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## Bringing Law to the Community: Facilitating Access to Justice in Metropolitan Detroit

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### **Abstract:**

*Wayne County is Michigan's most populous county with 1.7 million residents and its county seat in Detroit. Unlike many other counties throughout the state, Wayne County does not provide a government-supported law library to serve its residents. The Arthur Neef Law Library which serves the Wayne State University Law School has a long-standing tradition of opening its doors to provide legal research services and resources to members of the community.*

*A fundamental mission of the Law Library, as well as the entire University, is "...meaningful engagement in its urban community." Legal professionals, students and faculty from other educational institutions, and community residents who need legal information are referred to, and depend on, the Arthur Neef Law Library collections and librarian expertise. Community patrons typically account for approximately seventy percent of reference desk patrons. Librarians provide traditional reference and research services, as well as instruction in basic legal research and the use of databases, government information, open access and free web resources, legal self-help materials and print publications to community patrons.*

*The diverse experience levels of community patrons, including literacy and technical skills, familiarity with legal materials, and communication abilities provide unique challenges. One of the most compelling is the need for librarians to balance patron expectations with the best use of the library's resources. Collaboration with, and connections to other librarians and libraries (law and non-law), as well as knowledge of their collections plays a significant role in facilitating access to justice for community patrons.*

**Keywords:** Access to Justice, Community Patrons, Legal Information, Library Collaborations

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## **Introduction**

The principle of Access to Justice (“ATJ”) promotes equal access to the law and civil justice systems under which we live, regardless of one’s socio-economic status. ATJ is widely embraced as a fundamental component of a democratic society. Currently in the USA, 35 states have active ATJ Commissions and six states, including Michigan, have established other ATJ entities or initiatives (ABA, 2016). In 2010, Michigan Supreme Court Chief Justice Marilyn Kelly established the “Solutions on Self-Help (SOS) Task Force” to promote greater centralization and quality of support for persons representing themselves in legal matters (SOS Task Force, 2016). Yet, a recent study by the State Bar of Michigan reports that the ongoing challenge of the legal system to meet the civil legal needs of low-income individuals has reached “crisis status” in this state (State Bar of Michigan, 2015 at 1).

An essential component of ATJ is access to legal information. Michigan law provides for a law library fund in each county to support the needs of county residents (MICH. COMP. LAWS §600.4851). However, public access to law library resources and services can vary widely among urban, suburban and rural communities. Michigan residents are served by a mix of courthouse, public and county law libraries, a state-wide law library in Lansing and several state college and university libraries across the state. Stand-alone county law collections in Michigan are few (Library of Michigan). The majority of Michigan counties provide only a minimal collection of print and online resources within the county courthouse, often with limited access for the public.

The City of Detroit is the county seat or government center for Wayne County, Michigan. Wayne is Michigan’s most populous county with 1.7 million residents. (Michigan Senate Fiscal Agency). However, it remains among the state’s counties without a dedicated, stand-alone law library to serve its residents.

The legal information needs of community patrons are often immediate and complex. Responding to these needs appropriately and effectively requires a flexible approach. In this paper, we will discuss the needs of the diverse communities we serve, as well as the resources and collaborations we engage while supporting access to justice in Metropolitan Detroit. We also will share some of the challenges and rewards that we have gained from our experience.

## **Our Community Patrons**

The Arthur Neef Law Library serves the Wayne State University Law School and has a long-standing tradition of opening its doors to provide access to legal information for residents of Metropolitan Detroit and nearby communities. As an academic law library, our primary mission is to support the Wayne State University Law School’s program of legal education.

As a public law school library in an urban environment, we are a key partner in the Law School's mission as it "provides service to the community, the bench and the bar" (WSU Law School Self-Study, 2016 at 26). We support the service activities, broadly defined, of the Law School faculty and offer assistive access to the library's information resources and services for all members of the Metropolitan Detroit community. For example, we provide research instruction and library resources used in Law School clinical activities; research support for Law Faculty publications, amici curiae briefs, and legal commentary; and, we collaborate on educational outreach.

We identify our patrons from seven groups: Wayne State Law School students, faculty and staff; faculty and students from other institutions; legal professionals; and, community members. Some community members come to the Law Library hoping to find a legal aid clinic at the Law School that will take their case. Many are *pro se* in their own civil cases or wish to assist a friend, family member or their attorneys with legal research. Others come to us directly because they were referred by a court clerk's office, found our web site online, or learned about our services from a friend or relative. The range of issues they research encompasses almost every legal topic although criminal law and family law matters predominate. Probate, bankruptcy, small business and landlord/tenant matters are also fairly common concerns. Court forms and procedural rules, court decisions and dockets, and statutes and regulations are frequent requests, as are books that analyze and explain the law and "how-to" manuals.

The number of community patrons using our library represents a significant part of our patron base. In 2015, 71% of walk-in reference requests came from non-affiliated patrons, with 45% of those being community patrons. Several cultural and economic factors account for this increase. The availability of legal information via the Internet has heightened awareness of legal issues and processes. The high cost of legal services is a barrier to many seeking legal assistance in civil matters. The Great Recession has further reduced the capacity of the Michigan legal system to meet the civil legal needs of many of its residents. As funding has declined, the number of people who qualify for free legal aid has increased (State Bar of Michigan, 2015 at 2). A general mistrust or poor opinion of attorneys may also influence the number of community patron requests libraries receive for legal information (Richmond, 2003 at 76).

### **Patron Services**

As a service to the community, we provide access to a wealth of legal information and the expertise of professionals to assist patrons with navigating the complex legal landscape. We offer assistance with traditional library services: using the library catalog and web site to locate pertinent books and databases; deciphering legal citations; suggesting appropriate sources and how to use them; and, identifying nearby libraries and other resources that may be helpful to the patron. We provide reference and research assistance fifty-five hours per week by phone, email or in-person.

We have a spectrum of goals to accomplish during the reference interview. Through the interview, we pinpoint patrons' research needs, their capabilities (including reading ability and technical skills), and their familiarity with the legal research process.

Frequently, community patrons come to the library because they believe that they have experienced an injustice and want to learn what types of legal recourse or remedies are

available to them. They bring the details of their (often heartfelt) stories to the reference desk and seek our help with finding the law that addresses their specific concerns. Our law librarians can suggest relevant information sources and research strategies, but patrons must perform the research themselves. Questions that require extensive research on the part of our librarians are not within the scope of our reference services. More importantly, we are careful to observe the ethical principles of our profession which include a duty to avoid the unauthorized practice of law (AALL and State Bar of Michigan).

We recognize that today's legal and social problems are often multi-partied and multi-issued (Menkel-Meadow, 2005, at 347-348). In addition to identifying legal resources appropriate for our community patrons, we often make legal and non-legal referrals. We provide information about law school clinics, both at Wayne Law and neighboring law schools. Law school client clinics are supervised by faculty members and provide hands-on case work to law students who assist residents of the Detroit Metropolitan community. We help patrons find information about community legal aid offices and attorney referral services. Many community patrons can benefit simply from being made aware of social service agencies or other professional non-profit organizations, such as the Accounting Aid Society, which offers advice and assistance on bankruptcy and tax issues. We can provide the agency's location, contact information and a description of the services that may be available.

## **Law Collections**

Many types and formats of legal resources reside or are accessible in our library. Primary sources of federal and state law, including court reports, statutes and regulations, as well as legal encyclopedias, legal forms, legal periodicals, treatises and other secondary sources are part of our print collections. Michigan primary law and practice materials are frequently used by our community patrons. Many of these materials are in a "closed stacks" Reserve Collection adjacent to the Reference and Circulation service desks and available for use only in the library. Most of our print materials do not circulate. Members of the public may borrow circulating materials from Wayne State libraries if their "home" library participates in a reciprocal borrowing agreement.

The Internet's capacity for distributive access to large quantities of information has profoundly impacted our ability to provide legal and government information for community patrons. Using the web is one of the most effective and efficient ways to connect community members with legal information they need. Our library's electronic resources (government publications, other open source resources, licensed databases and indexes) are accessible through a single gateway that provides web-based catalog access and discovery tools. At no cost to the patron, we provide web access to free online legal resources, government publications, and licensed databases, including LexisNexis Academic, FastCase, HeinOnline, BloombergBNA, CCH Intelliconnect, RIA Checkpoint, Social Science Research Network and International Monetary Fund publications.

Our library reaches out to the community through an active presence on social media. Two blogs maintained in house push legal (Samson, Arthur Neef Law Library Blog) and government (Samson, FDL0289A Blog) awareness services which contain multimedia content such as videos, podcasts, interactive quizzes and mobile apps. These services are delivered in real time and are translatable into over 100 languages using Google Translate Service.

At the point of use, we give patrons appropriate instruction and training for using the computer hardware, software and navigational tools required to access all of these resources.

### **Self-Help Resources**

It is our goal to assist community patrons with using print and online resources to obtain the applicable law. One approach we take is to select for our collection “self-help” publications that explain the law in plain language and guide patrons through the legal process. Publishers specializing in legal literature for the layperson include Nolo Press (*The Executor’s Guide*, 7<sup>th</sup> ed. 2016, *How to File for Chapter 7 Bankruptcy*, 19<sup>th</sup> ed. 2015); Sourcebooks, which produces the *Sphinx Legal Series*; legal publisher Thomson Reuters, which publishes the *Legal Almanac Series*.

In Michigan, we are fortunate to have access to *Michigan Legal Help*, a self-help web site inspired by the Solution on Self-Help Task Force mentioned above. The web site was developed to guide individuals through routine legal processes without the assistance of an attorney. *Michigan Legal Help* includes explanations of the law, toolkits, and online forms to help people prepare to represent themselves in court. It also offers avenues for finding a lawyer for people who need or seek legal representation.

### **Community Access Research Computers**

Resource formats represented in the library have evolved over the years in sync with our ongoing transition from a library with primarily print collections to a primarily digital one. However, we understand that affordable digital availability of relevant secondary materials for public use remains problematic. Free digital resources and the libraries’ subscription-based databases are available to community patrons on site. These materials as well as e-books, curated web resources and research guides are accessible through our library web site.

Four computers designated for the purpose of conducting legal research or accessing government information are available for public use. Our *Use Policy for Community Access Research Computers* applies to these workstations.

### **Day in the Life: A Case Analysis**

We chose a typical “day in the life” scenario to highlight how we make library resources services available for our community patrons. Because this scenario is a composite and not, strictly speaking, a case study, it allows flexibility in developing major recurring themes and allows for various interpretations.

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It is a typical busy weekday morning. Beth is on duty at the Reference Desk. The “Desk” is actually a long counter situated near the entrance to the library. There are several public computers on the same counter, a few feet away. A patron, “Ed,” walks up to the Reference Desk. He is carrying several cloth bags filled with loose papers and a notebook. Ed is very polite, but unmistakably anxious. He places the notebook on the counter and rifles through the pages. There are several other patrons nearby, using the computers. Beth smiles and asks, “May I help you?”

Ed replies, “Yes,” and continues to look through his notebook as he talks to himself. After a few minutes he says, “Someone told me to come here and get the MCLA.” Beth explains that “MCLA” is the abbreviation for *Michigan Compiled Laws Annotated*. All of them, not one specific law. “Is there a specific topic I can help with?” Ed replies, “Divorce. I want the MCLA on Divorce.” Beth gets the index and shows him the six pages of entries under the term “Divorce.” He is overwhelmed and frustrated at not finding an immediate result.

Ed tells Beth that his wife filed for divorce. He says he is unhappy about it and feels he is being treated unfairly by the court clerks because “they will not answer any of my questions.” Ed continues, “I can’t afford a lawyer, and even if I could, I don’t trust them.” He is upset and has many questions: We were not married in Michigan, can I get the case dismissed? We have children -- what will happen to them? What papers do I need to file? How long does a divorce usually take? What should I do first?

Ed seems to have no problem reading the index. Beth explains, “Legal research is a process. Usually, it is helpful to get an overview, and then look for specific laws or procedures that apply to your issue. Would you like me to give you a book that will help you understand the divorce process in Michigan?”

“Can’t you just tell me what to do?”

“I can help you find legal resources and show you how to use them. I can’t give you legal advice, because this is a law library not a law office.”

“Well, aren’t you a lawyer?” he asks.

Beth replies, “Yes, I’m a lawyer, but I’m not *your* lawyer.”

Ed responds, “No offense, but maybe you just don’t know the answer. Is there someone else here who can give me some advice, like a law student?” Ed is speaking a little louder now, and motions toward a table nearby where several law students are sitting.

Beth replies, “I know this is a really stressful situation for you. Here is a book that I think you will find helpful. Let me show you the Table of Contents and the Index. There is also a web site you can use called *Michigan Legal Help*. There are articles you can read to learn about the divorce process and toolkits to help you prepare to represent yourself in court. If you decide you need more help, you can use the web site to find a lawyer or community services.”

Ed takes the book to a nearby table for a while. When he returns, he says “OK, let me look at the web site. Can you show me how to get to it on this computer right here?”

Beth shows Ed how to navigate the *Michigan Legal Help* web site and returns to the Desk to help another patron who is waiting.

Ed returns to working on the computer. From several feet away, he calls over to Beth, “Can you tell me what to put here?” as he points to a portion of the court form on the screen.

Beth replies, “Let me show you the instructions on the web site for filling those out”.

About an hour later, Ed says, “OK, I’m pretty sure I found the right forms. Can I print them? How much does it cost? I need to fill them out and take them to court tomorrow.” Beth explains to Ed how to save documents, print them and email them to himself.

After about three hours, Ed completes his work. Beth can see that he is very tired and stressed out. He thanks Beth but adds, “I don’t know why they sent me here if you can’t really help.” Later that day, Beth sees Ed talking to a law student in another part of the building.

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Question: Was this reference transaction successful in facilitating access to justice for Ed?

### Analysis 1

When Ed approached the Reference Desk, he was seeking quick and effective access to legal information. He had limited knowledge of divorce law or process. He may have already consulted an attorney and was dissatisfied with the attorney’s advice. Or, he may have been unable to afford an attorney. Ed had an unrealistic (but not uncommon) expectation that the law library provides “legal services.” In other words, Ed’s goal was unobtainable. He wanted to stop his wife from getting this divorce by getting the case dismissed.

Beth was able to help Ed identify understandable print and electronic resources pertinent to his request. She provided individualized instruction in using both. When he left, Ed had copies of “plain English” print sources explaining Michigan’s no-fault divorce laws. He was familiar with the tools on the *Michigan Legal Help* web site, which was created to help people who “have to handle simple civil legal problems without a lawyer” (Michigan Legal Help).

Ed was disappointed and frustrated that he did not find a law that would allow him to stop the divorce. He may have already received this advice from a lawyer. Ed now realizes he has to be prepared for the divorce to continue. He may choose to get a lawyer or continue representing himself. Either way, he was better informed to deal with the court system than when he first walked through the Law Library door. In these respects, Beth was successful in facilitating access to justice for Ed.

### Analysis 2

The Law Library’s urban service mission includes service to the community. In this sense, the reference transaction was successful. Ed obtained information that likely provided a context for his questions and broadened his understanding of relevant legal terms and the legal process. Has this transaction facilitated Ed’s access to justice? Perhaps. We cannot be sure. We often see patrons only once and don’t know the outcome of their legal problem.

Ed is seeking immediate and dispositive answers to his questions. He has been directed to the Law Library after unsuccessful interactions with the court clerk and possibly others. He does not trust nor can he afford an attorney. He feels as if he’s been treated unfairly in these previous transactions and is overwhelmed, frustrated and unhappy about a life-changing event. He wants legal advice. Ed does not distinguish legal research from legal advice. He wants answers and he is not getting them from either the clerk’s office or the Law Library. So, he seeks advice from someone he expects to be more helpful – a law student.

Beth feels compassion for Ed's situation and has encountered similar transactions at the Reference Desk. She explains that legal research not legal advice is available at the Law Library and suggests resources and the possibility of identifying an appropriate attorney, if necessary. She balances Ed's requests for information with her ethical and practical concerns: unauthorized practice of law, lack of privacy, and limitations of time and resources.

## **Standards, Collaborations and Best Practices**

Is a reference transaction "successful" if our patron, Ed, walks away feeling his information needs were not satisfied, even though his questions could not be answered in the way that he anticipated they would be? The answer to this question is a matter of perspective, as the case analyses have shown. The real challenge lies in how we develop library service standards and practices so that we provide the best service for our patrons without crossing lines that will compromise standards of practice or possibly expose our institutions to liability.

The graphic below illustrates the many partnerships and collaborations have proven responsive and effective in bringing law to our community patrons. At the Arthur Neef Law Library, we view skills training as an essential ingredient of providing good service. We regularly engage in professional development activities such as conferences, workshops and webinars, as well as training opportunities offered within the University. Our efforts are encouraged by the Wayne State University Libraries through funding and programmatic support. We learn through shared experiences, and regularly consult on specific community patron requests. Finally, we contribute to building and maintaining an excellent core collection of resources which includes self-help materials selected specifically with community patrons in mind.

Not all patron requests can be satisfied with library resources. We work in partnership with the Law School's eight clinics to refer community patrons based on their needs for assistance. To assist the clinics in doing their work for the community, we provide reference and research assistance for clinical faculty and students. One librarian serves as the library's liaison to the clinics and provides customized instruction on research methods and legal database training.

As a unit within the larger Wayne State University Libraries, we regularly collaborate with our librarian colleagues across campus for the benefit of community patrons. We use our integrated online catalog to identify resources available in all of the University Libraries that may be useful to our patrons. We also join our Wayne State colleagues and other professionals in the area to develop programs for the benefit of the local community. Last year, for example, librarians from the Law and Medical libraries at Wayne State collaborated on an outreach program for the community members who serve as caregivers for family and neighbors. Participants received guidance from legal and social service experts.

As appropriate, we also refer community patrons to other libraries in Michigan that have collections and resources not available at Wayne State. For example, the main branch of the Detroit Public Library located just two city blocks from our Law Library has resources and services that we cannot provide. It houses extensive municipal law and history collections that are often very helpful to our community patrons. Detroit Public Library also offers



access to the Internet for general purposes. Its computers are equipped with word processing and other productivity tools.

We do our best to identify an appropriate legal aid organization, social service agency, or government office for community patrons when needed. We provide location, directions, hours of service and contact information so patrons have the information they need to continue their search for assistance.

## **Conclusion**

Facilitating access to justice for our community patrons is more art than science. Training, communication, and collaboration are key to formulating policies and practices that work. We are open to learning from each experience with our community patrons. These collective experiences deepen our understanding of the range of needs and concerns and provide a foundation for developing an approach that is responsive and effective. We also learn from ongoing collaborations internal and external to the library system within which we serve. These collaborations inform everyday decisions and ultimately shape the policies and practices that enable us to provide service to our patrons.

**Arthur Neef Law Library • Wayne State University  
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**Partners in Collaboration for Bringing Law to the Community**



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