Patrons handling their own cases are referred to the lib for forms and do not know which forms are needed. They often request info re: the completion of the forms.
- o Sometimes the US Senate and House bills and resolutions on microfiche do not match the references.
- 2-3-3 o Patrons often expect us to provide legal advice.
- o Municipal court refers clients to library without knowing what we have (ie legal forms).
- 2-3-4 o Being particularly careful in my language (ex. a patron wanted to know what sentence (# of yrs in jail) a certain offense would be given. When I looked in the index I looked first under "criminal offenses," I was quickly told by the patron, that the person was NOT a criminal).
- 2-3-6 o Patrons often want us to provide legal advice and cannot understand why we do not do so.
- o There are too few legal clinics or other forms of low cost legal help to which to refer patrons.
- 2-3-9 o People often want to resolve complex legal matters on their own and quickly.
- o The size and expense of useful, basic legal tools are prohibitive.
- 3-1-2 o Patron does not know if case requested is fed, st, case law, etc.
- o Ambiguity on behalf of patron.

- 3-2-1 o The main difficulty is a patron's desire to seek legal advice and expecting a librarian to provide it, rather than search out an expensive lawyer.
- 3-2-7 o Do not have many law journals.
- 3-3-1 o If you have tax forms, people expect tax advice.
- 3-3-2 o The patron insists that they can get all the info and interpret it on their own. Won't accept referral.
- 3-3-3 o Own (I feel) very few legal references.
- o Try to refer patrons to law libraries.
- o County libraries in Van Nuys and Pasadena very limited in help provided and resources.
- o Main county law library downtown L.A. cost prohibitive to common user.
- 3-3-5 o Patrons who are insistent on a legal interpretation. This is rare!
- 3-3-10 o Legal prof who can't understand why we don't have ALL the reporters.
- o Consumer who wants legal advice and is angry/confused that we cannot give it.
- 4-1-3 o The staff makes clear to o the customer that legal matters (like medical) are outside the scope of service. We tell them where the materials are located.
- 4-1-4 o Arrogant lawyers.
- o Patrons who do not want to do their own study and push for an inordinate amount of research for a public librarian.
- 4-1-5 o Tracing laws in a non-law library, non depository collection.
- o Public sees process as being addressed by one source (ie "the book on statutes of limitations")
- o People wanting to file their own legal actions (law suit) no good volume for lay person beyond small claims court guides.

- 4-2-5 o Patrons rarely know what they are looking for in legal questions. They have a combination of 1/2 info, vague terminology, questionable section numbers, state or fed regulation?, title numbers, etc. I think they expect a solution rather than info heading to one.
- 5-1-1 o Most of our patrons are happy with the Nolo Press books we have - we have a great many of them in the reference collection and duplicates that circulate...
- 5-2-2 o People who really need a lawyer but have decided to do it themselves even though they don't understand how to use or understand.
- 5-2-3 o Patrons often rephrase questions when they are told they must ask that of a lawyer. They are unwilling to accept that we can't answer certain questions.
- 6-1-3 o Patron may be unwilling to provide info needed to answer question due to fear of the law.
- 6-1-4 o Sometimes patrons do not realize they are asking a complex legal question and do not want to do any of the research themselves.
- 6-1-4 o They often do not know how much time is involved and would prefer a "how to" manual like the Nolo Press guides. This does not always suffice.
- 6-3-1 o Patron asks for interpretation of law.
- 6-3-5 o Source materials are not written in clear language.
- 7-1-1 o We really need an online legal search service such as Westlaw to efficiently search the materials we have. Unfortunately cost is prohibitive for a pub lib.
- 7-1-3 o Citations given by patrons are not complete enough.
- 7-1-3 o Unfamiliarity with the US legal structure.
- 7-1-7 o Lack of good documentation on use of electronic resources.
- 7-1-7 o Lack of understandable/clear indexing in print sources.

- 7-2-1 o Requestor often expects a clear-cut answer to questions - many of which require professional legal assistance.
- 7-3-1 o We sometimes need to refer our patrons to a nearby larger lib - or specialized lib.

13. What would help you most to improve your own service effectiveness with legal questions? What do you need to have, or to learn? How would it help you? (Mention as many kinds of help as you think necessary.)

- 1-1-2
 - o Refresher courses every few years on sources outside the smaller library.
 - o Printed bibliographies or guides describing sources that are California and LA County oriented.
- 1-1-9
 - o General trng in use of sources and ongoing refresher courses are needed.
- 1-1-11
 - o A workshop on using legal resources.
- 1-2-1
 - o Timeliness is often a factor in legal reference. While electronic services have made this less of a barrier costs for equipment and connect time have kept our lib from offering these sves beyond some Internet use. However, knowing what is available electronically would be a great help.
- 1-2-3
 - o More staff, more money, and more time!
- 1-2-4
 - o More materials but, that isn't an intended focus beyond a certain point.
- 1-2-5
 - o More time spent in the gov't pubs dept.
- 1-2-6
 - o Other than providing the resources and how to use them, why should be get into the legal assistance field. Do we do diagnosis on medical problems on the telephone or in person. We are not attorneys or paralegals or "jail house" lawyers. We do not get anywhere near the money that attorneys get for their services. We also would expose ourselves to liability for "wrong advice." This could be another service that the beleagued librarian would take on in the name of "pub sve."

- 1-2-7 o We need more organizations to refer people where they can get help from lawyers and other legal reps. Most of the people can't afford a consultation with a lawyer. They come in hoping that we can provide all the answers that a lawyer would provide. And even if we think we know the answer or info they want, we know that we can't reveal that to them because that would fall under legal interpretation or advice. As librarians all we can do is to provide the materials that will help them with the info they need. but, it is their responsibility to decide what the materials mean and how it relates to their specific situation.
- 1-3-2 o Various trng programs as described in question #5.
- 1-3-3 o We have staff trng workshops which are very useful. Also, informal staff discussion of various problems that have arisen and how they were handled; what would have been a better way staff is very conscious of limits in handling these questions.
- 1-3-4 o Have even more on-going trng with hands-on use. It is amazing what actually trying to look a question up and finding the answer does for your confidence in using a source.
- 1-3-8 o I would really like us to have more/better/different forms books. We are frequently asked for forms and have all recently agreed Calforms frequently disappoints us.
o I wish we could keep Nolo books on the shelf! Perhaps those of us who have extensive standing orders with Nolo, could have additional access via the Internet.
- 1-3-9 o On-going in service trng provided by practicing law librarians.
o Larger collections budget for this area.
- 1-3-10 o Periodic review of sources available in lib (we have these at PPL).
o I have intended to read about legal res to familiarize myself with more background info at legal proc, but I haven't done it yet. Additional background info or personal experience would be helpful, but is not essential.

- 1-3-11
 - o Ask the right questions of the patron, even putting it in the form of very simple questions if necessary. Staff need to have a good basic factual knowledge of what statutes are what codes are. Learning the 'lingo' (ie CFR, USCA) is also a help.
 - o The process of turning an idea into a piece of legislation is also helpful. The different steps through Congress is also good knowledge to have.
- 1-3-15
 - o Having periodic refresher trng helps.
- 1-3-17
 - o I used to be in charge of legal collection. Now I supervise front line staff who must use collection. It is important to train staff to know how to use the legal materials -- as many are intimidated and tend to lead people to the materials with little instruction and then walk away. Users can be shown how the materials can be accessed without staff providing legal advice, I believe. But it's a difficult concept to get across to staff.
- 1-3-18
 - o I feel confident with print sources. Still need to learn what's out there on the Internet.
- 1-3-19
 - o More trng.
- 1-3-21
 - o I could probably use a refresher on basic law (ie process of bills becoming law).
 - o Greater knowledge of sources held in other libraries - mainly local law libraries.
- 1-3-22
 - o More staff in-house trng sessions.
 - o Solid courses on legal ref offered through lib sch (they didn't have any classes like this when I had my courses).
 - o Inexpensive clinics/seminars, etc. given or sponsored by lib schs or legal clinics.
 - o It would be helpful to have member of the legal profession come into libraries to offer some in-house trng.
- 1-3-23
 - o Info/sources to trace intent of law -- eg. committee reports.
 - o Being able to keep longer runs of FR, bills, etc.
 - o More access to quasi-law and proposals -- eg. AQMD info (it's better now that they have Internet site).

- 2-1-1 o More experience, additional trng.
- 2-1-3 o We need workshop and trng on using new, old, and electronic materials.
- 2-1-4 o More experience using Calif and US Codes.
o More guidance from a legal professional in using the above.
o A JD or paralegal degree!
- 2-1-5 o More trng, hands-on experience with legal sources, more legal workshops specifically for pub lib'ns.
- 2-2-2 o I don't have enough knowledge of law to timely help them other than to show patrons what we have. After that, they are on their own to interpret the info.
- 2-2-3 o Additional copies of Nolo Press publications would be useful. They are very useful and popular.
- 2-2-4 o A class in legal ref with emphasis on laws and legal forms would be very helpful.
- 2-3-1 o I need a better understanding of fed and st code and reg resources and their use. For those sources, we don't own, we refer to the county law library.
- 2-3-2 o I'm reading a book called 'Legal Research" by Ellis and Leninkind which has been extremely helpful. Because our collection of law books is small I feel competent to handle law questions within the collection and refer patrons to the Norwalk Law Lib for more extensive research.
o A law workshop to follow professional reading would be useful.
- 2-3-3 o More trng.
o Guidelines to purchase materials for a pub lib, how to trace legislation.
- 2-3-4 o Occasional workshops, especially explaining the 'newer' ref sources.
- 2-3-6 o Up-to-date info on where to refer people for further help.

- 2-3-7 o A workshop on the use of the Calif codes and US Codes for updating and refresher purposes.
- 2-3-9 o Again, spending time in a law lib would be very helpful.
- o Legal research tools “behave” differently than other ref tools (frequent updates, supplements, key systems, etc.)
- 2-3-11 o Would like to have workshops, not only covering legal ref so we understand the whole picture, but also something in-house so we really understand what we have.
- o Training available to all ref staff including part timers, as we are often at the desk more than others.
- o Perhaps a “traveling” workshop so our libraries would not have to deal with the problem of who to send out. We all need it.
- 3-1-2 o Workshops of most frequently asked questions: taxes, supreme court cases, looking up federal law.
- 3-2-1 o As a general pub lib we do fairly well. It’s really the public who come with greater expectations. But, a workshop, or presentation, will always keep us abreast of the field.
- 3-2-3 o I would like a legal librarian to look at our collection and advise as to what should be discarded/weeded and what we might add to enhance it’s usefulness.
- 3-2-5 o More workshops on practical level.
- 3-2-7 o Workshops.
- o An easy way to get from US Public Law numbers to US Code numbers.
- 3-3-1 o Workshops or in-house trng on generally available leg resources. At least one staff member with in-depth knowledge to serve as a resource. A visit to the law lib or a presentation by their staff as to what they can offer to library’s and the public.

- 3-3-2
 - o Know what sources/services law lib will do/have, as well as local clinics, etc.
 - o Knowing where to refer people where they can get the help they need without a lot of hassles (they are usually frustrated to begin with) is most important.
- 3-3-3
 - o MCLS type programs on "legal ref sources every lib should have" and how to use them.
 - o Legal expert come to our lib to evaluate and make suggestions on our collection. And also a review and how to effectively use our collection.
- 3-3-5
 - o Legal tools workshops.
- 3-3-9
 - o Getting legal question more frequently than I do, using legal ref tools once in awhile only, does not make you very proficient.
- 3-3-10
 - o At this time I am very able to answer legal ref questions and also to help my fellow professionals. My best advice to those wishing to learn more is to take a legal bibliography course and/or spend time observing an active law-library ref desk.
- 3-3-11
 - o Have a larger collection.
- 4-1-3
 - o Better US Code (cd-rom) product. The EPO CD-Rom product is inferior.
- 4-1-4
 - o Stop the theft.
 - o Knowing when to update.
 - o Easy access to pending legislation.
 - o Law school course on good manners for law students.
- 4-1-5
 - o Calforms, Witkins, CalJur, Larmac Index, USC and CFR in print versions.
- 4-1-10
 - o Workshop on using gov't codes (indexes to codes).

- 4-2-1 o This is a slightly different answer. One think that has helped recently is the ability to use Netscape on the Internet to access pending legislation, information from the CFR, etc. This has facilitated our access to information.
- 4-2-2 o Review of best methods to search US Codes.
o Review of tracing recent or pending state and federal legislation.
- 4-2-3 o We have so few legal reference questions, aside US/CA from those which cannot be answered by the Codes, the Martindale Hubbell, or the Nolo Press books, that there is not much to answer here. If we feel the question is beyond our expertise or collection resource, we refer to the LA County Law Library branches at Torrance or Long Beach. Questions on laws in other states are referred to LA County Law Library downtown.
o I suppose a basic course in legal biblio - one which focused on the books every library should have would be where to start. But for my purpose here as a pub lib, it does not seem to be a pressing need.
- 4-3-5 o Workshop on how to use what we have very classic.
- 5-1-1 o For our small community, we seem to have most of the legal resources that our patrons are looking for.
- 5-1-2 o More ref sources and legal workshops combined.
- 5-2-1 o Workshops on general legal reference sources and techniques.
- 5-2-3 o A wider range of knowledge on the subject.
o More materials.
o An inservice on materials, how to use them and an overview of the different types of legal clinics and their services.
- 6-1-1 o What 'types' of questions are there.
o Knowing when to help with interpretation and when to stay out of it and still remain helpful.
o What are all my library's local community resources for referrals, etc.

- 6-1-2 o Availability of programs mentioned on page 2 would be a good start!

- 6-1-3 o Would like to have more legal ref materials on hand.
 o Would like more access to law librarian specialists.
 o Would like to attend another workshop that would explain more completely the public librarian's legal limits in answering law questions.

- 6-1-4 o A legal librarian on staff would be the ideal, however, for our library, we are able to do a pretty good job with the experienced staff we have. We can also refer questions to MCLS ref since we belong to the MCLS system.

- 6-3-1 o Written guidelines for legal info ref sve.
 o Short (1 day or less) course or seminar on "Legal Reference Basics" including: basic ref works, responsibilities, referral procedures.

- 6-3-2 o Most questions we have can be answered by Nolo books. Personally I don't think we are in the position to answer or provide legal advice on info. Otherwise, we will be in trouble.

- 6-3-4 o Referral numbers are important. Knowing what libraries have extensive legal ref works and are open to the public.

- 6-3-5 o A biblio of legal ref sources.
 o A workshop on how to use them.
 o Quick reference tools.

- 7-1-3 o I need to attend legal research workshops.
 o I need a handbook in locating the law for the non law-librarians.

- 7-1-4 o A small handbook that I could keep with me with key legal ref info.
 o SCALL used to have a very useful pamphlet which I don't see anymore.

- 7-1-7
 - o It would be helpful for me to have a better understanding of matching the right sources for answering the patron's question.
 - o A better understanding of lengthy resources such as the Fed Supp would also be helpful.
- 7-2-1
 - o Up-to-date online state, city codes, etc.
- 7-3-1
 - o Workshops on collection development - legal resources, local referrals - legal issues.