Tell it to the World (Wide Web)
Promulgating academic law library pro se patron policies via the internet

By Artie Berns and Corrine Vogel

Having worked together during the 2014 spring semester as graduate assistants at the Albert E. Jenner Law Library at the University of Illinois, we (the two authors of this article) wanted to collaborate on a project for the 2014 AALL Annual Meeting in San Antonio. Since we both had experience in providing reference service to pro se patrons, we decided to propose a poster session about such services in academic law libraries. We were delighted when our poster topic was selected. We conducted our research early in the summer of 2014. Our idea was simple: to survey each American Bar Association-accredited academic law library in the country and find out what their policies were regarding pro se patrons. We were surprised to discover that we often could not determine what the policies were from the law libraries’ websites. As a result of our research experiences, we decided to collaborate on this article summarizing our findings and offering suggestions for best practices regarding how public patron policies should be displayed on academic law library websites.

Why Should You Care?
For many law librarians, helping set expectations for pro se patrons about what services are and are not provided by the library is simply a part of good service. This holds true even for private institutions where the general public may not be allowed. As Ranganathan once suggested, save the reader’s time. Institutions that clearly state that they do not provide reference services to the public are assisting them by setting reasonable expectations and may, in the alternative, provide information about local resources, such as legal aid associations or public law libraries.

By clearly stating a pro se patron policy, a library sets patrons’ expectations about what assistance the library can provide and also explains the limitations of that service. (Professional Liability Issues for Librarians and Information Professionals by Paul D. Healey offers more information about limitations on legal reference service.) Presenting a clear disclaimer protects the law library and provides an easy policy to guide patrons, particularly by explicitly making it clear that reference staff cannot provide answers to specific legal questions. Clearly promulgating such a policy is also consistent with many of AALL’s Core Organizational Values (see AALL’s 2013-2016 Strategic Directions).
Pro Se Policy Goals

Some things to consider when establishing a pro se policy:

- **Equitable and permanent public access to legal information:** The Federal Depository Library Program plays an important role in our democracy. Many academic law libraries serve as selective federal depositories and thus provide public access to government and legal information. Academic law school libraries were specifically authorized to become depository libraries in 1978 because of the unique value law librarians would bring to the program and to public patrons.

- **Continuous improvement in access to justice:** Pro se patrons will likely have less legal knowledge than most other types of law library patrons and therefore may need more help in locating legal information. Training pro se patrons in basic research skills can help improve their ability to pursue justice.

- **Community and collaboration:** Providing access information to pro se patrons online helps law libraries engage with members of the local community. Academic law libraries often act as a contact point for community legal aid services. FDLP law libraries also provide pro se patrons access to government documents.

- **The essential role of law librarians within their organizations and in a democratic society:** For institutions that provide public access, clearly describing the scope of services provided sets realistic patron expectations about how the library can assist with finding legal and government information.

Beyond helping potential patrons, providing this information online allows librarians to easily direct potential email or telephone questions about such topics to the library's website, assuming the individual has access to this information online from outside of the library.

Given the value in promulgating such policies, we set out to survey the variety of ways in which this information was made available to current and future patrons via the internet.

**Conducting Our Survey: Our Methodology**

First, we visited each ABA-accredited law library's webpage. (All ABA-accredited law schools were included in our survey except Judge Advocate General's School, Inter-American University of Puerto Rico School of Law, Pontifical Catholic University of Puerto Rico School of Law, and University of Puerto Rico School of Law.) We then attempted to navigate toward pro se patron information, keeping track of how many links one needed to click on in order to arrive at a policy if such information was available on the website. If the policy pages were not obvious, we then looked at the library's main webpage for a search box. If such a search box existed, we conducted an internal search using the search terms “pro se,” “public patron,” and “patron policy.” We then assigned a ranking based on the ease of navigation to the policy using a five point scale—one representing the easiest to find and five representing the hardest.

After finding the library's statements concerning public access, reference services, legal advice, and any other statements relevant to pro se patrons, we assigned rankings based on the clarity of the law library's posted policy. While these rankings were inherently subjective, we attempted to be as consistent as possible.

We did this by using an initial sample group to see whether our rankings were similar. Where there were variations we clarified our criteria to ensure standardized rankings.

**Findings**

Figure 1 represents the number of pages between the pro se information and each ABA-accredited law school library's homepage. The question mark represents those websites where the information could not be found.

Figure 2 represents the ease of finding the pro se information within each library's website (with 1 being the easiest). Factors impacting this included: distance from the library homepage, relevance of intermediate pages, page title relevance, and whether a search was necessary to find all the information.

Figure 3 represents the ease of clarity of the pro se policy using only the information available on each law library's website (with 1 being the clearest). Factors bearing on this include public access information, reference scope, reference disclaimer, and language used. In a surprising number of instances the policy was undeterminable, as indicated by a rating of 5.

Figure 4 reflects the proportion of academic law libraries that state that they permit public access and also include a reference disclaimer on their website. These disclaimers were compared with AALL's Ethical Principals, recognizing the law librarian's duty to avoid the unauthorized practice of law. Perhaps the most surprising of the statistics we collected: a large number of the websites lacked such a statement. Of the 134 academic law library websites that stated that they permitted public patrons, 61 did not have a disclaimer explaining that the law librarians could not answer specific legal questions.

**Suggested Best Practices**

After reflecting on our findings and on AALL's Core Organizational Values, we formulated the following suggestions for the promulgation of pro se policies:

- Access to the pro se patron policy should be within two clicks from the library's homepage.
- The public patron policy should be labeled with clear, non-legal terms, such as Visitor Information, Public Services, Visitor Access, or Public Access.
- The library's website should make clear whether public patrons may access the library, when they may access the library if the hours differ for the public, and what services are available to them at the library.
- The library's website should clearly state the scope of reference services available to public patrons, have a clear legal advice disclaimer, and give examples of permissible and impermissible questions.

(continued on page 34)
the reference desk

Q: I’ve noticed a change in my supervisor’s behavior and am not sure what to make of it or whether I should say anything. She’s always been generous in terms of our annual reviews, professional development, and compensation, and this hasn’t changed. However, lately, she’s often had the door to her office closed. (Our staff has always prided itself on having an “open door” policy.) Sometimes she’ll reserve a conference room and work from there rather than from her office. Recently, she’s taken to working from home several days a week. More and more, she’s gone on Mondays. I don’t think anyone outside of our department is aware of this, and I don’t think it’s my place to alert anyone. When I think back, it seems that she has become more impatient and irritable than she used to be. Frankly, I’m often relieved when she’s not here, and I’m not the only one who feels this way. In spite of all this, I’m a little worried. I feel like I should do something, but I can’t imagine that she would welcome gestures from anyone. What should I do?

A: You’re in a tough spot. I’m reading your question with fresh eyes and have only your side of the story, yet it seems as though your director is withdrawing, both physically and emotionally. It also appears that these actions are now affecting your department. Neither of us can say what may have triggered her stress (for example, chronic pain, loss of loved one, troubled relationship, financial concerns, etc.), but this is a situation that requires the intervention of your human resources department.

We librarians tend to be caring, service-oriented individuals. It’s wired into our DNA, but we also need to acknowledge when a situation is beyond us and ask for help. Please ask yourself whether you honestly see this situation getting better on its own. If you don’t, then it’s time to ask for help. By analogy, consider the human body. It’s designed to take care of itself. Yet when someone succumbs to a virus, strains a muscle, or breaks a bone, that person usually consults a medical specialist in order to get back on track.

Very few of us enjoy delivering bad news or confronting difficult situations. By contacting your human resources specialist, you’re not “ratting out” your supervisor or tattling to the principal. You’re seeking the assistance of an expert who can sort out the situation and recommend a course of action. Your human resources specialist can’t help if he or she hasn’t been made aware of the situation.

When you contact your human resources specialist, be prepared to describe your concerns as objectively as possible. The resolution will likely involve confidential matters. Don’t expect to be kept in the loop, but take comfort in knowing that your actions have assisted your supervisor, your colleagues, and your library. Also, be patient. The change that you’ve recognized didn’t occur overnight, and it will also likely take time to turn things around. Try to be as supportive as possible.

We can’t expect things to change immediately, but we can strive to be part of the solution. Good luck.

Are you in a sticky situation with a colleague? Looking for ways to discuss advancement with your supervisor? Send your questions to columnist Susan Catterall at scatterall@charlottelaw.edu.

tell it to the world wide web continued from page 30

• The library should have all of the suggested policy items outlined above located on the same webpage.

Best Practice Examples

During our survey, we identified several websites that exemplify these best practices. (Note, the following examples are not exhaustive—other law library websites also follow these practices.)

Lewis & Clark’s Paul L. Boley Law Library provides extensive information for self-represented litigants on its website. Best practice elements include available resources, examples of permissible reference questions, and contact information for local public law libraries.

Likewise, the University of Missouri-Kansas City’s public patron services page includes examples of permissible reference questions and links to forms, Missouri courts and statutes, and Kansas courts and statutes. The University of Florida law library’s Visitors page also does a great job of outlining all the services available to pro se patrons and has a clear link to the reference policy page.

California Western’s website, on the other hand, is a good example of a library that does not offer pro se services. As a private law school, California Western does not allow public access to its library and the website unambiguously states that it does not participate in the FDLP.

We do not suggest here that each academic law library should adopt any particular access policy, only that such policies be stated unambiguously on its website. Conspicuous promulgation of pro se patron policies saves patrons time and frustration. Also, providing patrons with realistic expectations of services provided will save law librarians time and effort because they will not have to explain these policies anew to each public patron who visits the library.

Susan Catterall (scatterall@charlottelaw.edu), Reference Librarian, Charlotte School of Law, North Carolina

Artie Berns (bernsj3@illinois.edu), MLIS student, Graduate School of Library and Information Science, University of Illinois at Chicago-Urbana

Corrine Vogel (corrine.vogel@bakerbotts.com), Research Librarian, Baker Botts LLP, Dallas