

Report of the
Statewide Law Library/Self-Help Center Project
Advisory Workgroup

January 17, 2007

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Executive Summary

County law libraries are established under Minn. Stat. Chap. 134A (see Appendix A) and there is a law library or branch in each county. These are independent entities governed by county law library boards of trustees. According to the Minnesota State Demographic Center's 2005 population figures, 63% of Minnesota citizens are served by ten county law libraries with full-time staffing. These libraries offer an impressive array of services to the public and most have collaborative programs addressing the needs of self-represented litigants. However, in the 77 law libraries with minimal or no staffing, resources are underutilized by the public. There is great potential for improving the county law libraries of greater Minnesota in a manner that will both help the libraries and further court programs directed at the public, especially in the area of assisting self-represented litigants.

Surveys revealed that lack of staff impedes communication between service providers. Many self-help responders were unaware of the resources available in their own libraries. Since 40% of the law libraries do not have internet access, library users cannot access the court's website. To address these and other issues, the Workgroup developed several documents to assist county law library boards in helping public patrons. These are:

- *Minimum Standards and Best Practices for Minnesota County Law Libraries* (App. C)
- *Recommended Print Purchases for Minnesota County Law Libraries* (App. D)
- *Recommended Self-Help Internet Sites for Minnesota County Law Libraries* (App. E)
- *Best Practices for Collaborations among Law Libraries, Legal Services Providers, and the Courts for Serving Self-Represented Litigants* (App. F)

The Workgroup commends judicial efforts to increase public access to the judicial system. The Workgroup is impressed with the redesign of the Court website and court forms which are much more user-friendly. The Workgroup supports the Judicial Council Operational Plan concerning Strategic Priority 1c – *Expand Resources for Pro se Litigants*.

- **RECOMMENDATION #1:** The Workgroup recommends that the following notice be included within the instructions for forms available through the Court website and on the Court Forms webpage: "Helpful materials may be found at your public county law library. For a directory, see <http://www.lawlibrary.state.mn.us/clldir.pdf>. For more information, contact your court administrator or call the Minnesota State Law Library at 651-296-2775."
- **RECOMMENDATION #2:** The Workgroup recommends that State Court Administrative staff create templates listing local resources for self-represented litigants which court administration can use for handouts and/or signs.
- **RECOMMENDATION #3:** Where county law libraries are staffed, the Workgroup recommends
 - the library serve as an access point for the public to contact the Self-Help call center.
 - a library staff person be designated as a primary liaison to the call center, as the Workgroup believes that, at least in the initial year of the program, most users will need help in contacting the call center.
 - librarians should be involved in creating signs and guides to help patrons help themselves to be most effective when using the call center.
 - county law librarians act as the link to public libraries for advertising new court services to the public, training public librarians on the resources available through the Court website and how to best use the call center, and gather valuable feedback on how the services are performing.

Where county law libraries are not staffed, the Workgroup recommends that

- signs be posted informing people about the self-help call center and where assistance can be found.

- the circuit-riding law librarian (see Recommendation #4) be designated as a primary liaison to the call center. If there is no circuit-riding librarian, a public librarian should be designated.
- the State Law Library should assist in contacting and training public librarians about self-represented litigant services.

For the 70+ law libraries in greater Minnesota without full-time staffing, partnerships between county law libraries and public libraries is the key to providing legal information to all citizens including self-represented litigants. The model is the Fifth Judicial District Law Library Project. The proven benefits of the Project include:

- Provides professional services for county law libraries which previously had none.
- Lowers costs for resources which help law libraries contend with declining budgets.
- Provides access to a major legal database.
- Establishes partnerships with public libraries that expand the number of open hours for the public and provide more librarian assistance.
- Frees funds which then become available to provide more resources for public patrons.

RECOMMENDATION #4: The Workgroup recommends expanding the Fifth Judicial District Law Library Project statewide under the coordination of the State Law Library as authorized by Minn. Stat. Chap. 134A. The components would include:

- Negotiating a favorable contract with a commercial legal database to be available in both the county law library and designated public libraries. The county law library would pay for the subscription in exchange for public library reference services.
- To obtain the favorable contract, the county law library would agree to subsidize a circuit-riding librarian. As in the Fifth Judicial Project, this subsidy would probably be pro-rated according to weighted caseload figures.

To conclude, this Workgroup was a collaborative effort of many entities towards a common goal. The momentum gained in this effort should not be lost.

RECOMMENDATION #5: It is recommended that the State Law Librarian and State Court Administration convene another committee in three to five years to evaluate the results of these recommendations and explore other areas of potential growth of value to both the county law library system and the Court.

Foreword

In summer of 2005, Dick Fasnacht, District Administrator for the 5th Judicial District approached Barbara Golden, State Law Librarian with a proposal of forming the Statewide Law Library/ Self-Help Center Project Advisory Workgroup (hereafter the "Workgroup") under the authority of the State Court Administrator. Using the 5th District Law Library Project as a model, the Workgroup's charge would be to explore the possibility of expanding the project statewide. The proposed project would reduce collection costs through the cooperative purchase of electronic resources which would be available in both county law libraries and local public libraries. Circuit-riding librarians would be hired as needed to maintain the electronic network. The cost savings could then be used to increase services and materials for self-represented litigants (hereafter "SRL") including but not limited to self-help centers. The goal would be baseline access to electronic legal resources throughout the state.

It was suggested that law librarians from the larger metro area county law libraries should be consulted. Through these early meetings several ideas were exchanged and clarified. As early as 1982 the Minnesota State Law Library began exploring the idea of circuit-riding librarians and resource sharing for rural county law libraries, so, in part, the proposal was not a new concept. The success of the 5th District Law Library Project was also known. The metro libraries also brought to the table a variety of existing services to SRL which could also be used as models.

In November of 2005, Dick Fasnacht submitted his draft proposal to JAD for the creation of the statewide Workgroup. After minor discussion the Workgroup was authorized and, in February of 2006, a recommended list of members and charges was forwarded to Sue Dosal, State Court Administrator, for approval. Members from every district and with varied backgrounds and experience were recruited. We were unable to get a member of one identified vested partner, the county commissioners, as a regular Workgroup member. Instead we identified the Association of Minnesota Counties to be our liaison to communicate the recommendations of our Workgroup to their membership.

Final Workgroup Composition

Chair: Honorable John Rodenberg, Judge, District Court, 5th Judicial District
Staff: Dick Fasnacht, District Administrator, 5th Judicial District
Rachel Snyder, Administrative Assistant, 5th Judicial District
Barbara Golden, State Law Librarian, Minnesota State Law Library
Susan K. Larson, County Law Library Program Coordinator, Minnesota State Law Library
Susan Ledray, Hennepin County *Pro se* Service Manager
Members: Anne Grande, Director, Hennepin County Law Library
Gene Myers, Director, Anoka County Law Library
Russ Cogar, Dakota County Public Library, Galaxie Branch Director
Gordon Meiners, Court Administrator, 3rd Judicial District
Roger Strand, Court Administrator, 8th Judicial District
Tim Hayes, Director of Library Services, Blue Earth County Public Library
John Bowden, Director of External Learning Programs
Southwest Minnesota State University
Mara Wiggins, Project Librarian, 5th District Law Library Project
Bridget Gernander, Project Specialist, Court Services Division
Sara Galligan, Manager, Dakota County Law Library
Mary Freyberg, Scott County Law Librarian
Judy Rehak, Senior Legal Counsel, Court Services Division
Bob Hanson, Director, Information Technology Division
Nicole Cayko, Law Clerk, 9th Judicial District
Honorable Gary Pagliaceetti, 6th Judicial District
Timothy Roberts, Court Administrator, 7th Judicial District
Jean A. Lastine, Executive Director, Central Minnesota Legal Services
Mark Anfinson, Attorney at Law

Recommended charges of the Workgroup were set forth as:

- Survey all county law libraries to determine their governance structure, staffing, size, location, hours of operation, materials collection, electronic databases, law library fees charged for different case types, law library revenues, expenses, balances, reserves for calendar years 2004 & 2005.
- Review the status of the 5th District Law Library Project and determine the feasibility of expanding the project statewide.
- Recommend best practices for a statewide law library project.
- Survey all counties to determine the status of their *pro se* / self help center services.
- Evaluate the possibility of coordinating the statewide law library project with the statewide *pro se*/self help center strategic plan initiative.
- Identify and recommend collaborative partnerships such as coordination with the Procedures and Forms Committee which has now been rolled into the Court Administration Team under SCAO – Court Services Department.
- File a report with the State Court Administrator by October 15, 2006.

The need to gather and assess current information related to county law libraries and *pro se* services was evident as it would provide a starting point for Workgroup members. Therefore the two surveys mentioned above were drafted prior to the first meeting. In order to secure a higher percentage of survey participation, the survey was sent to court administrators for distribution to the appropriate personnel for completion. While we hoped to have 100% participation; the final results were closer to 94% return for the law library survey and 91% return of the *pro se* /self-help center services survey. As a result of this effort the Workgroup was able to establish needs and trends. A brief summary of the survey results is located in Appendix B.

The first meeting of the Workgroup was April 19, 2006, and subsequent meetings were held May 17, 2006; July 19, 2006; August 16, 2006; September 13, 2006; October 18, 2006; November 15, 2006; and January 17, 2007. By July 2006, it was determined that the Workgroup would need more time to complete the assigned charges; therefore more meetings were scheduled and this report was delayed until January 2007.

Members of the general public were also present at most meetings in accordance with the Minnesota Open Meeting Law.

Discussion and Recommendations

The Basics

Improving citizen access to justice and maintaining public trust and confidence are core strategic priorities for the Minnesota Judiciary. The Court has a continuing concern about unequal access to legal information and resources for Minnesota citizens across the state. In particular, the rise in self-represented litigation has impacted the courts and many ideas are being explored to help citizens properly and efficiently resolve their legal problems. County law libraries are a natural partner in this process. They exist in every county of Minnesota, by statute they are open to the public, and they have resources. This Workgroup was appointed to determine how to make the most effective use of county law libraries to communicate information and resources to Minnesota citizens.

Collaboration and communication are the keys to effective change. There are many entities concerned with helping Minnesota citizens locate legal information and navigate the judicial system. This Workgroup included judges, court administrators and other court employees including self-help center staff, legal services attorneys, public librarians, law librarians, attorneys, and citizens. All Workgroup members benefited from the information exchanged during this process. It is hoped that this spirit of cooperation will be furthered by these recommendations.

County law libraries are established under Minn. Stat. Chap. 134A (see Appendix A) and there is a law library or branch in each county. 2005 population figures published by the Minnesota State Demographic Center show that 63% of Minnesota's population is served by staffed county law libraries. These libraries offer an extensive array of services to the public and most have collaborative programs addressing the needs of self-represented litigants. The Workgroup recognizes the authority and autonomy of each county law library board. Proposals can only be "strongly recommended" and must be voluntarily adopted by the board based upon local needs and resources.

It must be noted that county law libraries continue to serve a wide variety of users – government employees, lawyers, judges and students and that the general public use law libraries for purposes other than litigation. This Workgroup focused on self-represented litigants (SRL) who are the fastest growing segment of the law library user population.

Surveys

The first order of business for the Workgroup was to gather information on the current status of county law libraries and self-help centers in Minnesota. The July 2006 surveys revealed numerous concerns:

- Only one-fifth of the libraries are staffed; six libraries had staffing for 10 hours/week or less.
- Many self-help responders were unaware of the resources available in their own law libraries.
- Only 50-60% of the counties have computers with access to the Internet (50% outside of the library and 60% within the library).
- People assisting the self-represented need more help, preferably a live person, but also more materials directed to the non-lawyer. Comments from court staff mentioned the fear of giving legal advice and the fact that helping the *pro se* litigant "takes up too much time."
- 50% of the counties do not provide reference assistance. In other counties, court staff and law clerks continue to be heavily relied upon to help SRL which causes conflict when that person appears in court.
- Of the 51 counties who supplied revenue, expenses, and fund balance figures, over 50% had greater expenses than revenue and seven had a negative fund balance.
- In 16 counties, library users must obtain a key to access the law library.
- Westlaw was the most popular database; available in 58 of the libraries responding.

The Workgroup also surveyed the literature and examined existing law library/self-help programs in Minnesota and elsewhere. It should be noted that, based on the literature and the experience of Workgroup members, of all law library users, the self-represented litigant is the least likely to know how to access legal information, whether in print or online.

- The consensus of the Workgroup is that the success of self-help services offered via the internet at remote access points depends on the availability of knowledgeable staff to provide assistance at both ends of the process.

*Follow-up #1*¹: It was suggested that the surveys be loaded on the Courts' website with the ability to be updated by library or self-help center staff.

At the national level, in July 2006, the Law Library of Congress conducted an informal survey of public law libraries across the country via email. This survey identified the following trends:

- Increased use of law libraries by the public, especially self-represented litigants, which require more reference help.
- With email, remote access databases, web pages, blogs, etc., there is less in-house traffic. (90% of the libraries responding offered reference services via email.)
- Static or declining budgets.
- The rising cost of legal materials is forcing drastic collection cuts, especially in print collections.
- Access to the Internet and to Westlaw and/or Lexis must be part of the basic services of the library.

Best Practices

As most county law libraries are not staffed, the Workgroup developed several documents to assist county law library boards in addressing the needs of public patrons. These are:

- *Minimum Standards and Best Practices for Minnesota County Law Libraries* (App. C)
- *Recommended Print Purchases for Minnesota County Law Libraries* (App. D)
- *Recommended Self-Help Internet Sites for Minnesota County Law Libraries* (App. E)
- *Best Practices for Collaborations among Law Libraries, Legal Services Providers, and the Courts for Serving Self-Represented Litigants* (App. F)

Follow-up #2: Post documents on Court and/or State Law Library website and advertise their availability.

The Workgroup is aware of judicial efforts to increase public access to the judicial system. Workgroup discussion focused on three initiatives:

- Redesign of the Court website
 - The Workgroup appreciates the new website and recommends that a shortcut to the website be placed on public access computers in law libraries. The website is included in *Recommended Self-Help Internet Sites for Minnesota County Law Libraries* (App. E). It is because of the many resources available through the Internet that a public computer with Internet access is considered a minimum standard in *Minimum Standards and Best Practices for Minnesota County Law Libraries* (App. C).
- Court Forms
 - User friendly forms are an integral part of assisting SRL and court staff has worked hard to build these resources on the Internet. Libraries can point users to these forms. They

¹ Follow-up notes and recommendations are numbered for reference purposes only. The order in which the recommendations appear is not intended as any indication of the relative importance of any of them. The Workgroup considers all to be equally important.

may distribute copies of forms. Library materials may provide information that would help SRL complete forms. Library materials may also serve as examples of forms in areas not developed by the Court. There was much discussion on whether the forms themselves should have notices referring users to the library.

- **RECOMMENDATION #1:** The Workgroup recommends that the following notice be included within the instructions for forms available through the Court website and on the Court Forms webpage: “Helpful materials may be found at your public county law library. For a directory, see <http://www.lawlibrary.state.mn.us/clldir.pdf>. For more information, contact your court administrator or call the Minnesota State Law Library at 651-296-2775.”
- **RECOMMENDATION #2:** The Workgroup recommends that State Court Administrative staff create templates listing local resources for SRL which court administration can use for handouts and/or signs.
- Self-Help Call Center
 - The Workgroup supports the Operational Plan submitted to the Judicial Council by Project Leader Susan Ledray concerning Strategic Priority 1c – *Expand Resources for Pro se Litigants*. Much discussion was devoted as to how county law libraries could assist in this initiative. The Workgroup believes that law libraries are natural partners in this endeavor. However, staffing is the key to success. At a minimum, county law libraries are urged to purchase SRL materials. See *Recommended Print Purchases for Minnesota County Law Libraries* (App. D)
 - **RECOMMENDATION #3:** Where county law libraries are staffed, the Workgroup recommends that
 - the library serve as an access point for the public to contact the Self-Help call center.
 - a library staff person be designated as a primary liaison to the call center, as the Workgroup believes that, at least in the initial year of the program, most users will need help in contacting the call center.
 - librarians should be involved in creating signs and guides to help patrons help themselves to be most effective when using the call center.
 - county law librarians act as the link to public libraries for advertising new court services to the public, training public librarians on the resources available through the Court website and how to best use the call center, and gather valuable feedback on how the services are performing.Where county law libraries are not staffed, the Workgroup recommends that
 - signs be posted informing people about the self-help call center and where assistance can be found.
 - the circuit-riding law librarian (see Recommendation #4) be designated as a primary liaison to the call center. If there is no circuit-riding librarian, a public librarian should be designated.
 - the State Law Library should assist in contacting and training public librarians about SRL services.

Independent of this Workgroup, the Self-Represented Litigation Network released its report *Best Practices in Court-Based Self Help Programs for the Self Represented: Concepts, Attributes and Issues for Exploration* (National Center for State Courts, 2006), http://www.ncsconline.org/WC/Publications/KIS_ProSeBestPracticesSRLN.pdf (last accessed December 29, 2006) on December 12, 2006. In this report, best practice number four concerns law libraries and number eight addresses public libraries. Because we find that the statements in Best Practice Four correspond with conclusions reached by the Workgroup, it is reprinted in full on the next page.

Four: Law Library as Resource Center

Concept. Law libraries have become major sources of assistance and support to self-represented litigants. The staffs are often expert in finding the law, and can assist litigants in using tools to find and understand the law.

Suggested Attributes.

Library resources for the self-represented appear to be most effective when they:

- Have good referral relationships with legal aid programs, bar referral programs, court self-help centers and other court services, mediation services and other programs to which litigants might be referred.
- Have access to computerized research and support tools.
- Have materials appropriate for self-represented litigants.
- Have policies and procedures that make clear the role of libraries with respect to self-represented litigants.
- Have a Limited English Proficiency (LEP) Plan to assist library users with limited English proficiency.

Issues for Exploration and Evaluation.

While there are indications that law libraries are used by more highly educated self-represented litigants than those who use court-based self-help centers, there is uncertainty about the implications of this finding. Nor is it known what changes should be made in the operations and staffing of law libraries to optimize their usefulness for the self-represented, or the most appropriate division of labor and relationship between law libraries and self-help centers.

The Workgroup notes that the above excerpt assumes that law libraries are staffed. In the county law libraries of greater Minnesota, this is generally not the case. The Workgroup strongly believes that library staff is necessary to further the goal of helping the SRL make effective and efficient use of the courts. Workgroup research and discussion has shown that even minimally staffed law libraries can provide valuable assistance to SRL. See *Best Practices for Collaborations among Law Libraries, Legal Services Providers, and the Courts for Serving Self-Represented Litigants* (App. F).

One answer may be collaboration between county law libraries and public libraries to provide legal information to SRL as well as other citizens. The Workgroup found the Fifth Judicial District Law Library Project (<http://www.countylawlibraryproject.southwestmsu.edu/project.htm>) to be a particularly exemplary model of providing good law library services on a limited budget. It successfully cut library costs while expanding services. A grant for computer resources drew public library partners to the Project. The Project negotiated a district-wide contract for *Westlaw* at a preferred rate for both county law libraries and public libraries. The key to the Project's success was hiring a circuit-riding librarian to keep the network running, coordinate training for public librarians, and to be a resource for the public librarians on how to assist SRL including available resources and referrals. The proven benefits of the Project include:

- Provides professional services for county law libraries which previously had none.
- Lowers costs for resources which helped libraries contend with declining budgets.
- Provides access to a major legal database; necessary in today's world as noted above.
- Establishes partnerships with public libraries that expand the number of open hours for the public and provide more librarian assistance.
- Frees funds which then become available to provide more resources for public patrons.

RECOMMENDATION #4: The Workgroup recommends expanding the Fifth Judicial District Law Library Project statewide under the coordination of the State Law Library as authorized by Minn. Stat. Chap. 134A. The components would include:

- *Commercial Legal Database.* Negotiating a favorable contract with a commercial legal database to be available in both the county law library and designated public libraries. The county law library would pay for the subscription in exchange for public library reference services.
- *Staffing.* To obtain the favorable contract, the county law library would agree to subsidize a circuit-riding librarian. As in the Fifth Judicial Project, this subsidy would probably be pro-rated according to weighted caseload figures.

The Workgroup strongly believes that the circuit-riding librarian is crucial to a successful collaboration between the county law libraries and public libraries. It is the hope of the State Law Librarian that the duties of the circuit-riding librarians would eventually expand to include more administrative responsibilities for the county law libraries which would help them to adopt the standards and best practices included in the appendices to this report.

Although access to a commercial legal database has become a necessary law library service, it is important to emphasize that it is not the sole answer to serving the *pro se* litigant. Commercial legal databases are designed to be used by lawyers, using specific legal terms, to create a query that will result in useful information. Most self-represented litigants do not have the knowledge to formulate proper queries or to determine what results are pertinent to their situation. The commercial legal database should never be the only resource available. The Workgroup expects the savings realized from a better electronic contract will allow county law libraries to purchase print resources for SRL use as has been the case in the Fifth District. Where agreements exist with public libraries, it is a legitimate use of county law library funds to purchase legal resources for the public library as long as the title remains the property of the law library. The resources listed in Appendix D could also be used in public libraries. Other suggestions are found in *Minnesota Association of Law Libraries Legal Resources for Public Libraries* at <http://www.aallnet.org/chapter/mall/legrespublib.pdf>.

Follow-up #3: There was much discussion by the Workgroup about other service models, such as staffed regional service centers combining libraries with self-help services, but no consensus was reached. Ultimately the Workgroup concluded that such speculation was beyond their charge which concerned how to best use the existing county law library system. If another workgroup was charged with exploring this issue, the Workgroup makes the following observations:

- Law libraries without staff are underutilized.
- Because of their dependence on filing fees, funding of county law libraries is volatile and uneven throughout the state.

The Workgroup believes that every Minnesota citizen has the right to legal information and that libraries are a crucial component in delivering this information. The Workgroup is pleased to offer a better picture of county law library services in Minnesota. Appendix F has examples of some of the SRL programs offered by our staffed urban libraries. The Fifth Judicial District Project shows how to improve services in unstaffed libraries through joint power agreements and sharing funds. Increased collaboration and communication is the next step in helping county law libraries improve and also further court programs directed at the public, especially in the area of assisting self-represented litigants.

To conclude, this Workgroup was a collaborative effort of many entities towards a common goal. The momentum gained in this effort should not be lost.

RECOMMENDATION #5: It is recommended that the State Law Librarian and State Court Administration convene another committee in three to five years to evaluate the results of these recommendations and explore other areas of potential growth of value to both the county law library system and the Court.

Minnesota Statutes, Chapter 134A, 2006

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Captured January 4, 2007

134A.01	Establishment of county law library.
134A.02	Who may use.
134A.03	Board of trustees; composition.
134A.04	Board of trustees, meetings; term of office.
134A.05	Bylaws and regulations; powers; title to remain in county.
134A.06	Report to county auditor.
134A.07	Quarters.
134A.08	Librarian.
134A.09	Hennepin and Ramsey counties; fees for law libraries.
134A.10	Library fees collected in all other counties.
134A.11	Limitations.
134A.12	Taxable as costs.
134A.13	Deposits with county treasurer; county auditor.
134A.14	Existing libraries; joint law libraries.
134A.15	Annual appropriation by county board.
134A.16	State law librarian to assist.

134A.01 ESTABLISHMENT OF COUNTY LAW LIBRARY.

Any county may establish a county law library wherever sessions of court are required to be held by law upon the filing of an order by a district court judge of the judicial district in which the county is situated with the court administrator of the county.

History: 1949 c 184 s 1; 1982 c 576 s 2; 1Sp1986 c 3 art 1 s 82; 1998 c 254 art 2 s 9

134A.02 WHO MAY USE.

Under proper regulations of the board of trustees the use of the library shall be free to the judges of the state, state officials, judges of the district, municipal, county, and conciliation courts of the county, city and county officials, members of the bar, and inhabitants of the county.

History: 1949 c 184 s 2; 1982 c 576 s 3; 1995 c 189 s 8; 1996 c 277 s 1

134A.03 BOARD OF TRUSTEES; COMPOSITION.

Subdivision 1. **Trustees.** The management of any library established shall be under a board of three, five or seven trustees, who shall serve without compensation.

A board of three trustees shall consist of:

- (1) A person appointed by the chief judge of the judicial district.
- (2) A member of the county board selected by it at its next regular meeting after the order establishing the library is filed and thereafter at the annual election of officers.
- (3) One attorney admitted to the practice of law, residing in the county and selected by the county attorney.

When the board consists of five trustees, the additional members shall be a judge appointed by the chief judge of the judicial district and an additional attorney admitted to the practice of law, residing in the county and selected by the county attorney. When the board consists of seven

trustees, the additional members shall be provided for in the bylaws.

Subd. 2. **Membership changes.** The bylaws shall state the procedure by which a board of trustees may increase or decrease its membership.

Subd. 3. **Joint law library.** Wherever a joint law library is established by order, or wherever two or more law libraries are maintained within one county, the board of trustees shall consist of a judge of the district or a designee, one judge from each county included in the order or from each district within a single county, or a designee, one member of the board of county commissioners from each county included in the order or from each district within a single county, to be selected by the county board at its annual election of officers, and one attorney admitted to the practice of law, residing in each county included in the order or in each district within a single county, to be selected by the county attorney of each county or district within the county.

History: 1949 c 184 s 3; 1982 c 576 s 4; 1984 c 401 s 1; 1986 c 444

134A.04 BOARD OF TRUSTEES, MEETINGS; TERM OF OFFICE.

The trustees shall meet immediately after their selection and the board shall hold annual meetings thereafter. At each meeting it shall elect one of its members president and another member or the librarian secretary. The secretary shall act as the staff of the board and shall attend all meetings and prepare and distribute all agenda matters.

All members of the board of law library trustees shall hold office for a term to be set in the bylaws.

History: 1949 c 184 s 4; 1982 c 576 s 5

134A.05 BYLAWS AND REGULATIONS; POWERS; TITLE TO REMAIN IN COUNTY.

The board of trustees shall adopt bylaws and regulations for the conduct of its business and the government of the library and file them, along with all other records, minutes of meetings and other documents relating to the governance of the library with the court administrator.

It shall have powers necessary for the governance and maintenance of the library, including, but not limited to the power to:

- (1) Amend its bylaws and regulations;
- (2) On behalf of the county accept any gift, grant, devise, or bequest or the loan of books or property for the library, and carry out the conditions thereof;
- (3) Purchase or lease books or library facilities with money from the county law library fund;
- (4) Sell or exchange items of property of the library.

The title to the library and its property is in the county establishing the library.

History: 1949 c 184 s 5; 1982 c 576 s 6; 1Sp1986 c 3 art 1 s 82

134A.06 REPORT TO COUNTY AUDITOR.

The county auditor shall file with the board of trustees an annual report containing a detailed statement of the receipts and disbursements of the library for the preceding year. The board of trustees shall file an inventory with the county auditor showing the property belonging to the library or loaned or leased to the library.

History: 1949 c 184 s 6; 1982 c 576 s 7

134A.07 QUARTERS.

The county board shall provide suitable quarters within the courthouse for the use of the library, and shall also provide light, heat, janitor service and other necessary expenses of maintaining the library.

History: 1949 c 184 s 7; 1982 c 576 s 8

134A.08 LIBRARIAN.

In Hennepin and Ramsey Counties the board of trustees shall appoint a librarian and necessary assistants and clerical help, and fix their compensation. In all other counties, where a librarian is not employed by the county, the board of trustees may appoint a librarian and necessary assistants and clerical help and, with the approval of the county board, fix their compensation. In all counties where services cannot be provided by the Minnesota State Law Library, the board of trustees may contract with regional library systems for services.

History: 1982 c 576 s 9

134A.09 HENNEPIN AND RAMSEY COUNTIES; FEES FOR LAW LIBRARIES.

Subdivision 1. **Civil actions.** In Hennepin and Ramsey Counties, the district administrator or a designee shall collect in each civil suit, action or proceeding filed in the district, municipal and conciliation courts of the district, in the manner in which other fees are collected, a law library fee from:

- (a) The plaintiff, petitioner or other person instituting the suit, action or proceeding, at the time of the filing of the first paper; and
- (b) Each defendant, respondent, intervenor or other party who appears, either separately or jointly, to be collected at the time of the filing of the first paper by the defendant, respondent, intervenor or other party, or at the time when the party's appearance is entered in the case.

Subd. 2. **Probate proceedings.** The district administrator or a designee shall collect a law library fee from the petitioner instituting proceedings for supervised and unsupervised guardianship, conservatorship, descent, formal and informal probate, trusts and summary assignments at the time of the filing of the petition. The disbursement shall be an item of expense of administration of the estate, entitling the petitioner to reimbursement out of the estate.

Subd. 2a. **Petty misdemeanor cases and criminal convictions; fee assessment.** In Hennepin County and Ramsey County, the district court administrator or a designee may, upon the recommendation of the board of trustees and by standing order of the judges of the district court, include in the costs or disbursements assessed against a defendant convicted in the district court of the violation of a statute or municipal ordinance, a county law library fee. This fee may be collected in all petty misdemeanor cases and criminal prosecutions in which, upon conviction, the defendant may be subject to the payment of the costs or disbursements in addition to a fine or other penalty.

Subd. 3. **Setting fees.** The law library board of trustees shall, with the approval of the board of commissioners, set the amount of the law library fee in the district, municipal, and conciliation courts of the judicial district. All law library fees shall be published in the State Register.

History: 1982 c 576 s 10; 1986 c 444; 1991 c 119 s 1; 1993 c 29 s 1; 1995 c 189 s 8; 1996 c 277 s 1

134A.10 LIBRARY FEES COLLECTED IN ALL OTHER COUNTIES.

Subdivision 1. **Civil fee assessment.** In counties other than Hennepin and Ramsey, the court administrator shall collect in each civil suit, action or proceeding filed in the district, county or county municipal and conciliation courts of the county, in the manner in which other fees are collected, a law library fee from:

- (a) The plaintiff, petitioner or other person instituting the suit, action or proceeding, at the time of the filing of the first paper; and
- (b) Each defendant, respondent, intervenor or other party who appears, either separately or jointly, to be collected at the time of the filing of the first paper by the defendant, respondent, intervenor or other party, or at the time when the party's appearance is entered in the case.

Subd. 2. **Probate proceedings.** The judge of the district court or the registrar of probate or the court administrator shall collect a law library fee from the petitioner instituting proceedings for supervised and unsupervised guardianship, conservatorship, descent, formal and informal probate, trusts and summary assignments at the time of the filing of the petition. The disbursement shall be an item of administration of the estate, entitling the petitioner to reimbursement out of the estate.

Subd. 3. **Petty misdemeanor cases and criminal convictions; fee assessment.** The judge of district court may, upon the recommendation of the board of trustees and by standing order, include in the costs or disbursements assessed against a defendant convicted in the district court of the violation of any statute or municipal ordinance, in all petty misdemeanor cases and criminal prosecutions in which, upon conviction, the defendant may be subject to the payment of the costs or disbursements in addition to a fine or other penalty a county law library fee. The item of costs or disbursements may not be assessed for any offense committed prior to the establishment of the county law library.

Subd. 4. **Setting fees.** The law library board of trustees shall, with the approval of the board of commissioners, set the amount of the law library fee for civil and criminal matters, including petty misdemeanor cases, in the district and conciliation courts of the county. The fee shall be set on July 1 each year and remain in effect until changed. All law library fees shall be published in the State Register.

History: 1982 c 576 s 11; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1989 c 4 s 1; 1993 c 29 s 2,3; 1995 c 189 s 8; 1996 c 277 s 1

134A.11 LIMITATIONS.

The provisions of sections [134A.09](#) and [134A.10](#) shall not apply to actions or proceedings commenced by the state, the county or any municipality, to garnishment proceedings, to the filing of transcripts, to compensation awards, to proceedings under the Minnesota reciprocal enforcement of support act or to complaints in intervention in receivership proceedings.

History: 1982 c 576 s 12

134A.12 TAXABLE AS COSTS.

The law library fee is a cost in the action and taxable as such, and is to be allotted for the support of the library.

History: 1982 c 576 s 13

134A.13 DEPOSITS WITH COUNTY TREASURER; COUNTY AUDITOR.

These fees shall be paid to the county treasurer or county auditor, who shall give a receipt therefor. The county treasurer or county auditor may disburse these funds and any other money belonging to this board only at the direction of the board of trustees.

History: 1949 c 184 s 11; 1982 c 576 s 14; 1986 c 444

134A.14 EXISTING LIBRARIES; JOINT LAW LIBRARIES.

By July 1, 1983, all county law libraries shall come under the provisions of sections [134A.01](#) to [134A.15](#).

Two or more counties may unite in the establishment of a joint law library.

History: 1949 c 184 s 12; 1982 c 576 s 15

134A.15 ANNUAL APPROPRIATION BY COUNTY BOARD.

The county board may in its discretion, provide for additional support and maintenance of the county law library out of county funds.

History: 1949 c 184 s 13; 1982 c 576 s 16

134A.16 STATE LAW LIBRARIAN TO ASSIST.

The state law librarian, under the guidance of the Supreme Court, shall advise and assist in the operation and maintenance of the county law libraries.

History: 1982 c 576 s 17

Appendix B

Brief Summary of July 2006 Surveys *

The Workgroup gathered current information about county law library and self-help services through an online survey. The survey was sent to court administrators for distribution to the appropriate personnel for completion. 78 Counties responded to the Self-Help section. 80 Counties responded to Law Library section. In both cases there was one additional response from an unidentified county. The number of responses to each question varied.

Law Library Survey

- Hours open: generally courthouse hours although two reported 8 hrs/wk (we hope they meant per day) and one reported 24/7 access
- Staffing: 18 staffed but 6 reported 10 hours or less per week; Law Library pays staff expenses; 16 described staff duties
- Reference assistance: 40 had none; 24 by Law Clerk, 26 by other court personnel – continued heavy involvement by court (state) even after unification (library is county entity)
- 20 counties reported restricted access including 16 locked doors, 1 wheelchair, 2 multi-use rooms, 1 metal detector
- Revenue/expenses/fund balance: 51 counties supplied all three budget figures -- 28 showed greater expenses than revenue and 7 showed negative fund balance
- In 73 counties, the Law Library and Court Administration are located in same building
- 40 libraries distribute forms (as compared to 73 distributed by Court Administration)
- 5 libraries described partnerships with other entities to provide self-help services
- Electronic resources: 14 said none or didn't know; 58 had Westlaw; 7 had Lexis (some had both); only 2 mentioned other vendors; 41 libraries mentioned internet access
- 40 libraries answered what *pro se* litigant services they would like -- people to help was mentioned most often, then materials, internet access, space

Self-Help Survey

- In anticipation of the self-help call center, several questions addressed availability of public computers. Only 38 counties (about half) have public PCs with Internet access and printers. 19 counties reported that they had nearby PCs at a public or law library; 2 did say that they printed out the forms for the patron [COMPARE with Law Library Survey response of 46 counties having PCs with printers (60% of responders).]
- 73 counties distributed forms
- 19 counties had self-help centers, but in describing the services, two said 'we really don't have a self-help center but staff tries to help' and three said the 'center' was limited to providing forms; other responses talked about law library services (6), Court staff (4), and Volunteer attorney (3)
- 19 counties said they had staff dedicated to helping self-represented litigants (8 had the title of Senior Court Clerk)
- The primary reason court administration refers to the law library is for legal research (68); only one county did not refer to the law library
- 5 counties sponsor free legal advice clinics
- 7 counties partner with other legal entities
- 40 counties said there were other community resources to refer the public (legal aid, legal services, volunteer attorneys, and other)

* Complete survey results available from [Barbara Golden](#), State Law Librarian.

Appendix C

Minimum Standards & Best Practices for Minnesota County Law Libraries

<u>Tier One</u> <i>All items are considered to be the minimum standard:</i>	<u>Tier Two</u> <i>Tier One PLUS the Following:</i>	<u>Tier Three</u> <i>Tiers One and Two PLUS the Following:</i>
FACILITIES	FACILITIES	FACILITIES
Located in the courthouse with easy access to the public, including those with disabilities	Adjacent to, or near court administration	
Listed on courthouse directory		
Law Library entrance clearly marked as a public space		
Directions to law library at court administration, self-help centers and public libraries	Legal Resources in public library branches as needed by population	
Signs should be multilingual as required by the community		
Within library, map posted showing collection areas and services		
Within library, sign referring patrons to Minnesota State Law Library and local self-help centers for further assistance		
Directions to photocopier (with posted copyright notice)	Photocopier/fax/scanner	Copy card and/or coin attachments on public copiers and computer printers
Computer with Internet Access and a connected printer with nearby telephone	Additional computers and printers to accommodate simultaneous use of resources	Change machine in library or nearby
	Wireless access	Fax phone line for patron use
Separate table with two chairs for workspace	Adequate staff work area	A mixture of work areas, including large tables, individual carrels, study rooms and conference room
Shelving for books and other materials	Video stations for viewing informational videos or DVDs	Microfilm/microfiche reader printer
Adequate lighting, HVAC	Adequate electrical outlets	
Meet minimum ADA standards		

<u>Tier One</u> <i>All items are considered to be the minimum standard:</i>	<u>Tier Two</u> <i>Tier One PLUS the Following:</i>	<u>Tier Three</u> <i>Tiers One and Two PLUS the Following:</i>
MANAGEMENT	MANAGEMENT	MANAGEMENT
Law Library Board that meets at least once a year subject to open meeting law	Written mission and goal statement	Disaster plan
Bylaws and minutes available for public inspection	Annual report	Policy on general rules for use of the library
Annual budget with ability to update materials (est. 70-80% of initial cost)	Budget and strategic planning documents	Collection development policy
Inventory of collection or library catalog	Catalog collection with state law library	Online catalog and circulation system
All library materials are property stamped	Establish a circulation system in accordance with library data privacy	Internet use policy
County Public Law Library Standards (AALL) direct the program	County Public Law Library Standards (AALL) implemented	
Accounting protocol for income and expenses according to local county practices		Financial accounting software
County law library manager whose duties are designated by the board	County law library manager (with MLS OR equivalent experience) has designated in-library hours	
Collaborate with public library for services and resources	Provide professional reference services	
Promote awareness of the county law library within the community	Partner with public libraries, local bar association, legal aid, self-help centers, etc.	Communication/networking with court and county managers on a regular basis
RESOURCES & SERVICES	RESOURCES & SERVICES	RESOURCES & SERVICES
Library should be open to the public during courthouse hours		Satellite libraries as needed
Follow collection standards (see other appendices) or County Public Law Library Standards (AALL)	Create user guides and signs to facilitate use of specialized resources	Interlibrary loan service
Vendor supplied user guides to resources in the collection, especially for available computer resources	Legal research training for patrons	E-mail and telephone reference service

<p align="center"><u>Tier One</u> <i>All items are considered to be the minimum standard:</i></p>	<p align="center"><u>Tier Two</u> <i>Tier One PLUS the Following:</i></p>	<p align="center"><u>Tier Three</u> <i>Tiers One and Two PLUS the Following:</i></p>
<p align="center">RESOURCES & SERVICES Continued</p>	<p align="center">RESOURCES & SERVICES Continued</p>	<p align="center">RESOURCES & SERVICES Continued</p>
<p>Library materials should be kept current in a timely fashion; out-of-date materials should be removed or clearly marked as "Notice: the library is no longer updating this material."</p>	<p>New materials should be checked in daily</p>	<p>Document delivery services by photocopy, fax, and/or email</p>
<p>Availability of scratch paper and writing implements</p>		
<p align="center">TRAINING AND PROFESSIONAL DEVELOPMENT</p>	<p align="center">TRAINING AND PROFESSIONAL DEVELOPMENT</p>	<p align="center">TRAINING AND PROFESSIONAL DEVELOPMENT</p>
<p>Review <i>Manual for Minnesota County Law Libraries</i> (see http://www.lawlibrary.state.mn.us/cllp.html)</p>	<p>Participate in Minnesota State Law Library training</p>	<p>Institutional membership in both the American Association of Law Libraries (AALL) and the Minnesota Association of Law Libraries (MALL); membership in State, Court and County Law Libraries Special Interest Section (SCCLL-SIS) of AALL for the county law library manager.</p>
<p>Create and maintain a local procedures manual</p>	<p>Support continuing education and ongoing training opportunities</p>	<p>Financial support for staff attendance at AALL and MALL meetings</p>
<p>Uniformity in level of services should be observed so the public has realistic expectations and gets consistent help</p>	<p>Cultural diversity and communications skills training</p>	
<p>Review list of suggested referrals on Minnesota State Law Library website and develop local alternatives</p>	<p>Follow the <i>Guidelines for Legal Reference Service, AALL Ethical Principles, and Responding to Requests from Jail Inmates</i> (included in <i>Manual for Minnesota County Law Libraries</i>)</p>	
<p>Training on serving self-represented litigants</p>		

Appendix D

Recommended Print Purchases for Minnesota County Law Libraries

Our charge is to offer improved ways to use county law libraries around the state to better communicate information and resources specifically to self-represented litigants. However, the Workgroup is committed to all law library users, including lawyers, judges, students, the general public and self-represented litigants; therefore we recognize the importance of maintaining a balance of resources for all law library users as stated by the American Association of Law Librarians, **County Public Law Library Standards** (2002)
<http://www.aallnet.org/sis/sccll/pdfs/stdfin02.pdf>

“It should be noted that it is critically important that a proper mix of print and electronic resources be maintained in county public law libraries. While online technology will provide a fundamental baseline for research platforms of future law libraries, certain print collections will always be needed and should be retained as part of the libraries holdings as a balance against countless deficiencies inherent in today’s electronic media.”

*** NOTE: Titles identified with * next to the cost, do require annual supplementation. The cost of supplementation is approximately 70% of the initial cost of the material. In order for resources to remain useful they must be continuously supplemented.**

Title and publisher information	Tier 1	Tier 2	Tier 3	Cost
Reference Collection				
<i>Blacks Law Dictionary</i> (Thomson/West)	X	X	X	\$70.00
Standard English Dictionary	X	X	X	\$70.00
Standard Spanish Dictionary	X	X	X	\$40.00
Standard Road Atlas	X	X	X	\$15.00
<i>The Bluebook: a uniform system of citation</i> (Harvard Law Review Association)	X	X	X	\$30.00
<i>MN Legislative Manual</i> (Minnesota Secretary of State)		X	X	Free
<i>Minnesota Research Guide, 2d ed.</i> (Hein)		X	X	\$90.00
<i>Legal Research: How to Find and Understand the Law</i> (Nolo Press)		X	X	\$40.00
<i>West’s Encyclopedia of American Law</i> (Thomson/West)			X	\$1,600
National Survey of State Laws, 4th ed. (Thomson/Gale)			X	\$200.00
Local Telephone Books	X	X	X	Free
Self-Help Materials (NOLO Press) - New editions every 2-3 years				
<i>Beat your ticket</i>	X	X	X	\$20.00
<i>Criminal Law Handbook</i>	X	X	X	\$34.00
<i>Every Landlord’s Legal Guide</i>	X	x	X	\$38.00
<i>Every Tennant’s Legal Guide</i>	X	X	X	\$25.00
<i>Neighbor Law</i>	X	X	X	\$23.00
<i>Nolo’s Simple Will Book</i>	X	X	X	\$31.00
<i>Represent Yourself in Court</i>	X	X	X	\$34.00
<i>101 Legal Forms for Personal Use</i>	x	X	X	\$25.00

Title and publisher information	Tier 1	Tier 2	Tier 3	Cost
<i>U.S. Immigration Made Easy</i>	X	X	X	\$34.00
<i>How to Get a Green Card</i>	X	X	X	\$25.00
<i>Every Dog's Legal Guide: a must-have for your owner</i>	X	X	X	\$17.00
<i>Everybody's Guide to Small Claims Court</i>	X	X	X	\$25.00
<i>Nolo's Guide to Social Security Disability</i>	X	X	X	\$25.00
<i>How to File Chapter 7 Bankruptcy</i>	X	X	X	\$25.00
<i>Chapter 13 Bankruptcy</i>	X	X	X	\$25.00
Self-Help Materials (Sphinx Press) - New editions ever 2-3 years				
<i>Grandparents' Rights</i>	X	x	X	\$30.00
<i>How to File for Divorce in Minnesota</i>	X	X	X	\$25.00
<i>How to Make a Will in Minnesota</i>	X	X	X	\$20.00
<i>How to form a Corporation in Minnesota</i>	x	X	X	\$30.00
Self-Help Materials (National Consumer Law Center)				
<i>Fair Debt Collection</i>			X	\$150.00*
<i>Fair Credit Reporting</i>			X	\$150.00*
<i>Reposessions</i>			X	\$150.00*
<i>Consumer Bankruptcy Law and Practice</i>			X	\$150.00*
<i>Unfair and Deceptive Acts and Practices</i>			X	\$150.00*
Self-Help Materials (Other)				
Pamphlets from the Minnesota Attorney General	X	X	X	Free
Booklets from Minnesota Legal Service Coalition	X	X	X	Free
Practitioner Treatises (Thomson/West)				
<i>Minnesota Practice, volumes 1-16</i>	X	X	X	\$2,811.00*
<i>Minnesota Practice, complete set</i>			X	\$4,380.00*
<i>Corpus Juris Secundum or American Jurisprudence, 2d ed.</i>			X	\$5,000.00*
<i>Search and Seizure 4th ed. by LaFave</i>		X	X	\$600.00
Practitioner Treatises (Lexis/Nexis)				
<i>Employment in Minnesota</i>	X	X	X	\$120.00*
<i>Minnesota Family Law Practice Manual</i>	X	X	X	\$220.00*
<i>Minnesota Civil Practice, 3rd ed.</i>	X	X	X	\$360.00*
<i>Minnesota Misdemeanors and Moving Traffic Violations</i>	X	X	X	\$220.00*
<i>Minnesota Residential Real Estate</i>	X	X	X	\$210.00*
<i>The Drinking Driver in Minnesota</i>	X	X	X	\$150.00*
<i>Minnesota No-Fault Automobile Insurance</i>	X	X	X	\$200.00*
<i>Minnesota Limitations Manual</i>	X	X	X	\$150.00*
<i>Minnesota Adoption Law and Practice</i>	X	X	X	\$95.00*

Title and publisher information	Tier 1	Tier 2	Tier 3	Cost
Periodicals				
<i>Bench and Bar of Minnesota</i>			X	\$35.00 yr
<i>Minnesota Lawyer</i>			X	\$200.00 yr
Forms				
<i>American Jurisprudence Legal Forms or West's Legal Forms</i> (Thomson/West)			X	\$2,800.00*
<i>American Jurisprudence Pleading and Practice Forms</i> (Thomson/Gale)			X	\$3,886.00*
Directories				
<i>Minnesota Guidebook to State Agency Services</i> (State of Minnesota)	X	X	X	\$15.00
<i>Minnesota Attorney's/Paralegal's/Secretary's Handbook</i> (Mariposa Publishing)	X	X	X	\$60.00*
Statutes/Regulations				
Official Minnesota Statutes (free with CLLP membership)	X	X	X	Free
<i>Laws of Minnesota</i> (free with CLLP membership)	X	X	X	Free
Minnesota Rules of Court- Federal & State (Thomson/West)	X	X	X	\$60.00
<i>Minnesota Statutes Annotated</i> (Thomson/West)	X	X	X	\$3,663.00*
<i>Minnesota Rules</i> (free with CLLP membership)	X	X	X	Free
National Codes adopted by reference in the <i>Minnesota Statutes and Minnesota Rules</i>			X	\$350.00
Case Law and Finding Aids				
Online access to Westlaw, Lexis, Loislaw, Versuslaw or Fastcase	X	X	X	Negotiated
<i>Minnesota Reporter</i> from beginning of NW2d (Thomson/West)		X	X	\$2,109.00*
<i>Northwestern Reporter, 2d series</i> (Thomson/West)			X	\$7,917.00*
<i>Dunnell's Minnesota Digest</i> (Lexis)	X	X	X	\$1450.00*
Minnesota State Bar Association Continuing Legal Education Publications				
Debtor/Creditor	X	X	X	\$215.00
Drafting Wills and Trust Agreements	X	X	X	\$275.00
Minnesota Estate Administration	X	X	X	\$315.00
Minnesota DWI Handbook	X	X	X	\$235.00
Minnesota Judges Criminal Benchbook	X	X	X	\$85.00
Fundamentals of Probate Practice	X	X	X	\$90.00
Basics of Will and Trust Drafting (annual)		X	X	\$110.00
Minnesota Probate and Trust Statutory Deskbook		X	X	\$135.00
Worker's Compensation Deskbook		X	X	\$200.00
Minnesota Motor Vehicle Accident Deskbook		X	X	\$235.00

Title and publisher information	Tier 1	Tier 2	Tier 3	Cost
Eighth Circuit Appellate Practice Manual			X	\$200.00
Minnesota State Bar Association Real Property Section				
Minnesota Title Standards	X	X	X	\$100.00
Minnesota Trial Lawyers Association Publications				
Cause of Action		X	X	\$130.00
Minnesota Sentencing Guidelines Commission				
Minnesota Sentencing Guidelines & Commentary	X	X	X	\$40.00
National Business Institute (Eau Claire, WI)				
Using a Mechanic's Lien to Get Your Money		X	X	\$80.00
Totals	\$7,732	\$15,942	\$43,187	

Appendix E

Recommended Self-Help Internet Sites for Minnesota County Law Libraries

Minnesota State Internet Resources

- **Minnesota Courts Self-Help Center** (Forms included under subject headings: divorce, child custody, child protection, conciliation court, harassment, housing, judgment enforcement and more) <http://www.mncourts.gov/selfhelp/>
- **Minnesota Statutes** (Codified laws of the State of Minnesota) <http://www.leg.state.mn.us/leg/statutes.asp>
- **Minnesota Rules** (An administrative rule is a general statement adopted by an agency to make the law it enforces or administers more specific or to govern the agency's organization or procedure.) <http://www.revisor.leg.state.mn.us>
- **Opinions of the Minnesota State Appellate Courts Archive** (Published and unpublished decisions of the Minnesota Supreme Court and Court of Appeal from May 1996- current) <http://www.lawlibrary.state.mn.us/archive/>
- **Minnesota Rules of Court** (Court rules for civil, criminal, civil appellate and juvenile proceedings. Also offers recent amendments and General Rules of Practice.) <http://www.courts.state.mn.us/?page=511>
- **Minnesota County and Municipal Ordinances** <http://www.lawlibrary.state.mn.us/ordinance.html>
- **State of Minnesota Attorney General's Office** (Consumer Protection) <http://www.ag.state.mn.us/>
- **Minnesota Department of Revenue** (taxes) <http://www.taxes.state.mn.us/>
- **Uniform Conveyancing Blanks** (Quit claim, mechanic's lien, warranty deeds, etc.) <http://www.state.mn.us/portal/mn/jsp/content.do?subchannel=-536881740&sc2=-536885394&id=-536881351&agency=Commerce&sp2=y>

Federal Internet Resources

- **United States Constitution** <http://www.house.gov/house/Educate.shtml>
- **GPO Access** (Official information from all three branches of the Federal Government, including United States Code, Code of Federal Regulations, Federal Register and Federal Agency Internet Sites) <http://www.gpoaccess.gov/>
- **Internal Revenue Service** (Federal taxes) <http://www.irs.gov/>

Law Help & Attorney Referral

- **LawHelpMN.org** <http://www.lawhelpmn.org/MN/index.cfm>
- **Legal Information Services to the Public (LISP)** <http://www.aallnet.org/sis/lisp/research.htm>
- **Minnesota State Bar Association (MSBA) Lawyer Referral** <http://www.mnfindalawyer.com/>
- **Legal Services Offices in Minnesota** <http://www.hbc.com/~smrlswi/mnlegaid.htm>

Staffed Minnesota State and County Law Libraries

- **Minnesota State Law Library** <http://www.lawlibrary.state.mn.us/>
- **Anoka County Law Library** http://www.co.anoka.mn.us/departments/law_library/
- **Carver County Law Library** <http://www.carverlib.org/lawlibrary.html>
- **Dakota County Law Library** http://www.co.dakota.mn.us/law_lib/
- **Hennepin County Law Library** <http://hclaw.co.hennepin.mn.us/>
- **Ramsey County Law Library** <http://www.co.ramsey.mn.us/ll/index.htm>
- **Scott County Law Library** http://www.scott.lib.mn.us/Law_Library.html

- **St. Louis County Law Library** <http://www.co.st-louis.mn.us/LawLibrary/LawLibrary.html>
- **Stearns County Law Library** <http://www.co.stearns.mn.us/908.htm>
- **Washington County Law Library**
http://www.co.washington.mn.us/info_for_residents/law_library/

Videos

- **How to Handle a Conciliation Court Hearing**
<http://www.courts.state.mn.us/documents/50/Public/videos/Conciliation%20Court%20Hearing/conciliationvideo.htm>
- **How to Start a Divorce**
<http://www.mncourts.gov/documents/4/Public/videos/How%20to%20Start%20a%20Divorce%20Video/DivorceVideo.htm>
- **How to File a Motion**
<http://www.mncourts.gov/documents/4/Public/videos/How%20to%20File%20a%20Motion%20Video/FilingMotionVideo.htm>

Best Practices for Collaborations among Law Libraries, Legal Services Providers, and the Courts for Serving Self-Represented Litigants

I. OVERVIEW

The number of *pro se* litigants representing themselves in Minnesota's court system continues to increase. The Minnesota Supreme Court has many forms on its websites and the websites for many district courts around the state contain forms and links to resources to help *pro se* litigants. Even so, *pro se* litigants often need additional assistance to complete forms and to obtain more information about how to represent themselves in court.

Law librarians are increasingly providing assistance to self-represented litigants. Law libraries serve as resource centers for finding/viewing legal information, forms, videos (both online and in print) as well as computer equipment for use by *pro se* litigants who need to draft forms and pleadings. The services provided by law librarians may vary from county to county.

Pro se litigants often approach law library staff, court personnel and legal services programs in search of assistance beyond the provision of forms to help them prepare court cases. Several existing models show how additional assistance may be provided to *pro se* litigants.

II. MODELS OF COLLABORATIONS BETWEEN LEGAL SERVICES PROVIDERS, COURTS AND LAW LIBRARIES

A number of models exist of various collaborations that have the goal of increasing access to the courts for *pro se* litigants. The list below is not intended to be exhaustive but does attempt to demonstrate how different programs have been developed, staffed and funded in an effort to expand services to *pro se* litigants.

1. Anoka County Law Library, Anoka County District Court Administration and Central Minnesota Legal Services.

Central Minnesota Legal Services provides a staff attorney one day per month to assist *pro se* litigants in Anoka County. Appointments are scheduled through the Anoka County Law Library at 763-422-7487. There are no income guidelines. CMLS does check for conflicts.

The attorneys review legal papers, answer questions about the law, and advise litigants about court procedures. Litigants sign a form with notice that they are being provided brief services but are not receiving representation beyond the meeting. The clinic focuses on providing assistance in the family law area including dissolutions, orders for protection, child support motions, custody matters, and parenting time. Litigants with housing cases such as evictions or repair issues, debtor/creditor problems and conciliation court cases may also receive service.

2. Central Minnesota Legal Services and Hennepin County District Court.

Staff attorneys from Central Minnesota Legal Services see litigants one afternoon per week at the Family Justice Center. CMLS does check for conflicts. Some clients who need more than brief services are referred back to the CMLS staff program for consideration for full representation.

3. Dakota County – Family Court Self Help Center

This collaborative center is a model for self help programs without the resources or desire to use paid staff. The self help clinic is available at least once every week. Any Dakota County resident with a family court case can use the self-help center. There are no income guidelines. Services at the self-help center consist of volunteer attorneys who provide free 30-minute consultations. The volunteer attorneys answer legal questions, offer procedural advice and help fill out court *pro se* forms.

The Dakota County Law Librarian coordinates activities between the three partners (district court, law library and Legal Assistance of Dakota County), books the rooms in the libraries, meets with the self represented litigants to suggest resources, makes sure clinic forms are completed, and evaluates the overall service. Law library staff makes reminder phone calls to the parties and sends out reminder letters to each scheduled volunteer attorney. The law library staff also maintains the records generated by the program.

District Court staff schedules appointments for the parties at three service locations and also sends lists of the clients to each volunteer attorney so they can check for conflicts. They also send out reminder letters to the clients.

Legal Assistance of Dakota County recruits, trains and schedules volunteer attorneys for the center and provides a staff attorney in the event a volunteer attorney cancels at the last minute. Clients sign a form with notice that it is possible that the attorney may have a conflict of which the attorney is not aware; that they are giving up any future conflict of interest and the attorney is not going to represent them beyond the meeting.

Advice and legal assistance is available on family matters, including:

- marriage dissolution
- child custody
- child support
- visitation
- paternity issues
- spousal maintenance
- domestic abuse.

Appointments are scheduled in advance. Central locations and hours:

- First Tuesday of the month - Dakota County Wentworth Library, 199 East Wentworth Avenue, West St. Paul, MN 55118
- Second Thursday of the month – Dakota County Judicial Center
Dakota County Law Library, 1560 Highway 55, Hastings, MN 55023
- Third Monday and fourth Thursday of the month – Dakota County Western Service Center, Galaxie Library, 14955 Galaxie Avenue, Apple Valley, MN 55124
- Clients schedule appointments by calling the location they want to go to.
Apple Valley - 952-891-7256
West St. Paul - 651-554-6200
Hastings – 651-438-8100
- Individuals needing additional services may be referred to:

Legal Assistance of Dakota County – provides direct representation to income eligible individuals; they also manage the county's Attorney Referral Service. Phone number: 952-431-3200. Address: 15025 Glazier Avenue, Suite 201, Apple Valley, MN 55124.

4. Stearns County Law Library – Central Minnesota Legal Services.

CMLS and the Stearns County Law Library are piloting a two-year project for a self-help facilitator. The self-help facilitator is a full-time staff attorney employed by CMLS and assigned to work full time on site at the law library located in the Stearns County Courthouse.

The self-help facilitator assists unrepresented civil court litigants and possible litigants in preparing court documents, offering procedural advice and providing education regarding the civil court process to unrepresented persons.

Under the contract, the law library pays the salary of the self-help facilitator and provides work space and technology support including computer, printer, copier, DVD/VCR and internet access. The law library also pays the costs of any necessary language translation including American Sign Language. CMLS trains the facilitator and provides back-up assistance.

Persons not eligible for assistance are referred to Lawyer Referral Services, and the local legal services programs and volunteer attorney program.

5. Volunteer Lawyers Network, Hennepin County Bar Association and Hennepin County District Court

The Volunteer Lawyers Network recruits attorneys to provide advice and brief service to *pro se* litigants at the Family Justice Center, Self Help Center on Mondays and Fridays from 10:00 a.m. to noon and 1:00 to 3:00 p.m. People without appointments may be seen if there are openings.

The Hennepin County Bar Association and the Volunteer Lawyers Network recruit attorneys to provide advice and brief service at the District Court Self Help Center at the Hennepin County Government Center on a daily basis on civil matters. Attorneys are available at the Brookdale Division on Mondays from 12 noon to 2:00 p.m.

Other programs that exist to serve *pro se* litigants in Hennepin County include a Housing Court Project partially funded with a grant from the County to the Legal Aid Society of Minneapolis for staff attorneys to staff the project, a legal advice clinic at Conciliation Court staffed by volunteer attorneys recruited by the Volunteer Lawyers Network, and a new *pro bono* mediation project for low income persons involved in Conciliation Court appeals.

6. Washington County Legal Advice Clinic and Self-Help Center

Current Washington County residents or litigants involved in a Washington County court case may use the legal advice clinic. There are no income or eligibility restrictions. Appointments are held on Tuesday and must be scheduled ahead of time by calling 651-430-6296. Clients must also fill out and return an intake form prior to their appointment being confirmed. The intake form includes their name and the name(s) of any opposing parties, as well as a summary of their legal problem.

The Legal Advice Clinic (LAC) is a collaborative effort of the court, Legal Assistance of Washington County and the law library. The Washington County Law Librarian prepares forms and meets with volunteer attorneys about the logistics of the Clinic and available resources.

At this writing, there is a part time staff person from Court Administration that supervises the self help center and also schedules the clients and provides them with the intake forms and any *pro se* forms that they may need. When the self help center becomes part of the law library in 2007, the court will no longer play a role in the LAC and the law library will take over client and room scheduling.

Legal Assistance of Washington County recruits, trains and schedules volunteer attorneys for the center and provides a staff attorney in the event a volunteer cancels at the last minute. Clients sign a form with notice that it is possible that the attorney may have a conflict of which the attorney is not aware; that they are giving up any future conflict of interest and the attorney is not going to represent them beyond the meeting. Since clients are scheduled, their names and intake forms are available ahead of time so the volunteer attorneys can attempt to conflict check the cases, and prepare for the meeting. Walk-ins may be seen if the attorney has time.

The volunteer attorneys provide answers to legal questions, procedural advice and review completed court forms. A free 30-minute consultation is offered from a volunteer attorney who can offer advice and legal assistance regarding family law matters such as:

- marriage dissolution
- child support,
- domestic abuse
- paternity issues
- child custody
- visitation
- spousal maintenance.

III. ETHICAL CONCERNS

The Minnesota Rules of Professional Conduct were amended in 2005 to relax the conflict of interest provision for lawyers providing brief service at a non-profit or court-based legal advice clinic. Rule 6.5 now provides that since legal advice programs or *pro se* counseling programs are typically conducted under circumstances in which it is not feasible for a lawyer to systematically screen for conflicts of interest, lawyers may provide limited assistance, a lawyer is not prohibited from participating unless there is a known conflict with the lawyer or a known conflict with the lawyer's firm. Although this rule will mean that in some circumstances possible conflicts will not be imputed to the attorney or attorneys in the attorney's law firm, individual attorneys may wish to participate in a program that allows appointments to be made in advance so they can check for conflicts within their firms.

The Minnesota State Bar Association's *Pro se* Implementation Committee is working on an education campaign to encourage lawyers to provide limited scope representation services in association with volunteer attorney programs and in their private practices.

IV. ACCESSING LEGAL SERVICE PROVIDERS AND VOLUNTEER ATTORNEY PROGRAMS

There are volunteer attorney programs in Minnesota that provide service to every county of the state. The volunteer attorney programs recruit volunteers and generally survey the attorneys for the services they are willing to provide ranging from advice to limited representation to full representation. Volunteer attorney programs also provide for periodic training of volunteer attorneys on relevant issues. The staff for the volunteer attorney programs have relationships with staff of the legal services providers so referrals to legal aid programs and bar associations may be made in cases where limited scope representation is not appropriate.

The various volunteer attorney programs in Minnesota are funded through a variety of sources including but not limited to the Legal Services Corporation, grants from the Lawyers Trust Account Board, state appropriations, county funds, law library funds and grants from private foundations. The ability of legal aid programs and volunteer attorney programs to respond to requests for new services will vary because of capacity of funding concerns. However, all legal

aid and volunteer attorney programs are interested in meeting unmet needs of low income people for help and are interested in exploring new collaborations to meet these needs. Additionally, these programs are interested in creatively exploring funding strategies to increase the capacity of staff and volunteer attorneys to provide access to the courts.

Information about volunteer attorney programs and Legal Aid offices can be found at www.lawhelpmn.org. Other helpful information for *pro se* litigants and links can also be found on the site. The Pro Bono Development Manager at the Minnesota State Bar Association, Caroline Palmer, can provide more information about pro bono programs throughout the state. She can be reached at cpalmer@statebar.gen.mn.us.