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TO: Professor Penny Hazelton
FROM: Melissa Miller
DATE: May 21, 2007
RE: Current Issues in Law Librarianship (Final Draft)

Legal Research Instruction in County Law Libraries: Meeting the Needs of the Public

I. Introduction

In many cases, county law libraries are the last and often only source of legal information for litigants who are involved in court actions and for other non-attorneys who are simply searching for answers to legal questions. It is not uncommon to enter a county law library and see a long line of individuals waiting to speak with a law librarian at the reference desk and others hunched over a pile of books looking overwhelmed and a bit confused.

Legal research can seem like an impossible undertaking, especially for members of the public.¹ It requires knowledge of a multitude of primary and secondary sources, an understanding of what may seem like incomprehensible legal language, and at least a basic awareness of the law and justice system. However, if county law librarians fulfill their obligation to instruct public patrons about the legal research process, it can be a feasible task.

Legal research instruction in county law libraries benefits both county law librarians and public patrons. For public patrons, the benefits are many. Receiving legal research instruction gives public patrons a path to follow in their research, a glimmer of hope in finding the answers they seek, the belief that they will receive the justice they deserve, and an advocate in the law librarian. For county law librarians, the benefits of providing legal research instruction are just as great. Providing legal research instruction gives county law librarians a sense of satisfaction that why they do truly makes a difference, it provides them with the opportunity to be innovative in how the instruction is carried out, and it ultimately saves them time by instilling in the public patron the self-confidence they need to carry out their research independently.

¹ In this paper, the terms public, public patron(s), non-attorney(s) and pro se patron(s) refer to individuals who are not lawyers or other legal professionals but who are searching for legal information in the law library. Some of these patrons are litigants in court actions, though many others are simply searching for information pertaining to a legal issue or legal question.

This paper recognizes these benefits and posits that county law librarians not only should instruct public patrons about the legal research process, but that they have an obligation and the unique means to do so. To put the posit into context, Section II of this paper will examine the history of law libraries and evolution of the county law library. Section III will introduce the county law library of today in terms of mission, patron demographic, budgeting and funding constraints, and the advantages it provides in terms of unique opportunities to serve its patrons. Section IV of this paper will discuss the various means by which instructional outreach services can be implemented. Finally, Section V will discuss a research syllabus I have designed which can be used as a basis for teaching legal research to public patrons in a county law library. The syllabus can also be adapted into any number of different formats and uses, including a Powerpoint presentation for formalized legal research classes, a hand-out to be given to public patrons as a research guide, or it can be posted as a link on a county law library's website. The syllabus, "Basic Legal Research Tools and Strategies for the Non-attorney" can be found in Appendix A.

II. The Evolution of the County Law Library

The first American law libraries were private collections of law books owned by legal practitioners.² The average size of these libraries ranged from 10 to 20 volumes and consisted primarily of English law, precedent, and tradition.³ After the Revolution, Americans recognized a real need for the new nation break away from its dependence on English jurisprudence and thus began to publish its own legal materials.⁴ Access to information, even then, was central to the American legal system.

As American jurisprudence grew, so did the need for law books. Law books from private collections became the foundation for larger institutional law libraries that developed in the 19th and 20th centuries.⁵ Bar libraries were the first of these institutionalized law libraries.

Bar libraries were privately funded and were often run like private, luxurious clubs.⁶ Only members of the bar or club were allowed to use these bar collections. Though some academic law libraries existed, bar libraries were the

² Christine A. Brock, *Law Libraries and Librarians: A Revisionist History; or More than you ever wanted to know*, 67 *Law Libr. J.* 325, 326 (1974).

³ *Id.* at 328.

⁴ *Id.* at 329.

⁵ *Id.* at 329.

⁶ *Id.* at 329.

largest of their time.⁷ During the 20th century, bar libraries began to merge with other institutional libraries and the concept of “free” public law libraries took hold.⁸

Public law libraries were created in order to give judges, State officials, attorneys who were not members of the bar, and private citizens access to legal information. Public law libraries were supported predominately by public funds and thus were available for use by most of the public. The earliest of these public law libraries were founded as county, State, and court law libraries.⁹

County law libraries were created as independent agencies intending to serve the local legal community, judges, public officials, and incidentally the rest of the public. Conveniently, county law libraries were typically located in the county seat and often in the county courthouse.¹⁰ These factors still hold true today.

The earliest county law library was the Allegheny County Law Library in New York established in 1809. By 1876, this county law library housed nearly 2,500 volumes of legal material.¹¹

Throughout this time span, the importance of the county law library was recognized by several state legislatures. In 1815, a Massachusetts statute designated “a system of free public law libraries, administered and supported by the county, governed by State law, and free to all.”¹² By 1876, such statutes were commonplace. In that year, Griswold wrote: ε

In nearly all the States, provision is made by law for the distribution of the reports, statutes, and state papers of the state to each of the counties therein, which, together with such books as are purchased by means of small grants from the county treasury, by order of the board of supervisors or the county court, form what may be called a county law library of which the county clerk is custodian.¹³

⁷ Penny A. Hazelton, *Law Libraries as Special Libraries: An Educational Model*, 42 *Libr. Trends* 319, 320 (1993).

⁸ Brock at 332.

⁹ *Id.* at 333.

¹⁰ *Id.* at 333.

¹¹ *Id.* at 333.

¹² *Id.* at 333.

¹³ *Id.* at 333-334 (citing Griswold, “Law Libraries,” in U.S. Department of the Interior. Bureau of Education. *Public Libraries in the U.S.A., their History, Condition, and Management*, Special Report. Pt. I. 166 (1876).

Though Griswold's observations were written in 1876, many State laws establishing county law libraries were not passed until well after this date. In fact, Michigan's enabling legislation was not passed until 1921.¹⁴

Unlike county law libraries which operate as distinct entities, State law libraries generally began as subdivided public governmental libraries. They usually functioned as "repositories for the law, occasionally had legislative reference functions, basically were expected to gather and retain home State publications, and often participated in the exchange programs of home State publications with the libraries of other States."¹⁵

State court law libraries are often run under the auspices of the judicial department and typically serve justices and officers of the court. However, the public may have use privileges if the court law library is part of the State law library.¹⁶

Law school libraries slowly evolved over the 18th, 19th, and 20th centuries.¹⁷ These libraries often relied upon the gifts of local practitioners and law school alumni to acquire legal materials, most getting their start through a donation of an attorney's private law book collection. This pattern continued until the early 1900s when a greater demand for legal materials forced law schools to focus their efforts and financial resources on building their collections.¹⁸

Law firm libraries and corporate law libraries were the last to develop. The number of these law libraries began to climb in the 1950s, but growth did not truly erupt until the 1970s and still continues today.¹⁹

The historical development of American law libraries reveals that even in public law libraries, the public was only served incidentally. The primary intended patrons were the local legal community, judges, public officials, and officers of the court. However, today, members of the public account for a large percentage of public law library patrons. In county law libraries, where public patrons may account for half of the patron base, there is a strong need for public legal research instruction. A discussion of the need for public legal research instruction and how county law libraries can meet this need follows.

¹⁴ *Id.* at 334.

¹⁵ *Id.* at 334.

¹⁶ *Id.* at 338.

¹⁷ *Id.* at 338.

¹⁸ Hazelton at 320.

¹⁹ *Id.* at 320.

III. The County Law Library Today

Though the county law library today faces several constraints, meeting the instructional needs of the public is a very necessary and feasible task. The following section discusses the derivation of the need for public legal research instruction, the constraints that work against the county law library, and how the county law library can overcome these constraints to focus on the instructional needs of the public patron.

A. Mission Statements

The need for public legal research instruction in county law libraries arises, in part, from its mission statement. The mission statement of a library is important because it describes the underlying reason for the libraries existence – its intended group of patrons.²⁰ County law library mission statements, where they exist, vary widely from library to library. However, most county law library mission statements reveal, at least in part, a goal to serve the public. Below I have noted a small sample of county law library mission statements that reflect his goal.

The mission of the King County Law Library reveals its goal to serve the public and recognizes that it has an obligation to “enhance knowledge of the law.”

The King County Law Library serves the legal and law related information needs of the county, including the judges, county officials, members of the Bar and other county residents. The Library cooperates with the community to enhance knowledge of the law and to facilitate access to the justice system.²¹

Similarly, the mission of the Anne Arundel County Public Law Library in Annapolis, Maryland, reflects its goal to serve the public in a variety of ways, including “research instruction in the use and choice of legal information resources”

The Anne Arundel County Public Law Library serves the information needs of the judiciary, court and government agencies, the legal community and citizens of Anne Arundel County. The Law Library

²⁰ Jonathan A. Franklin, *One Piece of the Collection Development Puzzle: Issues in Drafting Format Selection Guidelines*, 86 Law Libr. J. 753, 761 (1994).

²¹ Mission Statement of the King County Law Library, available at <http://www.kcill.org/aboutus/generalinformation/missionstatement.html>.

provides access to federal, state and local legal resources in a variety of formats, including traditional print and technologically enhanced services.

Access is provided through the acquisition, organization and maintenance of information resources as well as through reference services. Reference services include research and instruction in the use and choice of legal information resources for determining the best access points for research and the knowledge and use of outside sources, such as referrals to other libraries and agencies.²²

The mission of the Alameda County Law Library in Oakland, California, is short and to the point and also reflects its goal to serve the public.

The mission of the Bernard E. Witkin Alameda County Law Library is to provide access to current, practice oriented, legal information to Alameda County judges, officials, attorneys and residents.²³

Each of these mission statements above clearly indicate a goal of public service. The mission statements of the King County Law Library and the Anne Arundel County Public Law Library explicitly mention serving the public through enhancing knowledge of the law and instruction in the use of legal materials, respectively. Even where the mission statement is silent on the issue of instruction, it is implied through mention of access to legal information.

B. Public Patron Demographic

The patron demographic of county law libraries also indicates an obvious need for public legal research instruction. The number of public patrons visiting county law libraries is growing and such patrons clearly need more assistance than the average attorney or other legal professional.

While county law libraries have long been open to the public, it seems they have not been fully utilized by the public until only recently.²⁴ For example, the director of the Kern County Law Library in Bakersfield, California, recalls that more than a decade ago, it was unusual to see an individual with no legal

²² Mission Statement of the Anne Arundel County Public Law Library, available at <http://www.circuitcourt.org/Administration/Law%20Library.htm>.

²³ Mission Statement of the Alameda County Law Library, available at <http://www.acgov.org/law/index.htm>.

²⁴ Kristina Horton-Flaherty, *Budget Squeeze Imperils County Law Libraries*, California Bar Journal, June 2002.

background at the Kern County Law Library. Today, however, the director notes, such visitors show up regularly, some driving from as far as an hour's distance.²⁵

Statistics from the King County Law Library also indicate that public patron traffic has increased in recent years. In 2001, public patrons accounted for 58% of the King County Law Library's patron base. In 2006, this number increased to 64%.²⁶

Given this rising number, it is no surprise that county law librarians spend an exorbitant amount of time assisting public patrons with their legal information needs. In fact, one reference librarian at the King County Law Library estimates that even though public patrons comprise approximately 50% of the library's patron base, she spends 70% of her time assisting them.²⁷

Another reference librarian at the Sacramento County Public Law Library in Sacramento, California, also approximates that public patrons account for about 50% of the library's patron base. However, she estimates that she spends as much as 80% of her time assisting them.²⁸

These statistics show that a large number of non-lawyers are choosing to take the law into their own hands rather than hiring legal counsel. The reasons for this are many. In 1976, Robert Begg noted several reasons why an individual may chose to proceed pro se. These reasons include the following:

- 1) A desire to save money by not hiring an attorney
- 2) The belief that court procedures are simple enough to handle without the assistance of an attorney
- 3) A lack of trust in attorneys
- 4) Mental disturbance
- 5) "Perry Mason Syndrome" – an individual feels that he or she is qualified to represent themselves based on hours of watching fictional courtroom dramas on television

²⁵ *Id.*

²⁶ Statistics available from Stina McClintock, Library Technician, King County Law Library, Seattle, Washington.

²⁷ Statistics available from Kim Ositis, Reference Librarian, King County Law Library, Seattle, Washington. Patron base estimate given before actual statistics tallied.

²⁸ Statistics available from Reference Librarian at the Sacramento Public Law Library, Sacramento, California.

- 6) The belief that he or she may gain some sort of tactical advantage at trial by gaining the jury's sympathy for appearing without an attorney
- 7) The belief that he or she can present a better defense than a disinterested attorney
- 8) Blind faith of his or her own innocence and in the infallibility of the American justice system²⁹

Though Begg's analysis does not appear to be supported by any conclusive evidence, there undoubtedly exists a pro se patron who represents each of the above posits.

Regardless of the reason, a large number of individuals with legal inquiries are choosing to seek answers without the assistance of legal counsel. These individuals are not law trained and thus require a great degree of assistance from law librarians. As discussed in the introduction, public patrons, as well as law librarians themselves, can benefit tremendously from county law library provided legal research instruction. However, in order to successfully implement legal research instruction, county law libraries must learn to overcome funding and budgeting constraints and be creative with the resources they have.

C. County Law Library Funding and Budget Constraints

Given the limited funding many county law libraries receive, it is no surprise that most face financial woes. A tight budget also makes collection development decisions difficult, forcing law librarians to choose between legal materials designed for attorneys and other legal professionals and legal materials designed for public patrons. However, despite these constraints, law librarians can find other creative ways to serve the public's information needs. These means will be discussed in Section IV.

The funding methods of county law libraries vary tremendously across the states. In a 1969 examination of funding methods, Jurkins noted the following:

In 17 States, a form of either a filing fee or a fine system is used to support county law libraries; in 14 States, county law libraries are supported by a

²⁹ Robert Begg, *The Reference Librarian and the Pro Se Patron*, 69 *Law Libr. J.* 26, 28-30 (1976).

fixed appropriation; five States use a combination of fee and appropriation; three use a combination of fee and special provisions.³⁰

Today, these methods are just as diversified. Though it is impossible to tell which method of financial support is most satisfactory, it is safe to say that no matter the method, law librarians at nearly every county law library will argue that it is not enough.

In fact, many county law libraries have resorted to other ways of raising additional income. Typical miscellaneous sources include gaining interests on established trust funds, charging patrons for using copy machines, computer print-outs or conference rooms, borrowing or library subscription fees, or even rental of roof space for telephone antennas. Many county law libraries also resort to other sources to raise money, such as fundraising, establishing “friends of the law library” groups, or creating foundations.³¹

Still, regardless of the county law libraries’ efforts in these extra activities or of their relative success, it is not enough to overcome increasing expenses and budget constraints. With creativity, however, county law librarians can overcome these obstacles and use the resources they have to meet the needs of the public.

D. County Law Library Advantages

Though county law library budget constraints make it difficult, if not impossible, for county law libraries to purchase every resource intended for pro se litigants, county law librarians have other unique opportunities to serve public patrons. The nature and mission of the county law library itself, combined with the law librarian’s relative freedom to be innovative in the implementation of public legal research instruction, result in an environment rich with potential.

As noted in the discussion of county law library mission statements above, most county law libraries strive to serve county judges, county officials, court and government agencies, attorneys, and county residents by providing access to legal information. This mission essentially prescribes reference services as the primary duty of a county law librarian. Though some law librarians are also assigned other tasks such as vendor relations, accounting, or webmaster, the mission of the county law library must also be the mission of the county law librarian.

³⁰ Jacquelyn Jurkins, *Development of the County Law Library*, 62 *Law Libr. J.* 140, 140 (1969).

³¹ County Law Library Task Force Report, State of California, May 2005, available at <http://www.ccll.org/CLLTaskForceReport.htm>.

This mission of service makes it possible for county law librarians to respond immediately to the information needs of all public patrons. Public patrons can conveniently visit the library before a hearing to gather pertinent information, after a hearing to clarify a verdict or instructions, before filing a case or other additional paperwork with the county clerk, or at any other time. No matter the time or the purpose of the visit, a law librarian is always available for immediate assistance.

The mission of service and access to information prescribes a duty of reference services for county law librarians, but leaves open the method by which this service is completed. In addition to the traditional face-to-face reference desk services that all county law libraries provide, county law librarians can be imaginative in implementing other ways of meeting the law library's mission during their time away from the reference desk.

Below are just a few suggestions of ways county law librarians can be innovative in serving the informational needs of public patrons. Each of these outreach services can be implemented at little or no cost to the county law library.

IV. Innovative Instructional Outreach Services

A. Face-to-Face Instructional Outreach Services

Researching legal issues can seem like an insurmountable task, especially to public patrons. However, with the assistance of county law librarians, public patrons may find the legal research process to be quite challenging, but manageable. Face-to-face informational and educational outreach services may be the most effective method county law librarians can employ to assist public patrons.

1. Instructional Reference

Teaching legal research to county law library public patrons can be done as part of regular reference service. Though taught on-the-fly, it can be an effective informational and educational tool. This method of service requires law librarians to make a judgment call on how in-depth the instruction should be based on a quick assessment of each particular patron.

Based on this quick assessment, it may be appropriate to simply direct the patron to a certain section of the library or to a certain book. In other situations, it may require that the law librarian spend more time explaining what a certain source

contains and how to use it. In other situations yet, the law librarian may have to explain the whole gamut of legal research, from the difference between primary authority and secondary authority, and the difference between statutory law and case law, to how to use Westlaw or Lexis. The success of a public patron's visit to the county law library can often hinge on the law librarian's willingness and ability to be an effective instructor.³²

2. Formal Legal Research Classes for the Non-attorney

Perhaps the most effective method of legal research instruction are formal in-person legal research classes especially designed for the non-attorney. These classes can be about a variety of helpful topics, including Westlaw instruction, Lexis instruction, locating primary authority for a particular jurisdiction, locating secondary authority, or any number of other legal topics. These classes can provide an excellent start for public patrons just becoming familiar with legal research or as a refresher course for those that are further along in the process.

The King County Law Library has found such classes to be an invaluable tool for teaching legal research to public patrons. Kim Ostitis, a reference librarian at the King County Law Library, articulated the value of such classes:

Many public patrons who come to KCLL have never done any legal research. They are often confused and frustrated by what little information they have been able to find online or have heard through friends and relatives. Sentences that start with "My friend told me about this one case..." are all too common.

They often don't understand that legal information is freely accessible on the web, but that you have to be at the right place to find it. For example, I have been looking through the search queries that are submitted to the search engine on our website. Too often, I see people searching for cases and statutes directly on our website. Of course, because we don't host any of that content, they're not going to find much and they might think that it's simply not available.

Legal research classes targeted at non-attorneys, such as those taught at KCLL, are a great way to start informing the public about the basic tenets of legal research. Public patrons also get an idea of what type

³² Kerry L. Fitz-Gerald, *Serving Pro Se Patrons: An Obligation and an Opportunity*, *Legal Reference Services Q.* 22.2-3 (Spring 2003): p41 – 73.

of resources are available for free online, those that are available on paid databases, and resources only available in print.³³

The King County Law Library has been successfully conducting classes on legal research for the non-attorney for several years. The reference librarians select class topics based on several factors including what they see the patron instructional needs to be, patron requests, and feedback and attendance from prior classes.³⁴

Currently, the King County Law Library offers the following classes on a rotational basis based on class popularity and demand, all of which are free and open to all members of the public:

- Introduction to Westlaw and Introduction to Lexis
- Advanced Searching on Westlaw and Lexis
- Searching Washington State Superior Court Case Information
- Searching Law Reviews (Westlaw, HeinOnline, and LegalTrac)
- Section 1983 Civil Rights Research
- ACORDS and SCOMIS
- Identity Theft
- Landlord/Tenant Law in Washington
- Legal Research Internet Series
 - Class 1: Local Resources (King County and Seattle)
 - Class 2: Washington State Resources (state cases, statutes and administrative materials)
 - Class 3: Federal Resources (federal cases, statutes and administrative materials)
- Legal Research for the Non-Attorney Part 1
- Legal Research for the Non-Attorney Part 2
- Skiptracing: Finding Business and Personal Information³⁵

Other county law libraries can utilize any one of these great ideas, or derive some of their own. Once county law libraries actually create these classes, they are easily updatable and can be taught many times. They can also be reformatted into research guides and handed out to patrons or put on the county law library's

³³ Kim Ositis, Reference Librarian, King County Law Library, Seattle, Washington, via email correspondence.

³⁴ Kim Ositis, Reference Librarian, King County Law Library, Seattle, Washington, via personal interview.

³⁵ For a complete list of classes and description, see the King County Law Library website, available at <http://www.kcll.org/learnhow/lrtc/index.html>.

website. I will revisit the topic of formal legal research classes for the non-attorney in Section V and Appendix A, where I will design a class syllabus based upon my discussion, which can be adapted into a formalized class or any number of other formats and used as a legal research instructional tool.

B. Technology-based Legal Research Instructional Outreach Services

Successful legal research instructional outreach services can also be implemented via technological means. Technological advances have made it possible to communicate and convey information through websites, email, live chat, and podcasts, among many others. County law libraries can take advantage of these innovative means, some of which are discussed below, to reach its public patrons.

1. Websites

Several county law libraries have websites that provide varying degrees of information to its users. Some websites contain minimal information such as library hours and location³⁶, while other provide more extensive information such as links to legal research pathfinders, links to outside self-help materials, an online public access catalog (OPAC), and even links to the county law library's email, chat services, podcasts, and webcasts.³⁷ Websites are a fast and efficient portal of communication between law librarians and patrons.

2. Virtual Reference – Email and Live Chat

Virtual reference is a common term law librarians use to describe human-mediated internet-based communication tools. This term can encompass both email and live chat services. Email and live chat are extremely effective means of communication between county law librarians and public patrons. Oftentimes, email and live chat communication is a necessity for public patrons who cannot travel to the law library because of distance, disability, or any number of other reasons.

There are several reference management services available to provide county law libraries with the tools necessary to interact with patrons in these ways. The King

³⁶ See the Douglas County Law Library's website as an example of a minimally-inclusive website, available at <http://www.dc4dc.com/library/index.php>.

³⁷ See the King County Law Library's website as an example of an all-inclusive website, available at www.kcll.org.

County Law Library utilizes QuestionPoint, a web-based chat tool with co-browsing capability and an email reference component.³⁸ In 2005 alone, the King County Law Library answered over 700 questions via QuestionPoint email and chat.³⁹ The annual cost of QuestionPoint is based on an unlimited annual subscription with optional elements and thus varies depending upon the options selected.⁴⁰ Though this is certainly not the only such tool available, it has proven to be effective.⁴¹

3. Podcasting

Podcasting is a means of distributing audio and video programs over the internet that allows users to manually download individual podcasts from specific websites or subscribe to a particular program and receive automatic downloads on their portable media player or personal computer.⁴² Podcasts can be downloaded by anyone at anytime, thus making it an extremely convenient tool for both county law librarians and public patrons.

Podcast topics are as broad as a law librarian's imagination. Obvious topics include instructional and educational legal research pointers, such as what a patron might expect to hear if attending a class on legal research for the non-attorney, discussed above in Section IV and below in Section V. Other topics include specialized legal research, such as probate or landlord tenant law, or hot legal topics in the news. Podcasts can also be used to communicate essential library information, such as the arrival of new legal materials.

The King County Law Library began producing its own podcast in 2006 and has discovered that it has been a great way to communicate with its patrons. Stina McClintock, library technician, articulated the benefits that podcasting provides for both law library patrons and the law library staff:

³⁸ Further information available via the QuestionPoint website, available at <http://www.oclc.org/questionpoint/>.

³⁹ See the King County Law Library's 2005 Annual Report, available at <http://www.kcll.org/aboutus/publications/annualreports/2005annualreport.pdf>

⁴⁰ See OCLC's QuestionPoint pricing guide, available at <http://www.oclc.org/questionpoint/ordering/default.htm>

⁴¹ Kim Osis, Reference Librarian, King County Law Library, Seattle, Washington, via personal interview.

⁴² Jared Barrett, Podcasting Pop Songs?: Licensing Concerns with Podcasts that Contain Mainstream Music, 3 *Shidler J. L. Com. & Tech.* 3 (Aug. 24, 2006), available at <http://www.lctjournal.washington.edu/vol3/a003Barrett.html>.

Podcasting is perfectly suited for a law library. What makes a law library unique, and therefore a good candidate for podcasting, is that we try and navigate our patrons to resources through a variety of mediums in order to find an answer.

Treatises and books, as well as internet sources, are extremely helpful in helping a patron find what they are looking for, but oftentimes, we need to serve those patrons who may not understand how to find the resources they need through reading material. By taking common legal topics and turning them into a short radio-style program, podcasting in a law library closes a gap in reaching patrons and providing them clear access to achieving justice.

At the same time, podcasting provides library staff with the ability to learn a new technology, which is vital in remaining relevant in the ever shifting landscape of information services.⁴³

In addition to being an effective communicative tool between the law library and its patrons, podcasting has also served as a creative outlet for the King County Law Library's entire library staff. One reference librarian explained:

Our podcasts are intended to be informational and instructional, but they also have to be entertaining. The whole library staff takes part in the production of our podcasts in their own unique way. One of our library technicians is a beer connoisseur and regularly includes beer segments. For example, we produced a podcast on environmental law and she provided a short segment about beer that has a green side. Another one of our library staff is a movie buff. He frequently includes movie reviews about law-related films. Podcasts are just a great way to reach our patrons and have a lot of fun.⁴⁴

Website, email and live chat, and podcasts are just a few of the many ways county law librarians can meet the instructional legal research needs of its public patrons via technological means. These technologically based legal research outreach services, combined with face-to-face instructional services, provide public patrons with the tools they need to perform successful independent legal research.

⁴³ Stina McClintock, Library Technician, King County Law Library, Seattle, Washington, via email correspondence.

⁴⁴ Kim Ostitis, Reference Librarian, King County Law Library, Seattle, Washington, via email correspondence.

Now that this paper has discussed some of the many means by which instructional legal research education can be implemented, it will next provide a basic syllabus for teaching legal research to public patrons in a county law library. The syllabus is not comprehensive, but is meant to provide a foundation for county law librarians who have recognized their obligation to serve public patrons through instructional legal research outreach services and the benefits that doing so provides.

V. Basic Legal Research Tools and Strategies for the Non-attorney

This syllabus found in Appendix A can be used as a basis for teaching legal research to public patrons in a county law library. It can be expanded upon and adapted into a variety of formats, including a PowerPoint presentation for formalized legal research classes, a hand-out to be given to public patrons as a research guide, or it can be posted as a link on a website. It is intended to familiarize the public patron with the legal sources that are available. Regardless of its format, it is intended to provide county law libraries with a starting point for instructing its public patrons in legal research tools and strategies.

The language style used in the syllabus is conversational. This style was intentionally selected so as to be easily understood by public patrons. The language can be formalized if adapted into a formal legal research class for the non-attorney.

It was compiled as a result of my personal experience providing reference services to county law library public patrons at the King County Law Library, consultation with the reference librarians at the King County Law Library⁴⁵, examining a basic legal research textbook,⁴⁶ examining the Legal Information Services to the Public webpage on the American Association of Law Libraries website,⁴⁷ examining the University of Maine Law School “Research Strategy” guide,⁴⁸ examining the Washington Courts webpage on legal citations⁴⁹ and by

⁴⁵ Rita Kaiser and Kim Ostitis, Reference Librarians, King County Law Library, Seattle, Washington, provided invaluable assistance in the preparation of this syllabus by answering all my questions, allowing me to attend their own classes, and allowing me unlimited access to their course materials.

⁴⁶ Amy E. Sloan, *Basic Legal Research: Tools and Strategies* (2003).

⁴⁷ American Association of Law Libraries, Legal Information Services to the Public, available at <http://www.aallnet.org/sis/lisp/research.htm>

⁴⁸ University of Maine Law School, Garbecht Law Library, Research Strategy, available at <http://www.usm.maine.edu/law/library/handoutstrategy.htm>.

evaluating the King County Law Library's Legal Research for the Non-Attorney Parts I and II class materials.

VI. Conclusion

In the past, county law libraries only served public patrons incidentally. Now, however, public patrons account for at least 50% of a county law library's patron base. These patrons need inordinate amounts of legal research assistance and with a little creativity and innovation, county law librarians can instruct public patrons on the process of legal research using any number of outreach services.

As a starting point, county law librarians can adapt and expand upon the syllabus provided in Appendix A of this paper, or they can create their own syllabus on more specialized or in-depth legal research topics. By providing public patrons with this instructional information, county law librarians can fulfill their obligation to the public patron, realize their own professional sense of accomplishment, and meet the vision of the American Association of Law Libraries (AALL):

Since the ready availability of legal information is a necessary requirement for a just and democratic society, AALL and its members advocate and work toward fair and equitable access to authentic current and historic legal information, and educate and train library users to be knowledgeable and skilled legal information consumers.⁵⁰

The benefits that public patrons will receive from county law librarians' efforts are immense. Not only will public patrons become knowledgeable and skilled legal information consumers, but they will gain confidence in themselves and in the justice system.

⁴⁹ Washington Courts, Legal Citations, available at <http://www.courts.wa.gov/library/index.cfm?fa=library.display&fileID=cites>.

⁵⁰ American Association of Law Libraries (AALL), Mission, available at http://www.aallnet.org/about/strategic_plan.asp.

Appendix A

BASIC LEGAL RESEARCH TOOLS AND STRATEGIES FOR THE NON-ATTORNEY

A. Step One: Getting Started

There are several steps that are necessary to complete before you begin your legal research. These steps involve stating the question, determining the jurisdiction, and understanding legal language.

1. State the Question

Before beginning your research, it is first necessary to clearly state the legal question you need to answer. This will prove invaluable in keeping your research focused. It is also a good idea to make a list of all of the facts and possible search terms that are relevant to your question.

2. Determine the Jurisdiction

Before beginning your research, it is also necessary to determine the jurisdiction. Essentially, jurisdiction is a court's general power to exercise its authority to hear your case. Jurisdiction is a complicated matter and may require outside assistance.

3. Understand Legal Language

Understanding legal language can be as difficult as trying to learn a foreign language. Fortunately, there are many resources that can help explain this complicated vocabulary. It may be helpful to have access to a legal dictionary such as Black's Law Dictionary. Black's Law Dictionary is one of the most well-known dictionaries, though there are several more available in print and online. Online legal dictionaries can be accessed at 1) <http://dictionary.law.com/> and 2) <http://www.nolo.com/glossary.cfm>.

4. Familiarize Yourself with Important Concepts, Vocabulary, and Elements of a Citation

Though a dictionary such as Black's Law Dictionary is very useful for deciphering legal language throughout your research, it is also necessary to be aware of a few important concepts from the start. Below is a list of some of the

most basic legal concepts.⁵¹ Below is also a discussion of the elements of a citation, knowledge that is critical if you are to transition easily from searching primary sources to secondary sources (see part (a) for a discussion of primary and secondary sources).

a. Primary and Secondary Sources

Primary sources publish the law itself, i.e. the rules that local, state, and federal governments will enforce. Sources of primary law include ordinances, statutes, treaties, court decisions, court rules, administrative rules and regulations, administrative agency decisions, and executive orders and decrees.

Secondary sources of law are materials that help find the law, or explain or comment on it, but are not “the law itself.” Law review articles, treatises, legal encyclopedias, digests, and loose-leaf reporters are secondary sources.

b. Official and Unofficial Sources

Official sources are those publications sanctioned by a government or court as the authoritative text of the law. Courts generally require citation to “official” sources of law.

Unofficial sources are commercially published and are usually more timely. They are editorially enhanced to improve their usefulness as a research tool.

c. Annotated and Unannotated Sources

Annotated sources publish the text of the law with additional information. The text of the law is primary material; the annotations are secondary material. Annotations include case summaries, citations to cases interpreting the law, referrals to relevant periodical articles, legislative history, editorial notes, and analysis.

Unannotated sources publish the bare text of the law.

⁵¹ This list was provided by Rita Kaiser and Kim Ositis, Reference Librarians, King County Law Library, Seattle, Washington.

d. Elements of a Citation

During your research, you will come across a variety of legal citations. It is important that you are able to recognize the elements of a citation so that you can easily identify and find the materials the citation is referring to. This is especially vital during Step Two and Step Three, as you move from secondary sources to primary sources. If you cannot translate the citations to cases and statutes that you discover during your search of secondary sources, it may be much more difficult to locate these sources. Below are a few examples of case citations and code citations and an explanation of each.⁵²

i. Case Citations

The first named plaintiff or petitioner and the first named defendant or respondent are usually listed in the case name. The surnames of the plaintiff and defendant are listed only.

Next, the volume number for the reporter is given. Though reporters are explained in more detail in Step 3, reporters essentially contain case opinions that are written by the courts to explain how and why certain legal rules were used to resolve a dispute in a particular case. The abbreviation of the title of the reporter follows the volume number. The page number in the volume on which the case first appears is next. After the reporter information, the year or date the case was decided is in parentheses. Other information, such as the court that decided the case or a history of subsequent review may also be included.

Example 1: Bedford v. Sugarman, 112 Wn.2d 500, 772 P.2d 486 (1989)

The plaintiff's last name is Bedford and the defendant's last name is Sugarman. The opinion for this case can be found in volume number 112 of the Washington Reports, 2nd series, starting on page 500. This case was decided in 1989.

Example 2: Jordan v. Gardner, 953 F.2d 1137 (9th Cir. 1992), *reh'g granted* 968 F.2d 984 (1992)

The plaintiff's last name is Jordan and the defendant's last name is Gardner. The opinion for this case can be found in volume number 953 of the Federal Reporter, 2nd series, starting on page 1137. This case was decided by the 9th Circuit in

⁵² Examples and explanations based on the Washington Court's Legal Citation guide, available at <http://www.courts.wa.gov/library/index.cfm?fa=library.display&fileID=cites>.

1992. The subsequent history in italics reveals that there was an order granting a rehearing before an en banc panel of the court. This hearing can be found in volume number 953 of the Federal Reporter, 2nd series, starting on page 984. This hearing was granted in 1992.

ii. Code Citations

Though discussed further in Step 3, Codes essentially contain statutes, regulations, or ordinances.

Generally, the chapter, title number, or name of the code is listed first, followed by the applicable subchapters, sections, or parts.

Example 1: 5 U.S.C. 551(a)

This citation refers to Title 5 of the United States Code, section 551(a).

Example 2: RCW 27.20.030

This citation refers to Title 27, Chapter 20, Section 030 of the Revised Code of Washington.

iii. Abbreviations

As you can see, the above citations all contain abbreviations which are difficult to discern if you are not law trained. However, there are several sources that contain the accepted abbreviations for legal materials. These publications include *The Bluebook: A Uniform Guide to Citation* and *Bieber's Dictionary of Legal Abbreviations*. Law librarians are also eager to assist you.

B. Step Two: Preliminary Analysis

As you begin your research, it is quite helpful to consult secondary sources. Though secondary sources are not “the law itself,” they often provide useful information such as summaries or collections of authorities from a variety of jurisdictions, narrative explanations of complex concepts and areas of law, and even citations to relevant primary authority. There are several great secondary sources, some of which are included below.

1. Legal Encyclopedias

Legal encyclopedias are just like general encyclopedias you have probably used in the past, except legal encyclopedias are limited in scope to legal subjects. Legal encyclopedias provide a general overview of the law on a variety of topics. There are two legal encyclopedias: American Jurisprudence Second Edition (Am. Jur. 2d) and Corpus Juris Secundum (C.J.S.). Some states also have legal encyclopedias pertaining to just that state's laws. To locate the information you are searching for, use the index and look for different synonyms for your terms. If you find a relevant section, footnotes in that section will lead you to further resources.

2. Texts and Treatises

Texts and treatises are focused more narrowly than legal encyclopedias. They typically provide an in-depth treatment of a single subject and often include citations to other secondary sources and primary sources, and may even include forms. Publications by Nolo Press are especially useful to non-attorneys because they are written specifically for individuals that do not have a legal background.

3. Legal Periodicals

Articles that are published in legal periodicals such as journals or law reviews can also prove to be a useful research tool. They are typically written by law professors, practitioners, judges, and even law students. Articles are focused quite narrowly on a specific issue and can be invaluable if you can locate one pertaining to your particular question.

4. Self-Help Books and Kits

Self-help books and kits contain instructions and forms to help non-attorneys with routine legal matters. Common legal subjects that are contained in self-help books and kits include divorce, bankruptcy, traffic tickets, wills, contracts, leases, landlord-tenant agreements. These books and kits are usually written by attorneys with the intended purpose of saving non-attorneys hours of research. They may be found at your county law library, public library, local bookstore, the court clerk's office, or the legal aid office.

C. Step Three: Check for Primary Authority

After you have located some relevant secondary authority, you can now begin your search for primary authority. You may have even located citations to primary authority in your research already.

1. Statutory Authority

The first step in locating primary authority is to search for statutes. Statutes, regulations, or ordinances are found in codes. Codes are mandatory, meaning that the court must follow them. You can use the code index to locate relevant code sections.

2. Court Rules

Court rules contain the procedures you must follow if you take your case to court. Court rules address topics such as time limitations, formal requirements for court documents, pleadings, and other court processes. Court rules vary from jurisdiction to jurisdiction, so it is important that you locate the correct rules.

3. Case Law

Reports or reporters contain case opinions that are written by the courts to explain how and why certain legal rules were used and resolve a dispute in a particular case. Generally, decisions of higher courts in the same jurisdiction are mandatory (must be followed) and decisions of lower courts or courts in a different jurisdiction are simply persuasive (may be followed).

Most case opinions in reporters are from courts of appeals rather than trial courts. It should also be noted that opinions are not written for every case and every opinion that is written is not published in the reporters. There are different sets of reporters for different jurisdictions.

You can find citations to case opinions in reporters in a number of different ways. Often, secondary authority contains citations to case law. Annotated codes will also contain references to case law that have cited a particular statute following the text of a statute. You can also use a digest to locate this information. Digests are published for federal jurisdictions, state jurisdictions, and regional jurisdictions. The most well-known digest system is West's American Digest System which divides the law into about 400 different topics and indexes all cases published in the United States. Each main topic is subdivided into specific points

of law which are assigned a “key number.” Under each key number, you will find summaries of cases that are relevant to that particular point of law as well as the citation to where to find that case in the reporters. It may be most helpful to start in the Descriptive Word Index of a set of reporters. This index uses common words to direct the user to the correct topic and key number. Another useful tool is the Case Table, which can be used if you know the name of the case but not the citation.

However, the most efficient way to locate relevant cases is to use a subscription database such as Westlaw or LexisNexis. Some public law libraries have free access to these databases and the law librarians will be more than happy to instruct you in how to use them. You may also search these databases using a credit card. To access these databases, go to www.westlaw.com or www.lexis.com. There are also some free databases that are limited in comprehensiveness, but may be useful nonetheless. One such database can be found at www.lexisone.com.

D. Step 4: Update your Research

Now that you have checked for secondary authority, statutory authority, and case law, it is necessary to update your research.

1. Check for Supplements

Supplements update material that is found in the main text. Oftentimes, supplements appear as “pocket parts” and are inserted in the back covers of each volume. They may also appear as bound volumes and are kept at the end of the entire volume set. Supplements may include case citations to recent cases that were decided under a particular point of law.

Checking for supplements is especially important when updating statutory material. Statutes are constantly being amended, repealed, and renumbered. This information, as well as proposed legislation, can be found in statutory supplements. Because of this constant change, it is vital that you ensure that the law(s) you have located and are relying upon are current.

2. Check Citators

The easiest and most current way to update your information is to check database citators such as Westlaw’s KeyCite or Shepard’s on LexisNexis. Each of these databases will tell you whether your statute or case has been affected in some

way, such as being amended, repealed, reversed, overruled, or found unconstitutional. To locate a citator, you should first check with the law library to see if they have free public access to one or both of them. If not, Westlaw's KeyCite can be accessed at www.keycite.com and LexisNexis's Shepard's can be accessed at www.lexisnexis.com/shepards. Each of these databases costs about \$4.00 per cite.

Shepard's is the most common citator available in print. However, many law libraries no longer subscribe to Shepard's in print because it is not as easy to use or as current as the citators available online.

E. Step Five: Wrap up your Research

You will know that it is time to stop your research when you keep finding the same legal rule. You may find that once you have thoroughly researched all of the sources discussed above that you will find references to the same statutes, regulations, or case law. This is a good sign that your research has been complete enough to give you a reliable answer to your legal question.

However, after conducting your own research, you may instead discover that you cannot find the answers you are looking for. If this is the case, there are several sources available that can help you.

You may need to contact an attorney. However, there are also many programs that provide free legal assistance to the public. You can call your local legal aid for more information. Law librarians may also be able to provide you with information on free clinics in your area. If you do need to locate an attorney, ask a friend or colleague, check the yellow pages, or call your state or local bar association. Another great place to find an attorney is through an attorney directory. Attorney directories are available online at www.martindale.com and www.directory.findlaw.com.

You may also find the help you need by asking a law librarian. Law librarians are always eager to help you find the information you are seeking, though they cannot give you the answer or interpret any information that you find. However, they can provide you with further legal research tips to help you in your quest.