

Law on the Frontlines: Legal Reference for Public Libraries

Introduction

Law and legal reference constitute a specialized area of knowledge and resources. The best way to be comfortable with a specialized area is to deal with it often, an opportunity not always presented to the generalist in a public library system. It is possible, however, to develop ability in this area through training and practice.

Traditionally, training on legal reference has focused on the classic materials of law - cases, statutes, regulations, law textbooks, and on the formal process of legal research. Some of the materials referenced herein include these classics. The guidance and materials provided in these pages, however, focus less on classic legal research, and more on how to address the questions about challenging situations brought to the public library by everyday patrons. The information is structured to help the generalist at a public library to recognize and respond to questions about and for law.

The information contained in these pages partners with live training offered around the State. For interested library systems, [live training](#) is available upon request. Recordings of past trainings can also be accessed [on-demand](#).

Basic Elements help develop in reference staff the ability to:

- conduct an appropriate and helpful legal information reference interview
- respond to a legal question with confidence that the information is good and helpful, and does not constitute advice
- identify relevant and pertinent referrals from the broad spectrum available

Advanced (Topic) Elements delve more deeply into a topic within the law, and help develop:

- recognition of a possible law-related question
- understanding of the terminology related to a particular topic of law
- deeper knowledge of the contents of resources for a particular topic of law
- awareness of referral resources that may be topic-specific, rather than generally applicable

Element 1: [Access to Justice and the Public Library](#)

Access to justice is, general speaking, the ability of people to seek and obtain fair, accessible, and equitable assistance in reaching an outcome to their situation under the law. Public libraries are on the frontline for access to information, and therefore are on the frontline for access to justice.

Element 2: The Reference Interaction

A reference interaction encompasses more than the reference interview, the back-and-forth to clarify and hone. There is an awareness and a skillset employed throughout that enhance the actual interview.

Managing a legal reference interaction successfully is often the result of time, exposure, experience, and self-education. The first three are not readily accomplished when working in a general setting. The fourth, self-education, is the motivation behind these pages.

A problem or question does not always present itself as an obvious legal issue. Sometimes a patron is focused on the specifics of their particular situation and is missing the broader view. Sometimes, they are just not aware that their problem has a solution under the law.

Through self-education, staff can become familiar with the methods, restrictions, processes, and language of law-related topics, and serve their patrons more confidently and appropriately.

- Behaviors and Interpersonal Dynamics
- Recognizing the Difference between Information and Advice
- Rephrasing the Query
- Information-Gathering Questions (What to Ask)
- Identifying the Need

Element 3: Descriptive and Foundational Resources

Much of the information about law is contained in specialized resources – texts and databases that are written for lawyers, presume a level of knowledge, and are usually quite expensive. Law libraries dedicated to legal information contains collections of such materials.

Over the last decade or so, there has been significant growth in lower cost materials aimed at the non-lawyer, self-represented population. These come a variety of print, web-based, and database formats. For staff in a general library, such materials are more attainable; and for the patron population, such materials are eminently more comprehensible.

- Evaluation of Information
- General Sources
- Partnerships
- Understanding and Finding Forms

Element 4: About Law

To grow beyond the basics, it is critical to learn about the foundations on which our law is built. This amounts first and foremost to growing an understanding of basic civics – how the government is structured. Then, from that platform, develop the connection from the structure to the process – how is law made and where does it appear when made (published and official format). Law is a highly procedural field. If you can understand the underlying processes, you'll have a much better chance of identifying relevant and helpful resources for your patron.

- Location and Its Importance
- Civics and Government Organization
- Finding Law
- Court Structure and Process
- Language of Law
- Understanding and Finding Forms

Element 5: Referrals

There is an underlying belief among those who use libraries, and often those who staff them, that library staff can provide “answers.” As discussed in *Recognizing the Difference Between Information and Advice*, where legal information is concerned, most often, library staff provides *responses*, not answers. A critical and sometimes undervalued component of resources are *referrals* - where the person can go to get further information and often legal assistance.

The range of referrals for legal information and services is wide and tangled, and can present a challenge to a generalist unfamiliar with the intricacies of the relationships between non-profits, government entities, and the private sector. Element 5, therefore, focuses on describing, delineating, differentiating between and among the range. The goal is to help you identify where in the spectrum of options your patron might most likely get the next step of assistance needed, whether it's a deeper dive into a legal topic, assistance in drafting a motion to the court, or an evaluation of options to address a critical situation.

- Why and When to Refer
- Where to Refer: A Roadmap
- Resources for Referring

Element 6: Topics of Law

Elements 1 through 5 provide a foundation for addressing legal information questions generally. The resources discussed are often general in nature, and may be helpful across many legal topics.

Once the foundation is securely built, the next step is to further grow knowledge in topics within the law. Some topics are in their very nature the purview of attorneys almost exclusively – these are generally areas where there is little statutory or regulatory language, few if any specific procedures, and often, much of the “law” is based on cases or common law – on prior decisions of the courts. These areas are highly subjective, and library staff, even in law libraries, should tread carefully. These topics include, but are not limited to, torts and product liability, many property-related concerns, trusts and inheritance issues.

There are a number of topics, however, that are embedded in daily life, for which there are easily-accessible and helpful resources. With an advanced grounding in the language and resources for these topics, any reference staff can connect a patron to helpful, topic-specific resources.

- Language of Law
- Family Law
- Landlord and Tenant Law
- Employment Law
- Credit and Debt Collection Law

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