Law libraries and the layperson: a bibliography of self-help books

Kristen M. McKeaney

Rowan University

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LAW LIBRARIES AND THE LAYPERSON:
A BIBLIOGRAPHY OF
SELF-HELP BOOKS.

by
Kristen M. McKeaney

A Thesis
Submitted in partial fulfilment of the requirements of the
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Approved by
Professor

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ABSTRACT
Kristen M. McKeaney

Although the goal of a comprehensive legal library is to be a resource to professionals and the general public, the issue of providing legal assistance to laypersons via the library is a complex one. Compiling the legal resources to benefit the lay public is challenging. This paper attempts to systematically identify and suggest resources following pre-set criteria of affordability, content usefulness, timeliness and reasonableness of management.

The primary form of this paper is a bibliography following a subject specific format. The bibliography is further defined into sections of legal reference books, internet sites, legal directories, general references and agencies. The bibliography was compiled with the primary goal of assisting in the start up phase of a self-help legal reference room for the use of non-professionals. This addition to a library would allow the general public to access information without undue assistance from library staff or professional patrons of a legal library. With that in mind the resources suggested are intended to be user-friendly and self-explanatory. Although comprehensive, these materials would not over-extend the facilities of a public library. The writer offers this bibliography as a reference for those legal libraries interested in this approach to a growing phenomenon of non-professionals seeking information in an attempt to manage their own legal proceedings.
MINI-ABSTRACT

Kristen M. McKeaney
Law and the Layperson: A Bibliography of Self-Help Materials
1997
Dr. Lynne Levy
School and Public Librarianship

This paper examines the issue of reasonably providing legal resources for laypersons engaged in research while acting as their own attorney in preparation to participate in a variety of legal proceedings. Data on appropriate materials for a library to own was collected and listed in the form of a comprehensive bibliography.
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CHAPTER 1

INTRODUCTION

The purpose of this paper is to determine what legal resources a law library should purchase when establishing a room that is geared towards assisting the layperson. The main reason I am writing this paper is because the library I work in has many visitors who are doing their own legal research. I work in the Theodore F. Jenkins Memorial Library in Philadelphia, which is a membership library. By this I mean that any attorney who wants to join our library must pay a fifty dollar annual fee to become a member. At the present time we have over twelve thousand members. The other way for someone to use our library is to pay a five dollar daily fee. Each week, approximately one hundred people buy a daily pass. Most of these are people acting as their own attorney in a legal proceeding. This can range from something simple, such as changing their name, to something more involved like representing themselves in a criminal case.

At the present time, we have seven reference librarians on staff. Two librarians are working at the reference desk at any one time. Unfortunately, when laypeople come to Jenkins they want the reference librarians to tell them exactly what they need to do, how to fill out all the appropriate forms and all the procedural steps to follow. We can not afford to spend too much time with these patrons because we are always busy. Many of them feel they have the right to our undivided attention for as long as they need it.
Usually we do not even know what it is that they need. We always tell them that we are not attorneys and that all we can do is to show them the books that they need. Some people accept this and do the work on their own, but a number of people get upset and question us again and again about what they need to know.

As a result of this situation, the director of the library would like to set up a room separated from the rest of the library containing books geared toward the patron performing their own legal research. One of the reasons the room would be separated from the rest of the library is because many times patrons will walk up to an attorney in the library and ask them for help with their problem. This is a very awkward situation for both the attorney and for us to handle. This room would have a selection of books covering a wide range of topics, as well as general legal books such as references on doing legal research.

The questions that arise when we consider setting up this room are the following: What books should we purchase? How much will it cost to buy the necessary books? and How much room will the books require? I will answer all of these questions in my paper.

Some of the words you may encounter while reading this paper that you may not be familiar with are as follows:

Layman - One of the people, and not one of the clergy; one who is not of a particular profession (i.e. non-lawyer).
**Pro se** - For one's own behalf, in person. Appearing for oneself, as in the case of one who does not retain a lawyer and appears for himself in court.

**Self-help** - Taking an action in person or by a representative outside of the normal legal process with legal consequences, whether the action is legal or not; *for example*, a “self-help eviction” may be a landlord removing the tenant’s property from an apartment and locking the door against the tenant.

My project will include a bibliography of books that I feel are necessary to make this room a success. I will also include the cost and size of the book along with the bibliographic information. There is also a list of internet sites that may be of some assistance to the layperson. A list of agencies that we could refer people to if we do not have the information they need is also provided. Finally, I will give the publishers address and phone number for every book included in the bibliography. This way, if the patron wants to order the book we can provide them with the necessary information to do so.
Every day librarians in both law and public libraries deal with the problem of assisting the layperson with legal reference questions. There is much controversy in the library profession concerning just how much help, if any, librarians should provide. Some people feel very strongly that librarians should help the layperson, but just how much help should be provided? In the article "From the Reference Desk to the Jail House: Unauthorized Practice of Law and Librarians" (Brown, 1994), the author says that while the problems the patrons face are disheartening, they are also a separate issue; this being the question of providing reduced cost or free legal services to the poor. Brown points out that many Americans are unable to afford health care, yet no one expects a medical librarian to give free medical care. In "Legal Reference Service: The Delivery Process" (Schauck, 1978), the author says that in public libraries in particular, the staff is not trained enough in legal research to provide adequate help, nor do most libraries have sufficient legal resources. He further states that librarians, including law librarians, have made attempts to make legal information more accessible to the public. In "Reference Service vs. Legal Advice: Is it Possible to Draw the Line?" (Mills, 1979), the author says that most law libraries are set up to serve a specific group, such as a bar association, and serve the public only secondarily. She says we should ask if libraries are justified in
serving this secondary group of users. Libraries have to consider if they have the funds, space and materials to help a group other than the one they were intended to serve.

Another viewpoint is found in "The Authorized Practice of Legal Reference Service" (Mosley, 1995). He believes that the "pro se" litigant should be viewed the same as anyone else using the library. Mosley says that reference librarians must not leave patrons to fend for themselves. They must work with the patron until materials are found that satisfy the user.

This statement leads to another consideration. How much time can the librarian afford to spend with the layperson? In "Legal Information for the Public: A Public Library Perspective" (Crowther, 1992), a survey of the statistics log at Williamsburg Regional Library showed that with most patrons, the reference librarians spent an average of five minutes. Law librarians, however, spend an average of thirty minutes or more on one reference question. Schanck says some people believe that librarians should not provide much help to the layperson, not only because they are not trained in the law, but also because it would not be in the best interest of the patron. Schanck recommends advising the patron to seek a lawyer's advice for the following four reasons: an attorney has better access to the facts, an attorney has a more complete knowledge of the law, they can research the law at their leisure, and they understand the practical functioning of the legal system. Mills agrees with this. She also says librarians should refrain from giving legal advice primarily because a layperson could easily be misled by what the librarian tells them, and this could, in turn, cause them harm.
Crowther goes a step further by saying that librarians in the public library are not familiar enough with the legal system to ask the questions necessary to identify helpful resources for the patrons. Also, many public libraries set cost limits for books in their circulating collection. The Williamsburg Regional Library, for example, does not purchase anything over thirty dollars. Law books are expensive and this price limit cuts down on what libraries can purchase for their legal collections.

So, who then, is entitled to assistance with preparing and filing legal documents? The answer is prison inmates. Brown discusses how the United States Supreme Court decided that prison authorities must assist inmates in filing and preparing legal documents. The assistance must come from people educated in the law, or they must provide an adequate law library.

There is really no clear distinction between legal assistance and legal advice. Mills says that answering a question about the law becomes legal advice when the “Answer requires skill and familiarity with the law, or when the listener relies on the answer as an accurate statement of his rights.” (p. 186) Mosley indicates that the Virginia State Bar Association’s Standing Committee on the Unauthorized Practice of Law says that legal assistance would constitute providing legal materials to patrons that supply a specific cite to cases or statutes. However, if the patron does not supply specific cites, and the librarian provides them with the information, this is considered the unauthorized practice of law.

Schanck says that the librarian needs to avoid pointing to a case or statute and
stating that “This is the law.” (p. 63) If a patron brings something to you and asks you what it means, you should err on the side of caution, even if it appears clearcut, and advise them to figure it out for themselves or to consult an attorney.

Both Brown and Mills say that a patron is entitled to be pointed in the right direction, told the location of materials, and given an explanation on how to use a digest or book. The patron must then personally go to the book and select the proper case, statute or forms. The patron is also responsible for interpreting and drafting legal documents on their own. They also say that when explaining how to use a digest, the librarians should use a generic topic as an example, not the patron’s specific issue. Mosley disagrees and says that pointing to a source of information or showing a person how a source is used and walking away is not reference work. Obviously, there are many viewpoints on this matter, yet this only serves to cloud the issue further.

Many law librarians are dual-degreed. That is, they possess both a Masters in Library Science and a law degree. This leads to yet another complicated situation. Can the lawyer-librarian provide more service than the librarian without the law degree? Kathy Garner, the author of “Lawyer-Librarians in Public Law Schools: The Ethical Conundrums of Pro Bono Activities,” suggests that JD MLS librarians should perform mandatory pro bono service and provide patrons with “enhanced” legal service. Not everyone would agree with this idea. Brown simply states that librarians should not provide legal advice regardless of whether they are dual-degreed or not. Mills says that JD-MLS librarians who give legal advice are guilty of engaging in the unauthorized
practice of law, because their primary responsibility is towards the library, which employs them, not the libraries' “clients.” Since the institution itself cannot engage in the practice of law, neither can its employees.

The librarian should keep in mind that if they give incorrect advice, the library, as well as the librarian, could become the target of a malpractice suit. In “Malpractice: Is the Sky Falling?” (Cremieux, 1996) a definition of malpractice is provided from Black's Law Dictionary. It is defined as “Professional misconduct or unreasonable lack of skill that results in injury, loss or damage to the recipient of those services.” (p. 148) Cremieux says that many people believe that they cannot be charged with malpractice if no money changes hands. This is not true. Malpractice does not depend on money being exchanged. Mills says that the fact that no money was charged matters very little once fraudulent intent or a duty owed is established.

Another subject that is the cause of much debate is how much librarians should worry about malpractice. One camp says librarians should be concerned, the other says that there is no reason for concern. In “Chicken Little at the Reference Desk: The Myth of Librarian Liability” (Healey, 1995), the author states that because a search of the literature on the subject revealed no actual cases against librarians, the profession is overreacting and should concentrate on doing their job and stop worrying about the threat of malpractice.

Brown says that when a librarian gives legal advice, not only are they violating ethical codes, the librarian and the library risk being sued for malpractice if the advice is
incorrect or if the patron misinterprets the advice. Schanck agrees with this school of thought and says that the reference librarian should take a conservative view to avoid jeopardizing their reputation or that of the library.

Other than repeatedly advising the layperson that the librarians are not attorneys, what are librarians to do? Mills suggests referring the person to a local legal aid society or a lawyer referral service. She also suggests referring them to other agencies whenever possible. The library, she says, should have the address and phone numbers of agencies readily available. Crowther agrees with this method of dealing with laypeople. She recommends that this list be updated at least once each year. Brown goes a few steps further by providing ten rules for libraries to follow. She mentions posting signs listing what functions the librarians do not perform, such as analyzing particular situations or recommending legal forms. Another suggestion is to develop one page research handouts, or pathfinders, on commonly asked reference questions, such as how to locate a case or a list of form books the library owns. Above all, she stresses repeating legal disclaimers and qualifications throughout the reference interview and urging the patron to contact a lawyer.
CHAPTER 3

LEGAL BIBLIOGRAPHY

There are many legal books on the market right now. Factoring in the idea that the library is looking for books geared towards the layperson narrows this number down considerably. With this in mind, I chose books that fit specific criteria. The criteria are as follows:

1. **Cost** - How much is this book? Is this the best source available for the price?

2. **Timeliness** - How old is this book? I tried to choose books written within the last five years. However, this sometimes was not possible due to the limited number of books available for the layperson.

3. **Size** - Due to the fact that space is limited, I avoided big sets of books. If comparable information could be found in a one volume book, a five volume set was avoided.

4. **Content** - I looked for books that I thought would be used by the patrons and asked: Does the book contain the information that would be needed? Is the book written in a clear, concise way that will be easier to understand than a similar book geared towards the practicing attorney?

What follows are approximately eighty titles of both legal reference books and subject specific books for the layperson.
AIDS


ANIMAL LAW


ART LAW


BANKRUPTCY


COPYRIGHTS


CORPORATION LAW


COURT


CRIMINAL LAW


EDUCATION LAW


ELDER LAW


Ramage, M.S. (1993) Pennsylvania elder law handbook: All the state and federal laws Pennsylvania senior citizens need to know before seeing a professional. Bala Cynwyd, PA: Elder Law Press. 28 cm. $50.00.


EMPLOYMENT LAW


**FAMILY LAW**

Fundamentals on family law. (1996) Harrisburg, PA: Pennsylvania Bar Institute 28 cm. $59.00


Pekala, B. (1994) Don't settle for less: A women's guide to getting a fair divorce and custody settlement. NY: Doubleday. $22.00


**IMMIGRATION LAW**


**LANDLORD - TENANT**


**NEIGHBOR LAW**


**PRISON LAW**


**REAL ESTATE**


**TAX LAW**


**WILLS & TRUSTS**


**WOMEN'S RIGHTS**

LEGAL REFERENCE SOURCES

LEGAL RESEARCH


DICTIONARIES


LEGAL DIRECTORIES


GENERAL REFERENCES


Law and legal information directory. (1997) Detroit, MI: Gale Research. 29 cm. $325.50.


LEGAL THESAURUS


CHAPTER 4

INTERNET SITES FOR LEGAL RESEARCH

The following are internet addresses that may be helpful in assisting the layperson. They are arranged alphabetically by subject and contain a brief summary of what can be found at each site. Sites were chosen based on what they contained and how helpful they appeared to be.

Adoption

http://www.webcom.com:80/webweaver/ - Sections with information, resources and support for adoptees, birth parents and searchers. Also has books and articles about adoption.

Advice & Counsel Incorporated

http://tsw.ingress.com/tsw/adviceco/ - Run by a San Francisco based law corporation, this site offers the non-attorney basic resources on wills, trusts, and estate planning.

Aids


American Law Sources On-Line

http://www.lawsouce.com/also/alsohome.html - Comprehensive compilation of links to federal and state legal resources
Attorney Yellow Pages


Bankruptcy

http://www.turnpike.net:80/WWIDWIDELMPORTS/bank.html - Information on bankruptcy by the National Consumer Law Center.

Consumer Price Index


Copyright FAQs

gopher://gopher.lib.virginia.edu:70/11-alpha/copyright - Has full table of contents, copyright basics, common questions and resources for further assistance.

Criminal Law


Divorce

http://www.primenet.com/deau/ - Comprehensive site for divorce related information, including laws and legal issues.

Education

ElderLaw Resources Page

http://www.panicomrf/goldfarb/elderlaw.html - Contains Seniorlaw Home Page, Information on Medicare and Medicaid and Quick Index to Information.

Federal Rules of Civil Procedure


Inter-law's 'lectric Law Library

http://www.inter-law.com - Mimics the rooms of a law library with a clickable map. Rooms have titles such as "Layperson's Law Lounge" and the "Forms Room".

IRS


LawCrawler


LawMall


LawMarks

Legal dot Net

http://www/legal.net/idn2.html - Resource for lawyers and non-lawyers. Contains services such as online calculation of child support. Non-Lawyers may ask for advice through "Dear Esquire".

Legal Research FAQs

gopher://gopher.eff.org:70/00/eff/legislation/legal/law_research.faq - Written specifically for the laymen. Lengthy and thorough explanations about how to conduct your own legal research.

NOLO Press


Patents


Seamless WebSite

http://www.seamless.com - Provides legal articles, job listings, chat lines and links to more than 1,000 other law sites.

Sexual Harassment

Small Business Administration

http://www.sbaonline.sba.gov/ - Includes topics such as starting your own business, financing the business and expanding the business.

Supreme Court Opinions

http://www.law.cornell.edu/supct - Makes Supreme Court Opinions available to the public.

Tax Forms & Information

http://www.irs.ustreas.gov - Lists and describes tax sites with information for people trying to prepare their own taxes. Also links to foreign, federal and state tax forms, laws and regulations.

U.S. Immigration Law FAQs

http://www.charm.net/nayak/info.html - Information on all types of immigration questions such as student visas, name changes, marriage to a US citizen and more.
CHAPTER 5

LEGAL AID OFFICES

AIDS Law Project
1251 Chestnut Street
Suite 1200
Phila., PA. 19107
(215) 587-9377

AIDS Legal Center of Pennsylvania
1554 Cherry Street, #519
Phila., PA. 19107
(215) 440-8555

Alternative Justice Center of Philadelphia
337 Chestnut Street
Phila., PA. 19104
(215) 552-8199

American Civil Liberties Foundation of Pennsylvania
P.O. Box 1161
Phila., PA. 19105
(215) 582-1513

Battered Women Legal Defense Clearinghouse - National Office
125 South Ninth Street, #302
Phila., PA. 19107
(215) 351-0010

Center for Disability Law and Policy
1617 JFK Boulevard, Suite 800
Phila., PA. 19103
(215) 557-7112
Community Legal Services
1424 Chestnut Street
Phila., PA. 19102-2505
(215) 981-3700

Consumer Bankruptcy Assistance
Project, Incorporated
Fresh Start Clinic
1424 Chestnut Street
Phila., PA. 19102
(215) 981-3770

Defender Association of Philadelphia
121 N. Broad Street, 10th Floor
Phila., PA. 19107-1913
(215) 568-3190

Disability Legal Resources Center
301 Arch Street
Phila., Pa. 19107
(215) 238-8070

Education Law Center, Incorporated
801 Arch Street, Suite 610
Phila., PA. 19107
(215) 238-6970

Homeless Advocacy Project
1424 Chestnut Street
Phila., PA. 19102
(215) 981-3762

Juvenile Law Center
801 Arch Street, Suite 610
Phila., PA. 19107
(215) 623-0551

Legal Assistance for Disabled Persons
Six Franklin Plaza, Suite 512
Phila., PA. 19102
(215) 587-3350
Pennsylvania Health Law Project
801 Arch Street, Suite 610A
Phila., PA. 19107
(215) 625-3663

Philadelphia Elder Law Center, Inc.
1700 Sansom Street, Suite 201
Phila., PA. 19103-5209
(215) 972-0767

Philadelphia Volunteers for the Indigent Program
1424 Chestnut Street, 3rd Floor
Phila., PA. 19102
(215) 981-7100

Philadelphia Volunteer Lawyers for the Arts
251 South 18th Street
Phila., PA. 19103
(215) 545-3385

Public Interest Law Center of Philadelphia
125 South 9th Street, Suite 700
Phila., PA. 19107
(215) 627-7100

Saint Thomas Moore Society of Philadelphia
Pro Bono Program
2600 One Commerce Square
Phila., PA. 19103-7098
(215) 564-8091

Senior Citizen/Judicare Project of Philadelphia, Incorporated
1101 Market Street, 11th Floor
Phila., PA. 19107
(215) 238-8943
Southwestern Pennsylvania Legal Services
Client Assistance Program
1650 Arch Street, Suite 2310
Phila., PA. 19103
(215) 557-7112

Support Center for Child Advocates
801 Arch Street, Suite 608
Phila., PA  19107
(215) 925-1913

Temple Legal Aid Office
1719 North Broad Street
Phila., PA. 19122
(215) 204-1800

University of Pennsylvania, Law School
Clinical Law Program
3400 Chestnut Street
Phila., PA. 19104
(215) 898-8427

Women Against Abuse Legal Center, Inc.
1371 Arch Street, 9th Floor
Phila., PA. 19107
(215) 686-7082

Women's Law Project
125 South 9th Street, Suite 401
Phila., PA. 19107
(215) 928-9801
CHAPTER 6

LIST OF PUBLISHERS

American Bar Association
750 N. Lake Shore Drive
Chicago, IL. 60611
(312) 988-5000

Aubergine Marketing
2929 Gettysburg Road
Camp Hill, PA., 17011

Avery Publishing Group
120 Old Broadway
Garden City Park, NY 11040
(516) 741-2155

Barron's Educational Series, Inc.
P.O. Box 8040
250 Wireless Boulevard
Hauppauge, NY 11788
(516) 434-3311

Berkley Books
200 Madison Avenue
New York, NY 10016
(212) 951-8800

G.T. Bisel Company
Washington Square
Philadelphia, PA.
(215) 922-5760
Carolina Academic Press
700 Kent Street
Durham, NC 27701
(919) 489-7486

Doubleday & Co., Inc.
666 5th Avenue
New York, NY 10103
(212) 765-6500

ElderLaw Press
720 Argyle Road
Wynnewood, PA 19096
(215) 668-5300

Foundation Press
615 Merrick Avenue
Westbury, NY 11590-6607
(516) 832-6950

Gale Research, Inc.
Book Tower
Detroit, MI. 48226-1822
(313) 961-2242

HALT, Inc.
1319 F. Street, NW, Suite 300
Washington, DC 20004
(212) 347-9600

William S. Hein
1285 Main Street
Buffalo, NY 14209
(800) 828-7571

Hemisphere Publishing
1900 Frost Road, Suite 101
Bristol, Pa. 19007
(215) 785-5800
Houghton Mifflin
222 Berkeley Street
Boston, MA., 02116
(617) 353-5000

John Wiley & Sons, Inc.
605 3rd Avenue
New York, NY 10158-0012
(212) 850-6418

Little, Brown & Co.
84 Beacon Street
Boston, MA 02108
(800) 343-9204

Longman
95 Church Street
White Plains, NY 10601
(914) 993-5000

Macmillan Publishing Co., Inc.
866 3rd Avenue
New York, NY 10022
(212) 702-2000

Martindale-Hubbell
P.O. Box 1001
Summit, NJ 07902-1001
(800) 526-4902

National Organization of Legal Problems on Education
3601 SW 29th Street, Suite 223
Topeka, KA., 66614
(913) 273-3550

Newspaper Enterprise Association
200 Park Avenue
New York, NY, 10166
(212) 692-3824

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WORKS CITED


