

Sierra K. Johnson. Access to Legal Information by Public Patrons in Varying Types of Law Libraries: A Case Study. A Master's Paper for the M.S. in L.S degree. July, 2015. 52 pages. Advisor: Hollie White.

This paper describes a case study conducted in three different varieties of law library in North Carolina. Public, private, and hybrid libraries were studied to determine if any meaningful difference existed between the types as to the level of legal materials and services available to members of the general public. Although much research has been conducted on why people file pro se, little research has been done on how they, and other public patrons, are able to access legal information once they determine that they need it. The results of this study indicate that two libraries showed no major observable difference, despite being different library types, while one library stood out as being much less helpful in allowing public patrons to access legal information. Results of this research may be of interest to public service attorneys, members of the public conducting research, law librarians, and anyone determining funding for law libraries.

Headings:

Access to Information

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Law Libraries -- Reference services

ACCESS TO LEGAL INFORMATION BY PUBLIC PATRONS IN VARYING TYPES
OF LAW LIBRARIES: A CASE STUDY

by
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“Without access to information, there is no justice.” (Public Law Library of King County, 2012).

Introduction

The ability to sue is, to many, as emblematic of the American identity as apple pie and fireworks. It represents access to three things our society values deeply: justice, fairness, and freedom. Typically, in order to access this sense of fairness and justice in a courtroom, people must: find a lawyer; talk to that lawyer about their problem; and let the lawyer take control. The lawyer knows how to achieve justice by knowing what to file, when and where to file it, and how to proceed from there. However, for many people, the cost of hiring a lawyer is enough to keep them from pursuing their claims and receiving justice. These claims can range from the cost of auto repairs from a fender bender to losing custody of their children.

Fortunately, our legal system provides an alternative: filing pro se. Pro se is Latin, meaning “for himself.” Pro se litigants file and argue their legal claims without the aid of a lawyer (Garner, 2014). In order to proceed in court, however, these litigants need the proper legal information. Legal information is available to them from a variety of sources, but finding and navigating these sources on their own can be tricky. A great deal of legal research may be necessary to identify the law and its requirements. Without access to legal information, they have no hope of successfully representing themselves, even if their claims are very good. Many of the non law affiliated users of law libraries are pro se patrons, and access to legal information for non-law patrons is important.

A dedicated law library is the most reasonable place to expect to find and access legal information. However, all law libraries are not created equal. Any given law library may be open only to specific groups, or it might offer only certain services and materials to certain groups of patrons. Some law libraries are private; for example, many university law libraries serve faculty and students specifically. Some libraries serve dual communities: the academic community and the public litigant community. These libraries must balance their needs and goals accordingly. And some libraries exist solely to serve the public. The three kinds of law libraries present different hurdles to pro se litigants. An analysis of each of the three varieties (public, hybrid, and private) will show the difficulties and barriers pro se litigants face in gaining the information necessary for justice. This analysis will be carried out through a case study of three libraries, each representing one type.

Definitions

In order to fully understand the research and findings of this paper, consistent understanding and use of terms is important. Each of the terms defined in this section are not officially recognized terms; rather, they are terms defined by the researcher for purposes of this study. The terms defined are (1) pro se patron, (2) public patron, (3) public law library, (4) hybrid law library, (5) private law library, and (6) purpose.

A **pro se patron** is a user of library services who is, or has already, filed a case for themselves without the help of a lawyer (Garner, 2014). This can be as simple as contesting a speeding ticket or as complex as filing for custody of children during or after a complicated divorce.

A **public patron** is a user of law library services who is not affiliated officially with the law. Law students, law professors, attorneys, paralegals, or other legal professionals are not public patrons. For purposes of this study, public patron is assumed to be someone who lacks any training in or official connection to the legal profession or an official connection to the institution which operates the library (for example, they are not students or professors of a university).

This distinction is important because of the implications for pro se patrons specifically in accessing their right to justice. However, it is impossible to evaluate what is available to pro se patrons specifically, so this study will be concerned with what is available to all public patrons. Thus, the concern is what is available to persons filing pro se, but that will be evaluated through an analysis of what is available to all public patrons.

A library's **purpose** will be determined chiefly by its mission and/or visitor policies, explicitly stated on its website.

A **public law library** is a library that primarily consists of legal materials, and whose purpose is solely to serve the public. Public libraries' missions will include language such as "the general public," "all members of the public," "everyone with a need," etc.

Exclusively public libraries, as defined in this study, are usually easy to identify by name. The Public Law Library of King County, in Seattle, Washington, "aids all persons with their need for legal information," (Public Law Library of King County Board of Trustees, 2012). The Prince William Public Law Library in Prince William County, Virginia, "provides access to and instruction in the use of legal resources to citizens and legal practitioners," (Prince William County Government, 2015).

A **private law library** is a library that primarily consists of legal materials, and exists solely to serve the needs of a specifically defined or enumerated legal community. Private libraries will typically include language such as "only the students, faculty, and staff of" a specific school, "research and scholastic purposes of" a specific school, or "justices ... employees ... and attorneys licensed in" a particular jurisdiction.

It is important to note that in this study, a library might be designated private despite it being considered "public" in the general sense. An example of such is the North Carolina Supreme Court Library in Raleigh, North Carolina. The library is run and funded by the state government with state funds, so is in a general sense, public. Yet the library is only open to a specific legal community: employees of the Appellate Division of the court system, attorneys licensed in North Carolina, and state employees acting on

official duties. For the purposes of this study, it would be classified as private (Newby, 2004). Other libraries that are private for these purposes are more intuitive. Harvard Law School Library's mission is to "support the research and curriculum needs of its faculty and students." It's clear they are meant to serve a narrow legal community (Harvard, 2015).

A **hybrid law library** is a library that primarily consists of legal materials, and whose mission is to serve both the public and members of a specific legal community. A hybrid library's mission will include language found in both public and private library missions.

Hybrid libraries usually demonstrate a commitment to both the general public and members of a specific legal community. For example, the Coleman Karesh Law Library at the University of South Carolina states that its primary purpose is to "support the work of the faculty and students of the School of Law and the University," but notes that it serves "the University community, the government, ... and the citizens of the state," as well (University of South Carolina, 2015). The William A. Wise Law Library at the University of Colorado is also a hybrid library, supporting the "instructional and research programs of the faculty and students of the Law School," as well as to be a "community resource, providing services to members of the bench and bar, and general public," (University of Colorado, 2015).

Literature Review

Access to Justice

As previously discussed, the right of every person to access justice is crucial in our society. Unfortunately, the existing field of study shows how often those in need of justice cannot access it. There has been a dramatic increase in the demand for legal services in recent years. An increase in movement of populations and the transitory nature of families partially accounts for this. Social relationships, communities, good faith, and a focus on neighborly spirit are no longer allowing conflicts to be resolved outside the legal system (Buxton, 2002). However, the prohibitive costs of pursuing legal action are keeping many people from pursuing their needs. Up to 80% of the legal needs of those in the lowest income group are not currently being met. Even the middle class is unable to meet the breadth of their legal needs: 40-60% of the middle class is unable to access all of the legal actions they need or want to pursue (Swank, 2005).

The legal field has taken steps to address the issue of unmet legal needs, especially for people who cannot afford them. The American Bar Association (ABA) has a policy on voluntary public service: "A lawyer should aspire to render at least fifty (50) pro bono publico legal services per year," (American Bar Association, 2006). In addition, the ABA issued a challenge each year, starting in 1993, for large firms to contribute at least 3% of their billable hours to pro bono projects (American Bar Association, 2005). The unfortunate reality, though, is that half of all attorneys do not commit any individual hours of pro bono, and only a third of large law firms met the Pro Bono Challenge. That

leaves an increased reliance on the legal system without representation. In fact, while there is one attorney for every 300 residents on average, there is only one legal aid attorney for every 9,000 indigent residents (Cantrell, 2002).

Pro Se Patrons

As a result of the increase in need for legal services for low income people, as well as a lack of attorneys willing to contribute pro bono, there have been increasing numbers of people filing litigation pro se. Pro se litigation is expressly permitted by federal law. “[P]arties may plead and conduct their own cases personally,” (28 USCS §1654). Because of the correlation of income level and litigating pro se, there tends to be a clustering of pro se litigants in certain areas. Family law, landlord-tenant disputes, and small claims cases have pro se litigants as much as 80% of the time (Cantrell, 2002). Across all areas of law, 80-90% of cases involving pro se litigants have only one pro se litigant. This puts one side at a significant disadvantage because they lack counsel (Swank, 2005).

Various projects across the country exist which aim to help pro se litigants gain a more equal footing in court. Some states have instituted easier, more streamlined forms for required filings. California is an early adopter of these, packaging summons and complaint material into one in areas that commonly have pro se litigants. Other endeavors include self help centers in government buildings, web resources, and kiosks located in courthouses. However, these actions do not, in practice, help people learn how to successfully interact with the law (Cantrell, 2002). In fact, many pro se claims do not make it all the way to a trial stage, because they are often dismissed for lack of correct procedure, incorrect or untimely motions or pleadings, or stating incorrect claims

(Buxton, 2002). Judges and attorneys are often disapproving of pro se filings, believing that they waste the court's time, create headaches or increase costs, but they fail to see the difficulty in approaching things from a pro se litigant's perspective (Swank, 2005).

With all of the research indicating proceeding pro se is both challenging and often less effective, it would seem to indicate that people would only file pro se when they have no other choice. However, only one third of pro se litigants are filing strictly due to financial reasons. Almost one half do things pro se because they mistakenly assume it will be simple or straightforward. Of the remaining pro se litigants, many have a distrust of lawyers or the justice system and believe it will be more difficult to get justice if they leave it in someone else's hands. A small number even file pro se as a litigation strategy, hoping to garner sympathy or relaxed procedural rules (Swank, 2005).

Attitudes of Librarians

The attitude of law librarians, many pro se litigants might find, is the opposite of sympathetic. There are valid reasons why law librarians tend to be wary of pro se patrons (or more generally, public patrons as defined in this paper). Public patrons in law libraries often have a higher tendency to fall into a general "uncomfortable" category: they are mentally ill, conspiracy theorists, incensed or outraged over something, seeking revenge, members of off grid militia, and other classes of people that are uncomfortable to deal with (Healey, 1996). These categories may be uncomfortable for any librarian, regardless of place of employment, to deal with. The patrons who do not fall into these categories still create a sense of wariness, as they typically are seeking straightforward legal answers to questions without understanding how the legal system works. They want a simple answer, without having to do any work themselves (Healey, 1996). "Can my landlord

kick me out for doing this?” “Does my husband have rights to see my kids if I am being abused?” “How can I keep my neighbor from cutting down my tree?” These questions are not straightforward for a librarian to answer, but pro se patrons often get frustrated when you do not address them directly or spoon-feed them.

The attitude of law librarians toward public patrons is inherent; it can be seen even in the ostensibly neutral literature. Healey describes pro se patrons as being “automatically out of place in [the law library] environment,” (1996). Pattiano describes how public patrons are the most difficult, and pro se patrons are “by far” the most difficult (2008). Richmond details a more tangible reason for this wariness by exploring how pro se patrons can put law librarians at the risk of the unauthorized practice of the law by blurring the line between research help and legal advice; it is “inevitable” that they will put law librarians in a bad position (2003). This quote best summarizes the attitude, both in the literature and in practice, of law librarians when dealing with pro se patrons:

Law librarians who have been known to cow unruly students, upbraid lawyers for inappropriate research requests, tackle law professors trying to remove materials without checking them out, and stare down vendors with a steely-eyed gaze will become a quivering mass of fear when faced with a pro se reference question. (Healey, 1996).

This pervasive attitude may cause law librarians to be less helpful than they could otherwise be.

The belief that law librarians should be wary of accidentally crossing the line into legal advice is not without merit, as they could theoretically be held liable if they give bad legal advice. How they could be liable depends on whether or not they are licensed attorneys, as only some law librarians are (Forrest, Martinez, & Miller, 2008). If they are

licensed attorneys and give bad legal advice in their capacity as law librarians, they will be liable for legal malpractice. If they are not licensed attorneys and they give any legal advice, they could be liable for unauthorized practice of the law (Richmond, 2003). In practice, there is no case where a librarian has faced liability, so many believe that the librarian's true duty to avoid giving legal advice is an ethical one (Richmond, 2003; Healey, 1996; Forrest, Martinez, & Miller, 2008). Librarians are not able to devote one-on-one interaction or time to a patrons problems the way an attorney could for a client (Richmond, 2003). Healey suggests that the only real solution is for there to be more lawyers for the poor, shifting the burden off of law librarians in dealing with this kind of troublesome patron (Healey 1996). However, his conclusion ignores the other research which suggests the reasons for filing pro se are not always as simple as a lack of funds.

Access to and Use of Materials

Outside of the assistance of legal reference librarians, the actual materials which are available to public patrons have not been extensively studied. Forrest, Martinez, and Miller (2008) wrote a thorough guide to using legal resources, including a breakdown of the different types of legal information, that is both about, and geared toward, public patrons with no specialized legal knowledge. Although this article is thorough and helpful in discussing the different categories of legal research materials on a layperson's level, it is a scholarly article unlikely to be readily available or known to the people who might benefit from it. Their article also lays out some of the problems that face pro se patrons in the unfamiliar environment of the law library, but does nothing to suggest how to fix them. The problems include the organization of legal materials, which is often

different from library to library and based on the needs of that particular institutions. It can often be overwhelming to have so many unfamiliar terms, such as legal treatises, form books, etc. (Forrest, Martinez, & Miller, 2008).

There are some available solutions to these issues. In order to get the best access to materials they need, pro se patrons should be able to easily find and access what they need. They should be either out in the open, or available by asking a librarian. Librarians should also be knowledgeable about the free or low cost resources available to patrons, particularly now that so much is moving from print to electronic resources (Hackerson, 2010).

In fact, this trend in moving to electronic materials has been extensively written about as a general subject in law libraries, though not specifically as to how it affects pro se or public patrons. However, Forrest, Martinez, and Miller (2008) discussed some of these negative impacts. It can be much more difficult to navigate online resources with unfamiliar terms than print resources, which can be thumbed through in a physical format. Statutes, which are available for free online, often have detailed annotations explaining or interpreting them that are only available either in print, or with costly database subscriptions online. Citators, legal texts that demonstrate whether individual cases are still “good law” (that is, they have not been overturned or distinguished by a later case) are also increasingly online. However, most law libraries are within law schools, and exist to serve the needs of their students and faculties. Because of decreasing budgets for acquisition of new materials, many more digital and electronic materials are being added, while print materials are being removed for shelf space or cost (Whitman, 2014). Although these decisions do well to allow law students and faculty to get the

materials they need, public law schools still have as part of their duty an obligation to serve the public (Lenz, 2013). There must be a balance between the needs of students and faculty and serving the public, including the fact that the library's duty to the public is partially fulfilled by insuring they can teach more competent students who will become competent lawyers.

The research field is robust with information about how pro se patrons interact with librarians, and about differing attitudes and fears towards pro se patron assistance. There are various studies and papers on the increasing need for public service and pro bono from lawyers, and on the rise in poverty and the lack of access to justice among indigent populations. There is even discussion on the changing reasons for increased pro se litigation, outside of lack of funds to pay for an attorney. However, there is little information in the field about what pro se patrons are actually able to do when they visit a library aside from speak to a librarian. Although the value of a reference librarian, especially when dealing with litigation, cannot be overlooked, it is but one part of a library user's experience. There is almost no research available that shows what kinds of materials pro se and other public users have access to, as well as what the practical implications are for their ability to use them.

Research Questions:

Because of the impact on access to justice, it is crucial to understand the practicalities of what is actually available to patrons. One way to gain a deeper understanding of this is to conduct a multiple case study of the three varieties of law library (private, hybrid, and public). This will demonstrate what pro se access to legal information looks like on an individual basis and how that may vary between types.

(1) For each of the three main types of law library (private, hybrid, and public), what legal information is available for public patrons?

(2) What services are available to public patrons in the three main types of law library?

(3) What barriers to accessing this information exist, and are they different based on the type of law library?

Methods

In order to evaluate what pro se litigants' access to information looks like in practicality, an embedded multi-case study was conducted. The embedded multi-case research design is based on the method described by Yin in *Case Study Research: Design and Methods*. Choosing multiple cases makes case studies more robust, allowing a wider collection of data (Yin 2003). Embedded case study designs examine multiple factors or criteria within each case study. This is as opposed to holistic case study designs, which examine only one factor or criteria across the cases. In Yin's example, a study which is concerned with the delivery of client services in community health centers might either (1) compare each of the centers to one another in terms of attitudes, services offered, and amount of funding per client (embedded multi case), or (2) examine whether community mental health centers are delivering mental health care that considers the patients' cultural needs, by accumulating data from the different cases (holistic multi-case design).

In the present paper, differing libraries are being connected to one another based on a set of criteria. The selection of one case of each type (public, hybrid, and private) was made because the underlying question was based on differing conditions. What differences exist between types, with each type having different conditions of existence? Multiple case study designs based on comparing differing conditions should typically contain at least two cases in each of the conditions. However, for simplicity and convenience, only one case of each type was compared in this paper in order to set up the foundation of research in this area. In fact, the three cases chosen were selected primarily

for geographic convenience. Because of the embedded criteria on which each case was evaluated (discussed below), personal visits to each site were required.

Because this was an embedded multiple case study, a specific set of criteria were used to evaluate each case (in a holistic multiple case study, one criteria is studied across multiple cases; Yin discusses). The following three criteria were evaluated in each case: **materials**, **services**, and **access issues**. **Materials** will include materials in both physical hard copy as well as digital format. **Services** will explore library services beyond simply providing materials. **Access issues** are the ease or challenge involved in actually reaching and using the materials and services.

The materials criteria was evaluated through a direct, in person observation of each library. A “walk through” to observe what was out in the open and easily available was necessary because libraries may have materials in their collection that are not easily available to the public. Materials were assessed on the subsections of legal materials contained in the collection. The crucial subsections of legal materials are (1) **primary sources of statutory law**, including state and federal statutes and administrative codes, (2) **primary sources of common law**, including state, regional, and national case reporters, (3) **secondary sources**, such as legal treatises or encyclopedias that provide secondary interpretation of issues or index key topics of law (“study aids,” small guides on common legal subjects designed to help students do well on exams, are also included in this subsection), and (4) **journals and supplemental materials** that are primarily concerned with study of law, but may provide some use for those needing practical information (periodicals such as newspapers are included in this section). See Appendix A for a complete description of the different varieties of legal materials.

The services criteria evaluated services provided to public patrons. Some of the libraries may provide services to some types of patrons that are not offered to public patrons, and that is discussed. Services include borrowing privileges; internet access; copying, scanning, and printing privileges; reference services; and public access to subscription-based legal databases. This axis was evaluated using policies observed on the library's websites, observations made during the walkthroughs, and by questioning library staff by phone and in person.

The access criteria evaluated practical limitations that may impact patrons' access to the available materials and services. Factors such as the geographic location and hours of operation play a role in whether someone can get to the library or not. Public transportation and parking considerations around the library also impact access. Directions, floor maps, descriptions of materials, and other guides to the library are included in this axis. Finally, physical issues such as usability for patrons with disabilities is addressed.

Discussion of Case Studies

The libraries chosen from each category were evaluated through a combination of direct observation of the library materials and setting (walkthroughs); discussions with library employees; and evaluations of the libraries' websites and online catalogs. The enumerated and defined criteria in the methodology section were applied carefully to each library, although some libraries took much more time to evaluate. There were marked differences in some areas between libraries, while others were more similar than expected. A thorough description of each library's results is contained in this section, as well as a brief analysis of the libraries both individually and as compared to one another.

Private

The first law library evaluated was the Duke University Goodson Law Library. Duke University's Goodson Law Library (referred to as Duke) was chosen as the private law library based on their mission "[t]o provide an innovative and comprehensive information environment for study and scholarship, to prepare Duke Law students for responsible and productive lives in the legal profession, and to support the Law School's leadership in enhancing the understanding of, and improving, the law and legal institutions, national and international, through public service, research and scholarship of the highest caliber." Their mission does not include an intent to provide legal information services to the public. Duke is a large private research university located in Central North Carolina and was also chosen based on proximity for in person

observations. The evaluation was conducted by two in-person visits, one during a weekday and one during the weekend. In addition, the Goodson Law Library's website, including the online catalog, were evaluated. Questions about services, policies, and other aspects of the library operations were directed to various employees of the library, including circulation and reference librarians.

Materials

(1) Primary Sources of Statutory Law

Duke has, in print, the complete *West's North Carolina General Statutes*. These statutes are annotated, containing explanation of the law and references to specific cases dealing with many of the statutes. The North Carolina statutes are complete and up to date, and the older superseded volumes are maintained in the library. In addition, Duke has print versions of other state statutes, although those are not up to date (updated statutes for other states must be access online). North Carolina administrative law, or regulations passed by agencies, are published in the *North Carolina Register* (before being passed) and in the *North Carolina Administrative Code* (after being passed). Duke maintains up to date print versions of both.

Duke also has the print version of the United States Code (federal statutes) and the *Code of Federal Regulations* (the codes of federal administrative bodies which operate as laws). The United States Code is annotated much the same as the North Carolina statutes, in the *United States Code Annotated*. The *Code of Federal Regulations* is kept current in one location, and the older superseded codes are also maintained.

(2) Primary Sources of Common Law

The North Carolina court reporters, including the *North Carolina Reports*, the *North Carolina Court of Appeals Reporter*, and the *North Carolina Supreme Court Reporter*, are all available and up to date at Duke. Duke also collects up to date regional reporters. The *South Eastern Reporter*, which includes North Carolina, the *Southern Reporter*, the *Atlantic Reporter*, the *California Reporter*, and the *North Eastern Reporter* are all maintained in the law library itself. The *South Western Reporter*, the *New York Supplement*, the *North Western Reporter*, and the *Pacific Reporter* are all collected off site and must be requested, although the *Advanced Sheets* are housed in the law library itself. Duke also has up to date print versions of the federal case reporters. The *Federal Supplement* is the federal trial court reporter. The *Federal Reporter* has the regional circuit court of appeals opinions. Finally, the *United States Reporter* features Supreme Court decisions.

In addition to court reporters, Duke has a Briefs and Records collection that includes briefs, motions, evidence records, etc. associated with certain North Carolina cases in print. United States Court of Appeals and Supreme Court Briefs and Records are available in the law library on microfilm.

(3) *Secondary Sources*

Duke maintains legal encyclopedias for both North Carolina Statutes and Federal Statutes. *Strong's North Carolina Index* is an encyclopedia arranged alphabetically by subject, rather than in numerical order by statute number, that will direct the reader to specific statutes, cases, and explanatory material within subjects. Duke keeps an up to date complete collection of *Strong's*. In addition, Duke also maintains *American Jurisprudence* and *Corpus Juris Secundum*, which are legal encyclopedias that document

federal law. Both operate similarly to *Strong's*, although *American Jurisprudence* is more focused and narrow. It contains only the most relevant citations to cases and on-point explanations of topics, while *Corpus Juris Secundum* is much more thorough and catalogs nearly every citation that impacts, clarifies, or adds to a specific area of law. Duke also offers the *Gale Encyclopedia of American Law* and the *Nolo's Encyclopedia of Everyday Law*, which are legal encyclopedias that offers broad overviews of topics geared to a layperson.

While legal encyclopedias offer brief summations on a wide variety of topics in law (often covering the breadth of all statutes), treatises provide much more in depth overviews and introductions on specific topics. For example, *Lee's North Carolina Family Law* introduces various concepts within the framework of family law in a thorough manner. Duke maintains an up to date edition of this volume, as well as treatises on other topics that are of common interest to pro se litigants or public patrons. *Collier on Bankruptcy* is a popular bankruptcy law treatise.

Duke also maintains a collection of materials geared specifically toward the non-lawyer on these topics. *How to File for Chapter 7 Bankruptcy*, *Every Dog's Legal Guide*, *Patent it Yourself*, *The Criminal Law Handbook: Know Your Rights, Survive the System*, *Nolo's Essential Guide to Divorce*, *Rights of Single Parents*, *Everyday Law for Gays and Lesbians and Those That Care About Them*, *Renter's Rights: The Basics*, and *Everybody's Guide to Small Claims Court* are just a few of the books that are available at Duke which offer explanations of areas of law of interest to public patrons.

Finally, Duke maintains a thorough collection of study aids, which are short, to-the-point guides to common topics of law from Evidence to Property. Study aids are

typically geared to helping student succeed on law school exams, with review questions and exam tips. However, certain of these (including *Bankruptcy and Related Law in a Nutshell*, *Understanding Family Law*, and *Principles of Civil Procedure*) will be of particular interest to pro se litigants. Those and other study aids are also of potential interest to any public patron, and Duke's collection is quite vast and would be difficult to catalog in its entirety.

(4) *Journals and Supplemental Materials*

Duke maintains an extensive collection of legal journals, which are typically published by schools of law, bar associations, and other organizations that have a particular interest in the law.

Each of the journals that Duke School of Law produces and edits are owned, as well as most of the journals from other local law schools. For example, the *North Carolina Law Review*, *North Carolina Journal of International Law and Commercial Regulation*, and the *First Amendment Law Review* are all produced by the University of North Carolina School of Law and maintained in print by Duke. *North Carolina Central Law Review*, produced by the North Carolina Central University School of Law, and the *Elon Law Review*, published by the Elon School of Law, are also available. In addition, Duke has many of the journals from the most prominent law schools, such as the *Yale Law Review*, *Harvard Law Review*, and the *Stanford Law Review*. It also includes journals on education, forensics, immigration, family law, and other areas of law from either topic-specific organizations or highly respected schools.

Finally, Duke maintains a small collection of daily newspapers from the *New York Times* to *USA Today* and popular magazines including *Time*, although the law

library itself only maintains the current edition. Older editions of these periodicals are not kept in the collection.

Services

Duke's collection is only open to the public Monday through Friday, from 8:00 A.M. to 5:00 P.M. During those times, members of the public may use any of the materials that are freely available in the library (that is, any material in the open stacks). Materials that are kept behind the counter, such as reference collections and study aid collections, are available for the public to use inside the library if they leave a photo ID at the desk. If public patrons want to take materials out of the library, however, they need to purchase a borrower's card. This card is \$100, and gives public patrons most of the same borrowing privileges of a Duke University patron. They can even borrow reserve items with the card. The loan period for materials is shorter with a borrowing card (four weeks versus 90 days for a Duke Law student).

Outside of using print materials, public patrons may also take advantage of other library services. There are twelve computer workstations with Internet access on the main floor of the library. The computers are freely available to anyone, with no sign-up required. There is no limit on the amount of time someone may use the computers. If public patrons need to print, they are able to do so by purchasing a reloadable card from a machine located in the same building, although not in the library itself. Printing is available on all four floors of the library. Photocopying and scanning is also available with the same reloadable card. The photocopiers and scanners are located on the main floor.

Finally, reference services are available to members of the public during any of the times the library is open to the public. In person reference services are available at the service desk on the main floor of the library. Reference librarians can also be reached by phone and email. During selected times, reference chat is available. Reference librarians are available to answer directional questions, explain how to use certain legal materials, discuss the best way to construct a research strategy, and direct patrons to other resources outside of the library that might be of help. They are not, of course, able to directly answer any specific legal questions a public patron might have.

There is one important service that is not offered at Duke. Legal databases that are not free, especially Lexis Nexis and Westlaw, are often much easier to use and more thorough than free databases. Reference librarians might be able to demonstrate to public patrons databases such as FindLaw, but they often refer patrons to the North Carolina Law Library, where there is public access to a paid legal database.

Access

Public access hours to the library are Monday through Friday, from 8:00 A.M. to 5:00 P.M. These hours are in contrast to the when the library is open to the Duke community (which include later evening hours and both weekend days). The transportation and parking options are more limited during business hours, as parking in public lots requires payment. Although there are various bus lines that serve the Duke campus, including the law library, they only run roughly every hour. For public patrons with access to a car, there is parking near the law library. However, there are only a small number of parking spaces which have to serve the entire Duke University community. The parking is also limited to two hours and costs \$2 per hour.

Inside the library itself, materials and services are easily accessible. There are large elevators accessible on all four floors. Restrooms are only available on floors 2 and 4, but they are located near the elevators. The stacks on each floor are wide enough for patrons with disabilities to use. One issue of concern is that the first floor, which contains government documents and regional reporters as well as various books not directly related to the law, uses moveable stacks.

Analysis

As a whole, the Duke law library provided many more materials and services to public patrons than one would assume, given their mission as a strictly private library. Their collection of print materials is quite robust, and it is fairly easy for public patrons to access them as they are almost exclusively in open stacks accessible to the public. Materials such as model form books are usable as long as needed within the library, and since scanning and photocopying is freely available, public patrons can make use of material even when the library is closed.

However, it is of concern that the hours of the library are so limited, as it could impact the kind of people who are likely to need to make use of it the most. Public patrons may be working during the only time the library is open to them. They may have a more difficult time taking time off, or finding a way to reach the library within the correct hours. The cost of accessing materials outside of freely inside the library may be prohibitive for some public patrons. A borrower's card is \$100 for a year. It might not add up to much per month, but spending \$100 at one time would be difficult for a lower income person. Printing and copying also have costs, although much lower. There is free

scanning, but that assumes that each public patron has access to a computer or other way to access the information once away from the library.

One aspect of Duke's collection that is particularly helpful for public patrons, especially those who might be trying to file a claim *pro se*, is the Walker North Carolina Alcove, which is located on the floor below the main floor. It groups many of the North Carolina specific materials in one place, including *Strong's North Carolina Index*, the North Carolina General Statutes and Administrative Code, *Shepard's Citator*, relevant North Carolina periodicals, and other secondary legal materials of interest to North Carolina law. It includes a large room with tables and chairs for studying or researching, as well as outlets for people who may need their computers to do their research. It is a convenient, useful place for someone needing to do research with North Carolina.

Duke also has the Stevens Federal Alcove, located on the main floor of the library. It includes many of the relevant federal legal materials. Within the alcove, there are annotated versions of the United States Code as well as the federal regulations of administrative bodies, congressional slip laws, and reports. Shelved conveniently close but not actually located in the alcove are federal court reporters of all levels. This alcove is also located near the plentiful open seating of the main floor, which includes workspace as well as outlets for computer charging.

The moveable stacks on the first floor could provide another issue. These stacks require the patron to turn a wheel to move the stack along tracks. The wheel is quite large. This semi-fit researcher was able to turn it and move the stacks, but it required a fair amount of physical exertion and only two stacks were moved. If a certain material was located in the middle of a set of closed stacks, it may prove difficult for some people

to accomplish it. Of course, library staff are available to assist, but it is worth nothing that attempting it without assistance might be difficult, thus inhibiting access.

While Duke may have some problematic issues, such as limited hours for the public and some difficulty in allowing those without reliable transportation to access its materials, it overall provides a place for public patrons to access a thorough and complete collection of legal materials that would be of help to those filing the most common kinds of pro se litigation. Other public patrons with various needs would also find a wide variety of legal materials and resources. The reference librarians are easily accessible, even from off campus, for those not directly affiliated with Duke University. This allows those public patrons with limited or nonexistent knowledge of legal research to ask basic questions and to actually make use of the materials available to them. Duke also features an extensive selection of online tools that will be of benefit to public patrons even without them physically coming to the library. They have a specific research guide, “Legal Research for Non Lawyers,” that will allow public patrons to make the best use of their resources.

Duke’s law library is located within 100 miles of roughly 2.87 million people (Viklund, 2015). The entire population of North Carolina is roughly 9.94 million (US Census Bureau, 2015). Although driving 100 miles may not be convenient, it is theoretically reachable within two to three hours for those with a need to do the kind of legal research that a typical public library would not be able to provide. That means that Duke’s materials and services are available to roughly 29% of the state’s population.

Hybrid

The second law library evaluated was the University of North Carolina Everett Law library. The University of North Carolina's Everett Law Library (referred to as UNC throughout this paper) was chosen as the example of a hybrid law library based on its mission statement. "The Kathrine R. Everett Law Library supports the education of Carolina Law students, acts as a research partner with faculty and students, and serves the legal information needs of University students and faculty, the legal community, and the residents of North Carolina." UNC not only serves the academic community, but also "serves the information needs of ... the residents of North Carolina." UNC is a large public research university located in Central North Carolina, and its proximity to the researcher made it an ideal choice. The evaluation was conducted by in person walk through evaluations. In addition, the Everett Law Library's website, including the online catalog, were evaluated. Questions about services, policies, and other aspects of the library operations were directed to various employees of the library, including circulation and reference librarians. The researcher was also an employee at the Everett Law Library at the time this research was conducted.

Materials

(1) Primary Sources of Statutory Law

UNC maintains the complete set of *West's North Carolina General Statutes*. The annotations in the West's version of the statutes contain helpful explanations and references for each statute in the code. These statutes are maintained completely up to date, and each out of date section of the code is retained in the library. UNC also keeps current up to date editions of South Carolina, Georgia, Florida, Virginia, California and

New York. Statutes of other states are in the collection, but are not replaced each year. Regulations of North Carolina agencies and other administrative law, contained in the *North Carolina Registrar* and *North Carolina Administrative Code*, are also maintained regularly.

UNC also collects the annotated version of the United States Code, published as the *United States Code Annotated*. The *Code of Federal Regulations*, which contains the regulations of federal administrative agencies, is also kept current and up to date. Both of these are kept on the main floor of the library.

(2) Primary Sources of Statutory Law

All court reporters for North Carolina are kept up to date. The *North Carolina Reports* (trial court), the *North Carolina Court of Appeals Reporter* (appellate court), and the *North Carolina Supreme Court Reporter* (the highest court in North Carolina) are all maintained with the most current print editions. In addition, the most important North Carolina cases are published in the *South Eastern Reporter*, which is shelved on the main floor near the North Carolina reporters. The other regional reporters, including the *South Western Reporter*, the *Southern Reporter*, the *North Western Reporter*, the *Atlantic Reporter*, the *Pacific Reporter*, the *California Reporter*, and the *New York Supplement* are all maintained in up to date print format. The *North Eastern Reporter* is available online through law patron only access, and not in print. UNC maintains print versions of all of the federal court reporters in their most current and complete formats. The *Federal Supplement* (federal trial court), *Federal Reporter* (federal court of appeals), and the *United States Reporter* (supreme court) are also shelved on the main floor of the library.

UNC's Briefs and Records collection is thorough and complete. Briefs and Records are not available for every single case to be decided in North Carolina, but because UNC is designated as a depository for North Carolina briefs and records, the collection contains most of what is available. Most of the collection is in print, although the later years of the Court of Appeals and North Carolina Supreme Court are on microfilm. UNC also maintains the Federal Fourth Circuit Court of Appeals Briefs and Records. The earliest records through the records from 1986 are in print, and 1987 until 2009 exist in microfilm. UNC does not have the records past that date.

(3) *Secondary Sources*

UNC maintains legal encyclopedias for both North Carolina Statutes and Federal Statutes. *Strong's North Carolina Index* is the encyclopedia for North Carolina law. UNC always maintains the most up to date edition of *Strong's*. UNC also maintains *American Jurisprudence* and *Corpus Juris Secundum*, the most popular encyclopedias of federal law. All three of those encyclopedias are shelved on the main floor of the library. *Strong's* is shelved with the North Carolina state statutes, while *American Jurisprudence* and *Corpus Juris Secundum* are shelved with the federal statutes.

UNC maintains the *Nolo's Encyclopedia of Everyday Law* and the *Guide to American Law: Everyone's Legal Encyclopedia*. These two encyclopedias, as opposed to *American Jurisprudence* and *Corpus Juris Secundum*, are meant for a layperson with little to no legal experience. In addition to these two general encyclopedias, UNC also maintains several legal encyclopedias that cover specific topics (from copyright to bankruptcy) that might be of interest to public patrons.

These encyclopedias are different from treatises, which offer in-depth coverage of specific legal topics. They often cover both common law and statutory law, and explain things in a way that they are understandable for someone with no previous experience in that specific area. UNC provides treatises on a wide variety of topics, which can be found online in a LibGuide (Gallina, 2015) as well as in print at the law library's reference desk. Bankruptcy, Family Law, Healthcare, Immigration, Property, Insurance, Collections, and many other areas of law are covered by these materials in UNC's collection.

UNC keeps materials specifically for public patrons mixed in with the general legal materials and does not offer a specific research guide to point to them specifically. A public patron must know what area of law they need to figure out how to access a book that may be of use to them. However, there are some research guides that point to materials that might be of specific use to public or pro se patrons, though they are not labeled as such. For example, the guide on North Carolina statutes and ordinances gives some introductory information on what these sources are and how best to use and interpret them (Sexton, 2015). There is also a LibGuide for finding forms for self-represented persons (aka, pro se; Sherwood, 2015).

UNC maintains a specific collection of study aids. As stated, these are typically geared to law students trying to study for exams. Their simple, to the point descriptions of various areas of law may still be of interest to public patrons, however. Specific study aids, including *A Short and Happy Guide to Civil Procedure*, *Family Law in a Nutshell*, and *Landlord and Tenant Law in a Nutshell*, would be of particular interest. Although UNC maintains a large collection of study aids on many topics, too large to catalog

individually here, a listing of many of the most popular ones in UNC's collection can be found on the library's website.

(4) *Journals and Supplemental Materials*

UNC's collection of journals is thorough and contains the journals of widely respected law schools, local law schools, bar associations, and other organizations concerned with the practice of specific areas of the law. UNC also maintains the complete set of their own internal journals: *The North Carolina Law Review*, *First Amendment Law Review*, *North Carolina Banking Institute Journal*, *North Carolina Journal of International Law and Commercial Regulation*, and *North Carolina Journal of Law and Technology*. Duke Law School's journals are also kept at UNC in print, including the *Duke Law Review* and *Law and Contemporary Problems*. *North Carolina Central University Law Review* and the *Elon Law Review* are also collected in their entirety.

In addition, UNC has many of the journals from the most prominent law schools, such as the *Yale Law Review*, *Harvard Law Review*, and the *Stanford Law Review*. It also includes journals on business, international and comparative law, education, immigration, family law, law and psychology, and other areas of law from either topic-specific organizations or highly respected schools.

UNC also maintains a current newspaper and magazine selection. The most recent editions of newspapers such as the *Wall Street Journal* and the *New York Times* are part of UNC's collection. Magazines such as *Newsweek*, *Psychology Today*, and *National Geographic* are also kept with the light periodicals. UNC does not archive the old editions of these periodicals, although other libraries on UNC's campus do.

Services

UNC's law library is open to the public at any time the library is open to UNC patrons, there are no restricted hours. This is part of the library's commitment to serve the public. UNC's hours vary by the time of year, with shorter hours during the summer and academic breaks, but the library is typically open from 7:30 A.M. until 12:00 A.M., with more limited hours on the weekend. Access to the building is not restricted by card any time the library is open to insure public patrons have access to the library. Anyone may use the library when it is open, and access any of the materials that are out in the open and freely available. Reference, reserve, and special collection materials may also be used in-library by any person if they leave a photo ID at the desk.

Borrower's cards are also available at UNC for \$25 per year. Patrons with borrower's cards can check out books with the same borrowing period as UNC law patrons, with few exceptions. Some materials, including reserve and study aids materials, are only available for check out to UNC law patrons, but may still be used in-library.

In addition to utilizing actual materials, public patrons can use many of the services of the UNC law library. There are six internet workstations available for public use, and use is limited to one hour. Public patrons have to get a guest pass from the desk by showing their photo ID. Printing and copying are both available to public patrons on the main floor of the library. Printing and copying require a copy card, which must be purchased at the desk and are not reloadable. A new copy card must be purchased anytime the old one is emptied. Also on the main floor are two scanners that are free and available to use any time. The scanners can save images to a cloud drive, thumbdrive, or email them to any email address.

Finally, reference services are available to members of the public during specific reference desk hours. Most of the time, the reference desk is open from 8:00 A.M. to 5:00 P.M. Monday through Friday, and from 1:00 P.M. to 6:00 P.M. on Sunday. The library is open both before and after the reference desk, so their availability is noted separately on signage and on the library's website. In person reference services are available at the service desk on the main floor of the library. Reference librarians can also be reached by phone and email. During selected times, reference chat is available. Reference librarians are available to answer directional questions, explain how to use certain legal materials, discuss the best way to construct a research strategy, and direct patrons to other resources outside of the library that might be of help. UNC's reference librarians are not able to answer direct legal questions or give any kind of legal advice.

UNC also offers a public access terminal that connects to Westlaw. Reference librarians are available to answer questions and assist in using Westlaw. There are also instructions on the terminal itself that cover basic searching and materials.

Access

As previously discussed, the mere existence of materials or services does not guarantee that any given member of the public will be able to actually access them. Physical access of the materials can happen any time the library is open. Because of the expanded public hours, transportation and parking make accessing the UNC library less difficult. There are varied public transportation routes and pickup times to choose from. There is also free parking available adjacent to the library at any time outside of typical business hours, with several lots available. Even during business hours, there are several

parking options within a quarter mile of the law school that allow parking for \$1.50 an hour for unlimited hours.

Once inside the library, physical access is also quite good. Each floor of the library is accessible via elevator, and there are restrooms on each of the floors aside from the main floor. However, on the lowest two floors of the library the stacks themselves are built cramped and close together. Navigating them in a wheelchair or other mobility assisting device may prove difficult. However, some of the services, such as the scanner, are not accessible for those in a wheelchair as they require standing upright to operate.

Analysis

UNC's law library certainly lives up to its mission of providing a depth and breadth of legal materials to members of the general public. Although some of the focus areas differ from Duke, the collection of UNC is healthy and well maintained. The core subjects that are likely to be of use to public, and especially pro se patrons, are well maintained. Form books, introductions to legal research, and introductory information about the North Carolina legal system are freely available when used within the library. The selection of journals is slightly smaller than Duke's, however it is still thorough and robust.

The actual physical access to the building is much better for the typical public patrons as well. A wider variety of hours allows patrons with shifting work schedules, childcare concerns, or other needs to use the library at a time most convenient to them. The costs of accessing the UNC library are also lower. Of course, many materials and services can be accessed for free, but some require a borrower's card or other cost. The

borrower's card is only \$25, which may be much easier to come up with for a patron struggling with poverty than Duke's \$100 fee.

Printing and copying are also fairly low cost, but because the card is not reloadable, the \$1 purchase fee for each card is lost. The cards only come up to a \$10 increment, so for patrons that may need to do a lot of printing, the cost can add up quickly. The scanner being free for anyone to use is, of course, a great benefit to public patrons. However, it assumes access to technology to use the information when the patron is outside the library. A patron would need a computer and internet access in order to get any benefit from the scanner.

North Carolina materials are all located centrally in one place, as are federal materials. Both collections are on the main floor of the library, which is the most open and accessible floor. It includes a large amount of workspace, including large tables and individual desks, as well as plentiful outlets for using laptops or other mobile devices. Strong's North Carolina Index, the annotated general statutes, the citation guides, the administrative codes, and the North Carolina reporters are all grouped on one half of the floor. The other half of the floor is dedicated to the annotated versions of the United States Code, the federal reporters, and federal administrative regulations.

UNC provides a variety of research guides in paper format on the main floor of the library. Topical guides on a variety of legal areas are located near the reference desk, as well as maps that specifically show where major legal materials are located within the library. Each of the stacks on the main floor are labeled and numbered, so that it is possible for someone unfamiliar with the various large legal series to find what they are looking for. The availability of the reference librarians is also valuable, although it is

problematic that there is such limited Internet access and that all services are not easily accessible for patrons who may have physical disabilities.

The UNC law library is located within 100 miles of roughly 3.01 million people (Viklund, 2015). The entire population of North Carolina is roughly 9.94 million (US Census Bureau, 2015). Although driving 100 miles may not be convenient, it is theoretically reachable within two to three hours for those with a need to do the kind of legal research that a typical public library would not be able to provide. That means that UNC's materials and services are available to roughly 31% of the state's population.

Public

The final law library evaluated was the Buncombe County Public Law Library. The Buncombe County Law Library (referred to as BCPLL) was chosen as the public law library. Their mission "is to serve the legal needs of the general public and the legal community." Buncombe County is located in Western North Carolina. Although Buncombe County is not conveniently geographically situated, it is the only public law library in North Carolina, defined by the parameters of this paper. BCPLL was evaluated by one in-person walkthrough visit that was conducted mid day on a weekday. In addition, the minimal information on the website was considered, and attempts were made to direct questions to a librarian via phone. More discussion of this difficulty will occur in the analysis section.

Materials

(1) Primary Sources of Statutory Law

BCPLL has a much smaller collection than the other two libraries evaluated. They have an up to date version of the *North Carolina General Statutes*, but not any annotated version. However, they do have an up to date, although incomplete, collection of the *United States Code Annotated*. No information was available as to how often the statutory codes are updated.

(2) Primary Sources of Statutory Law

BCPLL maintains a collection of North Carolina court reporters. However, like the statutes and codes, the reporters are neither complete nor up to date. BCPLL owns the *North Carolina Reports* (which deal with trial court cases) and the *North Carolina Court of Appeals Reporter* (which deals with appellate court cases), although they do not own the *North Carolina Supreme Court Reporter*. There are no regional reporters. BCPLL also does not have any federal reporters as part of its collection. The BCPLL does not own or provide access to any briefs or records.

(3) Secondary Sources

The collection in BCPLL is equally as limited in terms of secondary materials as it is for primary materials. BCPLL owns both *Strong's North Carolina Index* and *West's North Carolina Digest* as legal encyclopedias for North Carolina laws. There is also a sparse collection of secondary materials in specific areas of law, though some are incomplete or inconsistent. For example, two of three of the volumes of *Lee's North Carolina Family Law* are owned, as is *Robinson on North Carolina Corporate Law*, and various treatises on evidence, criminal procedure, trial practice, civil procedure, and tort law are owned. In total, approximately twenty volumes of secondary material are owned.

Most are not up to date. BCPLL does not own any materials specifically geared toward a layperson's understanding of particular areas of law.

(4) Journals and Supplemental Materials

BCPLL collects only the journals of the major law schools located in North Carolina. The *North Carolina Law Review*, the *Duke Law Review*, and the *Wake Forest Law Review* are the only series of journals owned by the law library. Buncombe County also does not collect study aids or other supplemental material, although they do have a few form books, primarily for civil and family law matters.

Services

Just as the materials are limited, the services offered by the Buncombe County Public Law Library are virtually nonexistent. Not only was there no dedicated reference librarian at BCPLL, there was no librarian or other employee at all in the library. The library is located in the Buncombe County Courthouse, on the same floor as the office where persons on probation report in. An employee of the courthouse informed the researcher that there has not been a librarian in the law library since a full time librarian retired two to three years ago.

According to the library's website, internet access, legal database access, and printing and scanning are available in the library. During the walkthrough, the three computers available had no Internet access and only limited access to Westlaw. The printer and copier were located at the end of the workspace, but were not operational.

There is no way to borrow any material from BCPLL; materials must be used in the library only. There is a workspace located in one room of the library with outlets and a large amount of space for doing research.

Access

The law library is open from 8:00 A.M. to 5:00 P.M. Monday through Friday. Due to its location within the Buncombe County Courthouse, finding the library can be difficult. The courthouse has many floors, multiple stairways and elevators, and limited signage. The library itself is only two small rooms, located directly across from the elevator. Although there is public transportation, it is only within the city of Asheville. The parking around the courthouse is limited, with only a handful of spots within reasonable walking distance. Anyone with physical disabilities or other conditions that affect ability to walk would have difficulty accessing it at all. What parking there is costs \$1.00 per hour and has a two hour limit.

Analysis

The Buncombe County Public Law Library is, at best, concerning for anyone worried about public access to legal materials. The collection itself is noticeably small, not even reaching the minimum standards for county law libraries set by the American Association of Law Libraries (2015). Some materials set out in the standards, such as “[a]complete collection of the published decisions of state courts,” are owned but not complete. BCPLL owns the trial and appellate court decisions for North Carolina, but not the state Supreme Court decisions. BCPLL completely lacked several materials recommended in the standards, including local federal rules and forms, a selection of legal periodicals, and state oriented legal and social services directories.

In fact, the standards also suggest services outside of materials that county law libraries should have. BCPLL is severely lacking in many of these. For instance, AALL recommends that there should be full time, professional personnel in the library to assist

patrons with their legal research needs. BCPLL does not employ any personnel, professional or otherwise. AALL strong encourages other services, such as Internet access and materials in languages other than English. BCPLL fails these standards.

During the walkthrough, the researcher attempted to get more information out of the only courthouse employee available, who worked in the adjoining probation office. The employee indicated that a public librarian from the Pack Library (Asheville's main library branch) worked in the law library one day a week for a half day, but only some weeks. All attempts to contact that librarian failed, as the probation office employee did not know the public librarian's name. Repeated phone calls to the Pack Library returned no information, and the phone number listed for the law library itself on the county website has been disconnected. This difficulty is extremely concerning, as it highlights the difficulty a patron may encounter when trying to get any assistance whatsoever.

Because of the limited nature of the materials available, and the complete absence of any guidance for using the materials, the library is unlikely to be of much practical use to the average public user. In addition to these glaring access issues, there are only 680,000 people located within 100 miles of the library (Viklund, 2015), which is only 7% of the North Carolina population. The Buncombe County Public Law Library does not live up to its goal of serving the legal needs of the public.

Conclusion

There were some surprising outcomes from this study, compared to the predictions for each kind of law library.

First, there was no marked difference between the private law library and the hybrid law library. Although there were slightly less availability of hours, and slightly more costs and convenience issues associated with a public patrons use of Duke, both libraries allowed public patrons to use, copy, and even borrow their materials. Both Duke and UNC also offer reference assistance to public patrons and even have specific guides and resources geared to the average legal layperson. Duke provides constructively identical services to public patrons as they do to those affiliated with the university, despite their mission not indicating such.

Second, the only library that was noticeably wanting in materials and services to members of the public was the only law library whose only mission was to serve members of the public. The lack of information on many legal topics, as well as the outdated materials that are there, are even potentially dangerous for those public patrons trying to pursue pro se litigation.

It is crucial to emphasize that this study is a case study of three specific law libraries located in Central and Western North Carolina. The circumstances at other law libraries, even those within similar categories, may be wildly different. In this case, it would seem that the public law library provides the least amount of actual assistance and access for members of the public, while the private and hybrid libraries

were nearly identical. Assessing many libraries in each of the categories in a different study would be beneficial in determining if this pattern exists in all law libraries.

One other aspect of public access issues that is missing from this study is an assessment of the attitudes and experiences of reference librarians in law librarians. A survey of a variety of librarians in each type of law library about their experiences working with the public would be quite useful, especially considering all of the background research that has been conducted showing that librarians as a whole are reluctant to engage with public patrons. However, that is beyond the scope of this paper.

Although the marked differences between cases that were expected were not found, it is important to keep the central questions of this paper in focus.

(1) For each of the three main types of law library (private, hybrid, and public), what legal information is available for public patrons?

(2) What services are available to public patrons in the three main types of law library?

(3) What barriers to accessing this information exist, and are they different based on the type of law library?

What actual information public patrons can access, and whether or not they have the tools and resources to understand how to use it, are the main points at issue. It is clear that for the private and hybrid libraries, public patrons have a wide variety of tools and sources of aid and understanding in order to find whatever legal information they may need. Duke and UNC each provide both a breadth of materials and several services to help the public. However, the public law library is particularly lacking in materials, making it unlikely that a public patron would find what they need. Buncombe County's services were

essentially nonexistent, leaving public patrons without any meaningful legal research options or information.

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Appendix A

Subsections of Legal Materials

(1) **primary sources of statutory law**, including state and federal statutes and administrative codes. Statutes are what most laypersons think of when they think of “the law.” They are the specifically codified rules and regulations that are decided on and passed by members of the legislative and executive branches. Statutes are laws passed by legislative bodies such as the United States Congress, while administrative codes are regulations passed by members of the executive branch, such as the Environmental Protection Agency.

(2) **primary sources of common law**, including state, regional, and national case reporters. Common law is a somewhat trickier aspect of law, as it covers not clean cut, written down rules, but the development of a particular issue over time according to the court system. Common law is dictated by the judicial branch, ranging from the Supreme Court of the United States to a local judge in a small county. Common law is not necessarily controlling law, especially in smaller local courts, but it can be helpful to gaining a deeper understanding of an issue or when clarification is necessary.

(3) **secondary sources**, such as legal treatises or encyclopedias that provide secondary interpretation of issues or index key topics of law (“study aids,” small guides on common

legal subjects designed to help students do well on exams, are also included in this subsection). These materials provide explanations of specific areas of the law. Some treatise are locally based, and examine the specific statutes in a given jurisdiction. Some treatises are nationally based, and give a broad overview of the “state of the law” without getting into specifics. Study aid materials are typically concise books that are meant specifically for law students who need refreshers or reminders before an exam. They are not meant to teach about the law, but can be useful for a person who already has a limited understanding.

(4) **journals and supplemental materials** that are primarily concerned with study of law, but may provide some use for those needing practical information (periodicals such as newspapers are included in this section). Typically, a law library’s periodicals collection will consist heavily of journals published by bar associations law schools, other professional groups, and other organizations who have a strong interest in the practice of the law. This subsection of materials also encompasses newspapers, weekly newsletters, and magazines if they are part of a library collection. These materials may not be directly concerned with the law.

Appendix B

Access to Legal Information for Prisoners

There is one group of people whose access to and use of legal materials is exceptionally limited. Prisoners are an often overlooked part of the population that law libraries need to be serving. Just as in typical law libraries, the legal materials and services offered to prisoners vary drastically from place to place. Further study on the access of prisoners to legal information and most importantly, reference and research help, would be instructive and tied into the purpose of this paper. The lack of information access for prisoners is an under-studied topic, as evidenced by the dearth of existing research in any information or library science database.