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# "Are You a Member of the Law School Community?:" Access Policies at Academic Law Libraries and Access to Justice

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“ARE YOU A MEMBER OF THE LAW SCHOOL  
COMMUNITY?”:  
ACCESS POLICIES AT ACADEMIC LAW LIBRARIES AND  
ACCESS TO JUSTICE

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“ARE YOU A MEMBER OF THE LAW SCHOOL  
COMMUNITY?”: ACCESS POLICIES AT ACADEMIC LAW  
LIBRARIES AND ACCESS TO JUSTICE

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**Abstract**—*This paper explores access policies at academic law libraries. This paper offers two proposals intended to help law schools comply with ABA Standards 303 and 304, improve the image of law schools and the legal profession, better equip law students with legal research skills, and address unmet legal needs.*

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## INTRODUCTION

Access to justice cannot be achieved without access to relevant legal materials. Law libraries, therefore, plays a key role in facilitating access to justice. However, the missions of academic law libraries are generally geared toward assisting faculty members with their legal scholarship and providing law students with the resources required for their legal education. Assisting the general public, such as *pro se* patrons, generally is a low or secondary priority.

This paper examines the access policies of law libraries at the top 25 law schools and in the three metropolitan areas with the largest populations. This paper also presents a case study of the options available for members of the general public who wish to conduct legal research in Seattle. This paper argues that academic law libraries and law schools, which are primarily focused on serving the law school community, should be doing more to promote access to justice for the general public.

The mission of the American Bar Association is to “serve equally our members, our profession and the public by defending liberty and delivering justice as the national representative of the legal profession.”<sup>1</sup> The ABA presents four goals, each of which contain a set of objectives, to achieve this mission.<sup>2</sup> Two objectives geared toward achieving the goal of improving the legal profession include “promot[ing] the highest quality legal education” and

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<sup>1</sup> *ABA Mission and Goals*, A.B.A., [http://www.americanbar.org/about\\_the\\_aba/aba-mission-goals.html](http://www.americanbar.org/about_the_aba/aba-mission-goals.html) [<https://perma.cc/J3XJ-NYEB>].

<sup>2</sup> The four goals include: (i) “serve our members”; (ii) “improve our profession”; (iii) “eliminate bias and enhance diversity”; and (iv) “advance the rule of law.” *Id.*

“promot[ing] pro bono and public service by the legal profession.”<sup>3</sup> One objective geared toward achieving the goal of advancing the rule of law includes “assur[ing] meaningful access to justice for all persons.”<sup>4</sup>

In August 2014, the ABA introduced revised standards for approval of law schools,<sup>5</sup> which will go into effect beginning with the 2016–17 academic year.<sup>6</sup> One new standard—ABA Standard 303(a)(3)—requires students to take one or more experiential courses for a total of at least six credit hours.<sup>7</sup> An experiential course is “a simulation course, a law clinic, or a field placement.”<sup>8</sup> ABA Standard 303(b) indicates that a law school curriculum “shall provide substantial opportunities to students for: (1) law clinics or field placements(s); and (2) student participation in pro bono legal services, including law-related public service activities.”<sup>9</sup>

This paper offers two recommendations for how academic law libraries can assist law schools in increasing student participation in public service activities and offer opportunities that would allow students to fulfill the experiential learning requirement. First, this paper recommends that law schools

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<sup>3</sup> The third objective aimed at improving the legal profession includes “promot[ing] competence, ethical conduct and professionalism.” *Id.*

<sup>4</sup> This objective is one of five objectives aimed at advancing the rule of law. *See id.*

<sup>5</sup> *Revised Standards for Approval of Law Schools*, A.B.A. (Aug. 2014), [http://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/council\\_reports\\_and\\_resolutions/201406\\_revised\\_standards\\_clean\\_copy.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/201406_revised_standards_clean_copy.authcheckdam.pdf) [https://perma.cc/M9FE-VXAQ].

<sup>6</sup> *Transition to and Implementation of the New Standards and Rules of Procedure for Approval of Law Schools*, A.B.A. (Aug. 13, 2014), [http://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/governancedocuments/2014\\_august\\_transition\\_and\\_implementation\\_of\\_new\\_aba\\_standards\\_and\\_rules.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/governancedocuments/2014_august_transition_and_implementation_of_new_aba_standards_and_rules.authcheckdam.pdf) [https://perma.cc/D3YQ-TCXN].

<sup>7</sup> *ABA 2015-2016 Standards and Rules of Procedure for Approval of Law Schools*, A.B.A., [http://www.americanbar.org/content/dam/aba/publications/misc/legal\\_education/Standards/2015\\_2016\\_chapter\\_3.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2015_2016_chapter_3.authcheckdam.pdf) [https://perma.cc/PJ6A-6HCA].

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

introduce a legal research clinic where the students would have the opportunity to assist members of the public who are pursuing *pro se* lawsuits. Second, this paper recommends for advanced legal research courses at law schools to integrate real-world legal problems into their curricula. Law librarians will play important roles in ensuring the successful implementation of both proposals.

The legal profession as a whole suffers from a poor public image in the United States. Many Americans believe that lawyers are dishonest and overpaid.<sup>10</sup> Additionally, within the legal profession, law school graduates are frequently criticized for lacking the professional skills required to practice law, specifically strong legal research and writing skills.<sup>11</sup> The two recommendations in this paper address these criticisms.

Whereas law libraries at public institutions are usually open to the general public, law libraries at private institutions typically are not. This paper does not recommend for all academic law libraries to open their doors to the general public because access to resources is not the same thing as access to justice and such a suggestion would meet too much resistance from private law schools. However, this paper does suggest that law libraries at both types of institutions can actively assist their law schools in increasing student participation in public service

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<sup>10</sup> Columbia Law Survey: Lawyers and the Legal Profession Condensed Survey Results, COLUM. L. SCH. (Apr. 2002), [http://www2.law.columbia.edu/news/surveys/survey\\_opinion\\_index.shtml](http://www2.law.columbia.edu/news/surveys/survey_opinion_index.shtml) [https://perma.cc/8FZH-NU8P].

<sup>11</sup> See, e.g., *White Paper: Hiring Partners Reveal New Attorney Readiness for Real World Practice*, LEXISNEXIS (2015), [http://www.lexisnexis.com/documents/pdf/20150325064926\\_large.pdf](http://www.lexisnexis.com/documents/pdf/20150325064926_large.pdf) [https://perma.cc/M8SU-VDHH] (finding that “95% of hiring partners and associates . . . believe recently graduated law students lack key practical skills at the time of hiring” and “skills that were lacking primarily consisted of writing and drafting documents, briefs and pleadings, and skills beyond basic legal research”).

activities. In facilitating access to justice in communities, both private and public law schools would benefit from the implementation of the two proposals presented in this paper because these recommendations will improve the image of law schools, help law schools better meet the educational goals set out by the new ABA standards, and better prepare law students to practice after graduation.

## I. MISSIONS OF PUBLIC ACADEMIC LAW LIBRARIES VS. PRIVATE ACADEMIC LAW LIBRARIES

In the United States, there are 84 ABA-approved public law schools<sup>12</sup> and 120 ABA-approved private law schools.<sup>13</sup> The mission statements of law libraries at public institutions differ from those at private institutions. A mission statement “articulate[s] the goals, visions, values, and strategic behavior of the institution or organization,”<sup>14</sup> and thus will influence a law library’s access policy.

### A. *Law Libraries at Private Institutions*

The mission statements of law libraries at private institutions focus primarily on serving or supporting the law school community, consisting of law faculty and law students, but may also mention serving the larger university community. For example, the mission of the law library at Yale Law School states, “The Lillian Goldman Law Library supports the rich educational and scholarly programs of Yale Law School and Yale University.”<sup>15</sup> The goals and objectives at that law library are faculty and student-oriented—one goal is to

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<sup>12</sup> *Public Law Schools, A.B.A.*, [http://www.americanbar.org/groups/legal\\_education/resources/aba\\_approved\\_law\\_schools/public\\_law\\_schools.html](http://www.americanbar.org/groups/legal_education/resources/aba_approved_law_schools/public_law_schools.html) [https://perma.cc/EW8V-DJ5V].

<sup>13</sup> *Private Law Schools, A.B.A.*, [http://www.americanbar.org/groups/legal\\_education/resources/aba\\_approved\\_law\\_schools/private\\_law\\_schools.html](http://www.americanbar.org/groups/legal_education/resources/aba_approved_law_schools/private_law_schools.html) [https://perma.cc/EJ2M-E6PM].

<sup>14</sup> Virginia J. Kelsh, *The Law Library Mission Statement*, 97 L. LIBR. J., 323, 323 (2005).

<sup>15</sup> *Strategic Plan 2014-2018, YALE L. SCH. LILLIAN GOLDMAN L. LIBR.*, <http://library.law.yale.edu/strategic-plan-2014-2018> [https://perma.cc/78XU-JDLY].

“provide highly valued, relevant services to our faculty and students,” while another is to “collect quality resources that meet the needs of current faculty and students, as well as future generations of scholars.”<sup>16</sup>

Similarly, Harvard Law School Library asserts that its mission is “to support the research and curricular needs of its faculty and students by providing a superb collection of legal materials and by offering the highest possible level of service.”<sup>17</sup> Faculty and students are clearly the law library’s first priority, but the law library also welcomes other members in the Harvard community—the mission of the Harvard Law Library continues with the following: “To the extent consistent with its mission, the Library supports the research needs of the greater Harvard community as well as scholars from outside the Harvard community requiring access to its unique collections.”<sup>18</sup> Harvard Law Library is only intended for use by those who are members of the Harvard Law School community or Harvard University community, not members of the general public.

Law libraries at other private law schools not among the most elite law schools in the nation have similar mission statements. For example, at Tulane University Law School, which is ranked 50th by *U.S. News & World Report*,<sup>19</sup> the law library’s website indicates, “The Library’s primary mission is to serve the educational and research needs of the faculty, students and staff of Tulane University Law School,” but adds that “[t]o the extent possible, the Tulane Law

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<sup>16</sup> *Id.*

<sup>17</sup> *Harvard Law School Library Mission*, HARV. L. SCH., <http://hls.harvard.edu/library/about-the-library/harvard-law-school-library-mission> [<https://perma.cc/H33B-6NFC>].

<sup>18</sup> *Id.*

<sup>19</sup> *Best Law Schools*, U.S. NEWS & WORLD REPORT, <http://grad-schools.usnews.rankingsandreviews.com/best-graduate-schools/top-law-schools/law-rankings> [<https://perma.cc/BTD9-ETKC>].

Library also supports the research needs of the greater community as well as scholars from outside the Tulane community.”<sup>20</sup>

### ***B. Law Libraries at Public Institutions***

The mission statements of law libraries at public law schools generally prioritize serving or supporting faculty and students within the law school community first, but these mission statements also typically mention members of the general public. For example, the mission statement of the Gallagher Law Library at the University of Washington School of Law states:

The primary purpose of the Marian Gould Gallagher Law Library is to support the curricular and research needs of the University of Washington School of Law. The law library’s collections and services are available to the University of Washington community at large. *As a publicly supported institution, the law library makes its resources available to the general public*, including the legal, business, and academic communities of Washington State and to all libraries through cooperative agreements. Financial resources and academic priorities may limit services and materials to secondary patrons.<sup>21</sup>

The Gallagher Law Library’s mission statement makes it clear that members of the law school community are the law library’s first priority, followed by members of the University of Washington community. Unlike the mission

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<sup>20</sup> *About the Tulane Law Library*, TULANE U. L. SCH., <http://library.law.tulane.edu/screens/index.html> [<https://perma.cc/9TTC-XNA9>].

<sup>21</sup> *Law Library Mission Statement*, GALLAGHER L. LIBR., <https://lib.law.washington.edu/dir/mission.html> [<https://perma.cc/EY39-CPAZ>] (emphasis added).

statements at private institutions, this mission statement specifically indicates that the law library is open to the general public. However, the mission statement classifies public patrons as “secondary patrons,” clearly indicating that service for law faculty and law students are the top priority of the law librarians.

As another example, the law library at the University of Iowa College of Law indicates that it has “three central missions.”<sup>22</sup> The first mission refers to supporting scholarship and teaching in the law school, the second mission refers to providing materials necessary to support the research and teaching activities occurring in the greater University of Iowa community, and the third mission refers to serving “the legal research needs of Iowa government officials, the Iowa legal profession, and the Iowa general public for legal information resources not otherwise available to them.”<sup>23</sup> Although not quite as explicit as the mission at the law library at the University of Washington, the order of these missions allude to levels of services offered by the library.

## **II. ACCESS POLICIES AT LAW LIBRARIES AT THE TOP 25 LAW SCHOOLS**

Access to legal materials is not the same thing as meaningful access to justice. However, access to legal materials is a necessary first step if one hopes to ever achieve access to justice. This section examines the access policies of law libraries at the top 25 law schools.<sup>24</sup> Table 1 illustrates each law school is a public or private institution, and whether the law library at that law school is open to the general public.

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<sup>22</sup> *About Us*, U. IOWA L. LIBR., <http://library.law.uiowa.edu/about-us> [<https://perma.cc/94YC-6F3E>].

<sup>23</sup> *Id.*

<sup>24</sup> *Best Law Schools*, *supra* note 19.

**Table 1: Law Library Access Policies at the Top 25 Law Schools**

<b>Rank</b>	<b>Law School</b>	<b>Public or Private Institution?</b>	<b>Law Library Open to the General Public?</b>
1	Yale Law School	Private	No
2	Stanford Law School	Private	No
2	Harvard Law School	Private	No
4	Columbia Law School	Private	No
4	University of Chicago Law School	Private	No
6	New York University School of Law	Private	No
7	University of Pennsylvania Law School	Private	No
8	UC Berkeley School of Law	Public	Yes
8	University of Michigan Law School	Public	Yes
8	University of Virginia School of Law	Public	Yes
11	Duke University School of Law	Private	Yes
12	Northwestern Pritzker School of Law	Private	No
13	Cornell Law School	Private	Yes
14	Georgetown University Law Center	Private	No
15	University of Texas at Austin School of Law	Public	Yes
16	Vanderbilt University Law School	Private	Yes
17	UCLA School of Law	Public	No
18	Washington University School of Law	Private	No
19	USC Gould School of Law	Private	No
20	Boston University School of Law	Private	No
20	University of Iowa College of Law	Public	Yes
22	Emory University School of Law	Private	No
22	University of Minnesota Law School	Public	Yes
22	Notre Dame Law School	Private	Yes
25	Arizona State Sandra Day O'Connor College of Law	Public	Yes
25	George Washington University Law School	Private	No
25	Indiana University Maurer School of Law	Public	Yes

### ***A. Methodology***

Table 1 lists 27 law schools instead of 25 law schools because three schools were tied for 25th place in the rankings, so all three of those schools were included in the table. The order of the list is based on the *2017 U.S. News & World Report Best Law Schools* rankings. The table was compiled in April and May 2016, so the access policies at these law libraries may have been revised since data for this table were collected. Data were collected by visiting each law

library's website to check its access policy. If the access policy was not entirely clear or not posted online, the access services librarian at that law library was contacted to obtain clarification.

In the last column of Table 1, the "general public" refers to anyone who is not a student or faculty member at the law school or its parent institution, a member of the bar, a student with a valid student ID from another law school or from a school with which the law school has a reciprocal agreement, or anyone who is required to obtain prior permission to enter the law library. In other words, "open to the general public" means that the law library allows anyone to walk inside, even if the hours when the law library is open to everyone are more restricted than the hours available for law students and faculty to use the library. For instance, many law libraries are open to the general public during normal business hours on Monday through Friday, but are open only to law students and law faculty outside of those normal business hours.

To illustrate, two examples of law libraries that were coded as open to the general public are the law libraries at the University of Michigan Law School and the University of Virginia School of Law. The access policy for the law library at the University of Michigan Law School states, "The Law Library's collections, services and policies are primarily designed to benefit Law School faculty, students, staff and scholars in the Law School's research scholar program. The Law Library also welcomes others who need to conduct legal research, including University of Michigan faculty, staff and students, as well as attorneys,

researchers *and the public*.”<sup>25</sup> Similarly, the access policy at the law library at the University of Virginia School of Law states, “The Law Library is open to the University community *as well as the general public*.”<sup>26</sup> Thus, these law libraries were coded as open to the general public.

In contrast, the law libraries at Boston University School of Law and at George Washington University Law School illustrates law libraries that were coded as not open to the general public. Boston University’s access policy states, “The BU School of Law Libraries are open to all Boston University students, faculty, staff, and alumni until 8pm. The Law Complex has a card swipe entry system in place from 8pm to 11pm for the law school community.”<sup>27</sup> Similarly, the access policy at the Jacob Burns Law Library at George Washington University Law School indicates that the law library is reserved for the use by four groups of people: (1) faculty, students, and staff of the law school; (2) faculty, students, and staff of the George Washington University “who need to use the library for legal research”; (3) alumni of the law school; and (4) friends of the Jacob Burns Law Library.<sup>28</sup> Because a public patron who is not a part of one of the designated groups of individuals cannot enter these libraries to look at the

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<sup>25</sup> *About Us*, U. MICH. L. SCH., <http://www.law.umich.edu/library/info/about/Pages/default.aspx> [https://perma.cc/F344-AU2Y] (emphasis added).

<sup>26</sup> *Use the Library*, U. VA. SCH. L., <http://libguides.law.virginia.edu/c.php?g=39989&p=260952> [https://perma.cc/6SSD-PXVX] (emphasis added).

<sup>27</sup> *Access Policy*, BOSTON U. SCH. L. LIBR., <http://www.bu.edu/lawlibrary/about/access.html> [https://perma.cc/Q49Y-WYXG]. Other individuals outside of the Boston University community who request prior permission for access may also be admitted—the access policy designates these individuals as researchers or current students, faculty, or staff from other colleges and universities in the Boston Library Consortium or the New England Law Library Consortium—but not members of the general public who do not fall in any of the aforementioned categories. *Id.*

<sup>28</sup> *Visitor Information & Access Policy*, GEO. WASH. L., <https://www.law.gwu.edu/visitor-information-access-policy> [https://perma.cc/6E9S-NQUE].

legal resources available inside, these law libraries were coded as not open to the general public.

Law libraries—even those at private institutions—that are participants in the Federal Depository Library Program must allow members of the general public to access the government collections.<sup>29</sup> Law libraries are generally selective depository libraries. Whereas regional depository libraries “agree to receive all publications made available to federal depository libraries and retain them permanently,” selective depository libraries “may receive only those publications they wish to add to their collections.”<sup>30</sup> Although “[d]epository libraries must provide free access to FDLP information resources in all formats to any member of the general public without any impediments,” libraries are still permitted to impose “[s]ecurity measure to protect library users, staff, and collections” and are still permitted to “establish different privileges for primary and non-primary library users.”<sup>31</sup> Although several librarians have expressed that participation in the depository program creates a public right of access to an academic library,<sup>32</sup> others have interpreted this requirement as creating a public

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<sup>29</sup> *Federal Depository Libraries*, FED. DEPOSITORY LIBR. PROGRAM (Dec. 18, 2014), <http://www.fdlp.gov/about-the-fdlp/federal-depository-libraries> [<https://perma.cc/7PJJ-RF9N>] (“Federal depository libraries must offer free, public access to their Federal collections, even if the depository library is part of a private academic institution.”).

<sup>30</sup> Patrick Ragains, *Fixing the Federal Depository Library Program*, AM. LIBR. MAG. (Apr. 16, 2010), <https://americanlibrariesmagazine.org/2010/04/16/fixing-the-federal-depository-library-program/> [<https://perma.cc/52QE-4T5F>].

<sup>31</sup> *Legal Requirements & Program Regulations of the Federal Depository Library Program*, FED. DEPOSITORY LIBR. PROGRAM 6–7 (June 2011), <http://www.fdlp.gov/file-repository/depository-administration/1984-legal-requirements-and-program-regulations-of-the-federal-depository-library-program/file> [<https://perma.cc/XD72-5VUN>].

<sup>32</sup> Amy Kaufman, *A Different Question of Open Access: Is There a Public Access Right to Academic Libraries in the United States and Canada?*, 103 L. LIBR. J. 379, 380 (2011); see Elizabeth M. McKenzie, Elizabeth Gemellaro & Caroline Walters, *Leaving Paradise: Dropping Out of the Federal Depository Library Program*, 92 L. LIBR. J. 305, 306–07 (2000) (citing public access as one rationale behind the decision for Suffolk University Law Library to leave the

right to access only the government collections within an academic library, *not* a right to access the entire library.

Law libraries that are selective depositories are required to allow the general public to access their federal government information collections for free.<sup>33</sup> However, several of these law libraries permit members of the general public to enter the library to use materials in the government documents collection only (and no other resources),<sup>34</sup> or even require members of the general public to set up an appointment to use materials in the government documents collection in advance.<sup>35</sup> Law libraries that only allow public patrons to use materials that are part of the Federal Depository Library Program and no other materials in the law library collections were coded as not open to the general public.

### ***B. Analysis***

Of the 27 schools listed in Table 1, eighteen are private institutions, while nine are public institutions. As expected, law schools that are private institutions generally have law libraries that are not open to the general public: fourteen of the

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Federal Depository Library Program).

<sup>33</sup> *Federal Depository Library Program*, U.S. GOV'T PUB. OFF., <https://www.gpo.gov/libraries/> [<https://perma.cc/X9A2-47YZ>].

<sup>34</sup> For example, the website for the MacMillan Law Library at Emory Law School states, "Members of the public may do research in our government documents collection only." *Using the Library*, EMORY L., <http://library.law.emory.edu/about-the-library/using-the-library.html> [<https://perma.cc/8L65-24H9>]. Beyond this exception for the general public to view government documents, the only other groups of people allowed in the law library include "Emory faculty, staff, students, alumni and healthcare employees as well as members of the local legal community (Bar members and firm employees) or visitors who have made prior arrangements for their research." *Id.*

<sup>35</sup> For example, at the law library at Northwestern Pritzker School of Law, the access policy indicates, "Patrons needing to use the library's government documents depository collection may be admitted by appointment only, from 9:00 a.m. to 6:00 p.m. Monday through Thursday or 9:00 a.m. to 5:00 p.m. Friday, provided they present a photo ID and register at the circulation desk (depository visitors must restrict their use of the library to the government depository collection)." *Access*, NW. L. PRITZKER LEGAL RES. CTR., <http://www.law.northwestern.edu/library/services/access/> [<https://perma.cc/B8XF-ZPHT>].

eighteen law libraries at private institutions are closed to members of the general public. Meanwhile, law schools that are public institutions generally have law libraries that are open to the general public: eight of the nine law libraries at public institutions welcome members of the general public.

## 1. Law Libraries at Private Institutions Open to the General Public

Four of the law libraries at private institutions listed in Table 1 are open to the general public, breaking the general pattern. These law libraries include the law libraries at Cornell,<sup>36</sup> Duke,<sup>37</sup> Notre Dame,<sup>38</sup> and Vanderbilt.<sup>39</sup> All four of these law libraries are open to the general public during ordinary business hours on Monday through Friday, but are restricted only to the law school community

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<sup>36</sup> *Policies*, CORNELL U. L. SCH., <https://law.library.cornell.edu/about/policies> [<https://perma.cc/3KFC-BW44>] (“The Cornell Law Library serves the education and research needs of its students, faculty, and staff. Visitors with research needs are allowed to use the library’s collections, providing use does not conflict with its primary responsibility to members of the Cornell community. . . . Reference assistance is available to the general public during our regular reference desk hours.”); *After Hours Policy*, CORNELL U. L. SCH., <https://law.library.cornell.edu/about/policies/afterhours> [<https://perma.cc/9SLZ-VJKX>] (“The law library is open to all Cornell University students and the public. Access to the law library after hours however is restricted to the law student community. Law library staff circulates at closing to ensure only faculty and members of the law student community remain.”).

<sup>37</sup> *Hours & Directions*, DUKE L., <https://law.duke.edu/lib/hours/> [<https://perma.cc/XB8T-4NXJ>] (“The Duke Law community enjoys 24-hour access to the Law School and Goodson Law Library with a current DukeCard. Current members of the Duke University community may access the library during service desk staffing hours. A DukeCard will be required for entrance to the Law School building after 5:00 p.m. on weekdays and on the weekend. The Duke Law School and Goodson Law Library entrances are open to the general public from 8:00 am - 5:00 pm, Monday through Friday. After these hours, *only* current Duke Law or University students, faculty, and staff are authorized to be in the Law School building; others are required to leave.”).

<sup>38</sup> *Library Hours*, NOTRE DAME L. SCH., <http://law.nd.edu/library/library-information/library-hours/> [<https://perma.cc/44UJ-76US>] (“Notre Dame Law Faculty and Law Students have 24 hour access to the collection. Policy on use of the Kresge Library by non-law patrons: The Kresge Library is a legal research facility. Its use is intended primarily for law school faculty, law students, and other members of the law school community. Non-law patrons are welcome to use the collections Monday – Friday during regular business hours 8:00 a.m. – 5:00 p.m.”).

<sup>39</sup> *Visitor Services*, VAND. JEAN & ALEXANDER HEARD LIBR., <http://www.library.vanderbilt.edu/law/visitors/> [<https://perma.cc/VM5X-JDJR>] (“The mission of the Alynne Queener Massey Law Library is to serve the research needs of the Vanderbilt Law School faculty, students, and staff. While we welcome visitors Monday through Friday between the hours of 7:00 a.m. and 6:00 p.m., access during other times is restricted. After 6:00 p.m. and on weekends, access to the Law Library is limited to Law School faculty, students, staff, and other users who have received prior authorization to be here from Law Library Administration.”).

after hours or on weekends.

The law libraries at Cornell and Vanderbilt are not organizationally separate in their relationship to other university libraries on campus, but instead are organized within the university library system. These law libraries are open to the general public because they adhere to policies established by the university libraries.

Geographical locations of law libraries may affect whether they are open to the general public. One common argument in favor of a public access right to academic libraries is that “[i]n a democratic state, academic libraries, which possess some of the greatest resources in the land, are required to be open to the public so people may educate themselves to be informed and active citizens.”<sup>40</sup> Although this paper later focuses on access policies of law libraries at the three largest metropolitan areas below, one possible explanation for why some private law libraries are open to the general public is because “[f]requently, especially in the case of rural institutions, the small regional university may be by far the most comprehensive and robust source of information available to area residents, students, and businesses.”<sup>41</sup>

Whereas a county law library in a large metropolitan area may be located merely a couple miles away from an academic law library, which would not impose a significant burden on patrons if they are required to visit this county law library instead of the academic law library, this is not the case in all areas. For instance, in North Carolina, there are no non-academic, public law libraries within

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<sup>40</sup> Kaufman, *supra* note 32, at 380.

<sup>41</sup> *C.f.* Michael Busbee, Heidi Busch & Jim Nance, *Non-affiliated Users' Access in Tennessee Academic Libraries*, 62 SE. LIBR. 3, 5 (2014).

close distance of Duke University School of Law.

The law library at Notre Dame Law School has been open to the general public for many years. Dwight King, Associate Director for Patron Services, indicated that one of the main reasons for the law library's access policy, in addition to the fact that the law library is a selective depository, is because "as a Catholic institution, we feel an obligation to help the community."<sup>42</sup>

## **2. Law Library at a Public Institution Not Open to the General Public**

The law library at one public institution—UCLA School of Law—has an access policy that does not allow members of the general public to enter the law library. Other public institutions have access policies that specifically indicate that members of the general public are welcome to visit the library only if they are conducting legal research and need to use the materials available in the library,<sup>43</sup> but UCLA is an anomaly for being closed to the general public.

The access policy for the law library at UCLA states, "The Library is not open to the general public except that members of the general public may have

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<sup>42</sup> E-mail from Dwight King, Assoc. Dir. for Patron Services, Notre Dame Kresge Law Library, to Sarah Reis (May 11, 2016, 9:40 AM PST) (on file with author).

<sup>43</sup> For example, at the law library at Arizona State University, "Anyone may enter the library after showing identification and signing in at the circulation desk *if* they will be doing legal research." E-mail from Beth DiFelice, Assoc. Dir., Ross-Blakley Law Library & Head of Public Services, to Sarah Reis (May 12, 2016, 9:17 AM PST) (on file with author); *Limited Access Policy*, ARIZ. ST. U. SANDRA DAY O'CONNOR C. L., <https://web.law.asu.edu/library/RossBlakleyLawLibrary/LibraryInformation/Policies/AccessPolicy.aspx> [<https://perma.cc/4LFP-HTPT>] ("Members of the public who wish to access the legal information collections upon display of current identification or an ASU Community Card, and upon signing the register will be admitted by the circulation desk staff.") Similarly, at the law library at Indiana University Maurer School of Law, the access policy states, "The Library is available for use by faculty and law students. It is also available to students from other units of Indiana University and *any member of the public with a need to use the collection*. However, in consideration of those with a need to use the collection, the Law Library is not available to non-law students and others as a place for general study." *About the Jerome Hall Law Library*, IND. U. MAURER SCH. L., <http://www.law.indiana.edu/lawlibrary/about/> [<https://perma.cc/X9PD-DRSG>] (emphasis added).

access to United States government documents acquired by the Law Library through its membership in the Federal Depository Library Program.”<sup>44</sup> According to Donna Gulnac, Director, Access & Information Services, the current access policy of being closed to the general public was implemented in January 2012, though the law library has historically had limited access policies that have become gradually stricter over the years.<sup>45</sup> With regard to the current policy, Ms. Gulnac states:

The Law School’s proposal to close the Law Library to the public was under consideration for more than two years, and the decision was not made quickly or without serious discussion and reflection. It was also made in consultation with the UCLA Campus Counsel to insure the changes were in keeping with University of California policies. In the end, the Law School concluded that to properly meet the research and study space needs of the UCLA Law School community and to remain in good standing with the ABA (as well as meet the legal research needs of the larger UCLA and UC student, faculty and staff community), the library could no longer allow physical access to public users.<sup>46</sup>

Even though members of the general public cannot access the physical space of the law library, the law librarians at UCLA still provide them with reference

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<sup>44</sup> *Policy and Procedure on Access to the Law Library Facility*, UCLA SCH. L., <https://www.law.ucla.edu/~/media/Files/UCLA/Law/Component%20Data/Files/Compound%20Files/LimitedAccessPolicy.ashx> [<https://perma.cc/NAU7-TNT6>].

<sup>45</sup> E-mail from Donna Gulnac, Director, Access & Information Services, UCLA School of Law Hugh & Hazel Darling Law Library, to Sarah Reis (May 10, 2016, 3:13 PM PST) (on file with author).

<sup>46</sup> *Id.*

assistance over the phone and allow them to use the document delivery service. Additionally, the law library is committed “to pursu[ing] campus-wide licenses for all of our legal databases so that public users can access those databases from anywhere on campus”—public users can already access databases including Lexis, HeinOnline, and Nolo Press from anywhere on campus. The law library is also working with the law school’s clinical program to compile a comprehensive research guide geared toward members of the general public about finding a lawyer and legal aid. Ms. Gulnac notes, “Our experience [is] that by providing a combination of phone assistance, access to online legal databases, and copies of our print materials, we are able to meet most of the needs of our public users.”<sup>47</sup> The law library at UCLA is a good example for how law libraries can strike a balance between meaningfully assisting the general public and responding to the demands or concerns of the law school community. Although the physical space is not open to the general public, it is clear that the law library is committed to serving the general public, and goes beyond merely providing access to legal resources.

Some people assert that “[t]he public nature of public universities creates a right of public access to the university library,” an argument that “may also be framed as a taxpayer’s right to use services partially or substantially funded by taxes.”<sup>48</sup> In recent years, public law schools have shifted toward self-sufficiency financial models,<sup>49</sup> even though many of these public law schools still articulate

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<sup>47</sup> *Id.*

<sup>48</sup> Kaufman, *supra* note 32, at 380.

<sup>49</sup> Connie Lenz, *The Public Mission of the Public Law School Library*, 105 L. LIBR. J. 31, 32 (2013) (“While the degree to which public law schools now rely on state funding varies, many

public missions.<sup>50</sup> As demonstrated with the evolution of UCLA’s access policy, “[g]iven the increased demands from their faculty and students, public academic law libraries must curtail some of the services historically available to external constituencies.”<sup>51</sup> This is an exciting time for law libraries to develop new, creative solutions for assisting members of the general public that go beyond welcoming them into the library’s physical space.

### III. ACCESS POLICIES AT LAW LIBRARIES IN THE THREE LARGEST METROPOLITAN AREAS

This section examines the access policies of academic law libraries at the three cities with the largest populations in the United States. Members of the general public are shut out of academic law libraries located within New York City and Los Angeles, but fare slightly better in Chicago.

#### A. *New York City*

The 2010 U.S. Census indicated that New York City had a population of 8,175,133.<sup>52</sup> All five of the law schools located in New York City are private institutions, and none of their law libraries are open to the general public. A report issued November 2015 by the Permanent Commission on Access to Justice noted that “more than 1.8 million litigants attempted to navigate the civil justice system without counsel last year” in the state of New York.<sup>53</sup> In New York City, the

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have seen dramatic changes in the balance between their funding from state appropriations and from other sources of revenue. The University of Virginia and the University of Michigan Law school were the first to transition toward self-sufficiency. . . . This new financial model is often referred to as ‘privatization’ or ‘quasi-privatization.’”)

<sup>50</sup> *Id.* at 33.

<sup>51</sup> Lenz, *supra* note 49, at 49.

<sup>52</sup> *New York City, New York*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/table/PST045215/3651000> [<https://perma.cc/EHW2-DHB9>].

<sup>53</sup> PERMANENT COMMISSION ON ACCESS TO JUSTICE, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK 24 (Nov. 2015),

report notes that “91% of petitioners and 92% of respondents are unrepresented in child support matters in Family Court,” “96% of defendants are unrepresented in consumer credit cases,” and “99% of tenants were unrepresented in Housing Court in New York City in 2014.”<sup>54</sup>

**Table 2: Access Policies at Academic Law Libraries Located in New York City**

Law School	Public or Private?	Law Library Open to the General Public?
Benjamin N. Cardozo School of Law	Private	No
Columbia Law School	Private	No
Fordham University School of Law	Private	No
New York Law School	Private	No
New York University School of Law	Private	No

The access policy at the law library at New York University School of Law specifically states, “The Law Library is not open to the general public. Pro Se patrons do not have access to the Law Library.”<sup>55</sup> However, the law library offers a research guide about law collections in Manhattan that are open to the general public on its website,<sup>56</sup> and provides contact information for lawyer referrals in the New York City metropolitan area.<sup>57</sup> Similarly, the law library at New York Law School states, “As a private institution New York Law School is not open to the public. While you are welcome to all the information available on our website, our reference services are restricted to the members of the law school

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[https://www.nycourts.gov/accesstojusticecommission/PDF/2015\\_Access\\_to\\_Justice-Report-V5.pdf](https://www.nycourts.gov/accesstojusticecommission/PDF/2015_Access_to_Justice-Report-V5.pdf) [<https://perma.cc/658H-85M3>].

<sup>54</sup> *Id.*

<sup>55</sup> *Access: Using the Law Library*, N.Y.U. L., <http://www.law.nyu.edu/library/generalinformation/access#General%20Public> [<https://perma.cc/N4V9-TDJD>].

<sup>56</sup> *Law Collections in Manhattan*, N.Y.U. L. (June 20, 2012), <http://www.law.nyu.edu/library/research/researchguides/lawcollectionsinmanhattan/> [<https://perma.cc/TLH9-VA9S>].

<sup>57</sup> *New York Metropolitan Area Lawyer Referral Services*, N.Y.U. L. (Aug. 16, 2007), <http://www.law.nyu.edu/library/research/researchguides/metropolitanarealegalreferralservices/> [<https://perma.cc/Y2R5-SY3W>].

community.”<sup>58</sup> The law library’s website includes links to lists of resources compiled by the New York Public Library, the New York Courts, and the New York State Unified Court System for public patrons.<sup>59</sup>

New York state law requires for each county to “have a court law library with access to the general public.”<sup>60</sup> New York City consists of five boroughs, which are also state counties: Manhattan (New York County), Bronx (Bronx County), Brooklyn (Kings County), Queens (Queens County), and Staten Island (Richmond County).<sup>61</sup> The NY County Public Access Law Library is listed as a law library located in New York, NY, but this law library does not have its own website.<sup>62</sup> Some other libraries—not law-specific libraries—contain legal materials, such as the New York Public Library and City Hall Library.<sup>63</sup> There is a significant amount of unmet legal need in New York City, and these unrepresented litigants face limited options for accessing legal resources at law libraries within the city.

### ***B. Los Angeles***

The 2010 U.S. Census indicated that Los Angeles had a population of 3,792,621.<sup>64</sup> Four law schools are located within the city of Los Angeles, only one of which is public. However, all four of the law libraries at these law schools are

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<sup>58</sup> *Public Access Law Libraries and Legal Assistance Sources*, N.Y. L. SCH., [http://www.nyls.edu/library/library-information/public\\_access\\_law\\_libraries/](http://www.nyls.edu/library/library-information/public_access_law_libraries/) [https://perma.cc/7EDW-QMD4].

<sup>59</sup> *Id.*

<sup>60</sup> *Public Access Law Libraries*, N.Y. ST. UNIFIED COURT SYS., <https://www.nycourts.gov/lawlibraries/publicaccess.shtml#N> [https://perma.cc/5SPS-HWTG].

<sup>61</sup> *New York City Counties*, CITY OF N.Y., <http://www1.nyc.gov/nyc-resources/service/2123/new-york-city-counties> [https://perma.cc/C2ZF-Y778].

<sup>62</sup> See *Public Access Law Libraries*, *supra* note 60.

<sup>63</sup> *Law Collections in Manhattan*, *supra* note 56.

<sup>64</sup> *Los Angeles City, California*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/table/PST045215/0644000,00> [https://perma.cc/P6WC-NGZQ].

closed to the general public.

**Table 3: Access Policies at Academic Law Libraries Located in Los Angeles**

Law School	Public or Private?	Law Library Open to the General Public?
Loyola Law School, Los Angeles	Private	No
Southwestern Law School	Private	No
UCLA School of Law	Public	No
USC Gould School of Law	Private	No

As described above, even though UCLA School of Law is a public law school, the law library is closed to the general public. The law library does not allow members of the general public to enter the physical space, but serves these people in other ways, such as by offering them access to certain legal databases anywhere on campus.

At Loyola Law School, Los Angeles, the only people allowed inside the law library who are not students, faculty, staff, and alumni of Loyola Law School or its parent institution, Loyola Marymount University, are “members of the legal education community, the bench and the bar.”<sup>65</sup> This policy clearly excludes *pro se* patrons. The law library indicates that “members of the general public should contact the LA Law Library for legal resources and services.”<sup>66</sup>

Access to the law library at USC Gould School of Law is limited to USC law students, faculty, staff, as well as USC non-law students who have a “demonstrable need to use the collection.”<sup>67</sup> The website indicates that “members of the general public should contact the LA Law Library for assistance with legal

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<sup>65</sup> Law students and faculty from other ABA-accredited law schools must show current law school identification upon entry, while lawyers and members of the judiciary must show a current California bar card. *Access to the Library*, LOY. L. SCH. L.A. (Oct. 17, 2014), <http://www.lls.edu/resources/library/aboutthelibrary/accesstothelibrary/> [<https://perma.cc/Y8MQ-4E2D>].

<sup>66</sup> *Id.*

<sup>67</sup> *Gabriel and Matilda Barnett Information Technology Center & The Asa V. Call Law Library*, USC GOULD SCH. L., <http://weblaw.usc.edu/library/> [<https://perma.cc/NE33-VYYS>].

research and related resources.”<sup>68</sup>

The LA Law Library is the “second largest public law library in the United States,” located in downtown Los Angeles near the Stanley Mosk Courthouse, and offers a collection of “Federal and State materials, a comprehensive California collection and one of the nation’s largest foreign and international law collections.”<sup>69</sup> Users may access Lexis Advance, Westlaw, and other legal databases, but are limited to two computer sessions per day—either one hour per session for a database session, or 20 minutes per session for an internet session.<sup>70</sup> The law library is open Monday through Friday and also on Saturdays.<sup>71</sup> The LA Law Library has one director of research and reference services and seven reference librarians.<sup>72</sup> Like in New York City, members of the general public in Los Angeles face very limited options available for accessing legal resources within the city because they are largely all referred to the LA Law Library.

### *C. Chicago*

The 2010 U.S. Census indicated that Chicago had a population of 2,695,598.<sup>73</sup> Six law schools are located in the city of Chicago, but all of them are private law schools. In the state of Illinois, there are nine law schools—the three

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<sup>68</sup> *Id.*

<sup>69</sup> *About Us*, L.A. L. LIBR., <http://www.lalawlibrary.org/index.php/about-us.html> [https://perma.cc/5FGZ-WVB3].

<sup>70</sup> *Computer Usage*, L.A. L. LIBR., <http://www.lalawlibrary.org/index.php/services-rentals/computer-usage.html> [https://perma.cc/E68K-N7HP].

<sup>71</sup> *FAQs*, L.A. L. LIBR., <http://www.lalawlibrary.org/index.php/about-us/faq.html> [https://perma.cc/L9HY-VTB2].

<sup>72</sup> *Meet the Librarians*, L.A. L. LIBR., <http://www.lalawlibrary.org/index.php/about-us/librarians.html> [https://perma.cc/P83U-G3AR].

<sup>73</sup> *Chicago City, Illinois*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/table/PST045215/1714000,3651000> [https://perma.cc/7X22-GFST].

law schools located outside of Chicago are the public law schools in the state: University of Illinois College of Law (Champaign), Northern Illinois University College of Law (DeKalb), and Southern Illinois University School of Law (Carbondale). However, even though all of the law schools in Chicago are private, the law libraries at two of these schools are open to the general public.

**Table 4: Access Policies of Academic Law Libraries Located in Chicago**

Law School	Public or Private?	Law Library Open to the General Public?
Chicago–Kent College of Law, Illinois Institute of Technology	Private	Yes
DePaul University College of Law	Private	Yes
John Marshall Law School	Private	No
Loyola University Chicago School of Law	Private	No
Northwestern Pritzker School of Law	Private	No
University of Chicago Law School	Private	No

The law library at DePaul University College of Law is open to the general public as long as visitors ring a buzzer to gain entrance, sign in, and show photo identification.<sup>74</sup> The law library at Chicago–Kent College of Law, Illinois Institute of Technology, is “generally open with free use of the full print collection to all,”<sup>75</sup> but operates under a restricted access policy during final exam periods to maximize study space for students during December and May—during these periods, the library is only open to members of the IIT community and law students from John Marshall and the University of Chicago as a result of reciprocal agreements.<sup>76</sup>

The law library at Northwestern Pritzker School of Law has a strict policy

<sup>74</sup> *General Access Policy*, DEPAUL U. C. L., <http://law.depaul.edu/library/about/Pages/General-Access-Policy.aspx> [https://perma.cc/35ZJ-PMDC].

<sup>75</sup> E-mail from Eric Neagle, Access Services Librarian, IIT – Chicago–Kent College of Law Library, to Sarah Reis (May 12, 2016, 7:40 AM PST) (on file with author).

<sup>76</sup> *Id.*; *Library Policies*, CHICAGO–KENT C. L. ILL. INST. TECH. <http://www.kentlaw.iit.edu/library/about-the-library/library-policies> [https://perma.cc/CQ5W-A7HV].

for entering the law library,<sup>77</sup> and callers to the reference desk are frequently referred to the Cook County Law Library.<sup>78</sup> The D'Angelo Law Library at the University of Chicago Law School offers a list of law libraries open to the general public in the Chicago area on its website,<sup>79</sup> including the Cook County Law Library.

The Cook County Law Library has one main library located in downtown Chicago and five branches in courthouses around the county, only one of which—the Criminal Court Branch—is also located within the city.<sup>80</sup> The law library is open from Monday through Friday, but access is restricted on Saturdays for “attorneys presenting a current ARDC card and current photo ID, and for litigants presenting official court papers stamped within a year and current photo ID.”<sup>81</sup> Users can access Westlaw, Lexis, HeinOnline, and other legal research databases at the library.<sup>82</sup> Members of the general public in Chicago have more options for obtaining access to legal resources compared to those in New York City and Los Angeles, whose options are primarily limited to county law libraries.

#### IV. SEATTLE CASE STUDY

Two law schools are located in Seattle: University of Washington School

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<sup>77</sup> See *Access*, *supra* note 35.

<sup>78</sup> The author of this paper worked at the Pritzker Legal Research Center as a Reference Associate during her 3L year at Northwestern University School of Law. One question frequently asked when fielding phone calls to the reference desk was, “Are you a member of the Northwestern community?” because this would determine the type of databases that could be used in providing reference assistance. The title of this paper is loosely based off of that question.

<sup>79</sup> *Other Law Libraries in the Chicago Area*, U. CHI. LIBR. – D’ANGELO L. LIBR., [http://www.lib.uchicago.edu/e/law/using/access/law\\_libraries.html](http://www.lib.uchicago.edu/e/law/using/access/law_libraries.html) [https://perma.cc/H9V6-EFKQ].

<sup>80</sup> The four other courthouses with law libraries are located in Skokie, Maywood, Bridgeview, and Markham. *Branch Law Library Locations*, COOK COUNTY GOV’T, <http://www.cookcountyil.gov/law-library/branches/> [https://perma.cc/DV9V-J4N6].

<sup>81</sup> *Law Library*, COOK COUNTY GOV’T, <http://www.cookcountyil.gov/law-library/> [https://perma.cc/XMS6-VMGT].

<sup>82</sup> *Id.*

of Law and Seattle University School of Law. The Gallagher Law Library at the University of Washington School of Law is open to members of the general public—no identification is checked at the door and anyone is welcome to come inside and use the library’s print resources as well as certain electronic resources. The law library at Seattle University School of Law is open to members of the Seattle University community, but its access policy allows members of the general public to purchase a day pass for \$5 to access the library.<sup>83</sup>

The Washington Administrative Code (WAC) contains regulations regarding access to the law library at the University of Washington.<sup>84</sup> The WAC states:

Access to the Marian Gould Gallagher Law Library is limited. Only University of Washington faculty and University of Washington law school students may use the library as a study hall (i.e., for use not related to that library’s materials). In general, the reading room is open for use by any person having need of the library’s legal materials. However, when necessary to serve the University of Washington faculty and University of Washington law school students effectively, the law librarian may restrict access to the library or any part of the library.<sup>85</sup>

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<sup>83</sup> *Access Policy*, SEATTLE U. SCH. L., <http://www.law.seattleu.edu/library/policies/access> [<https://perma.cc/P77C-RRL9>].

<sup>84</sup> WASH. ADMIN. CODE §§ 478-168-010 to 478-168-096 (2015).

<sup>85</sup> *Id.* § 478-168-070. Additionally, the Washington Administrative Code notes, “In the use of library materials, the Marian Gould Gallagher Law Library serves the students, faculty, and staff of the law school, the students, faculty, and staff of other university departments, faculty of other colleges and universities, librarians of other libraries, judges, members of the Washington bar and persons who have a degree from the law school. The law librarian has discretion to specify other groups of patrons and to set priorities of use among all groups of patrons. However, University of

Even though the WAC indicates that “[a]ll eligible library users other than University of Washington law school faculty and staff and University of Washington law school students must present identification and register at the main circulation desk upon entering and leaving the library” and that these individuals “must display a visitor’s permit on the person or at the workplace when there,”<sup>86</sup> in practice, this policy has not been enforced, at least during the 2015–16 academic year. Access to the Gallagher Law Library is thus even more unrestricted and free than what the WAC depicts.

At the Gallagher Law Library, during the academic year when classes are in session, the library is open from 8:00 am to 11:00 pm on Monday through Thursday, 8:00 am to 6:00 pm on Friday, and 11:00 am to 6:00 pm on Sunday.<sup>87</sup> Public patrons frequently visit the reference office at the Gallagher Law Library, perhaps even more so than law students and faculty members, who generally prefer to submit their research requests or questions via email.<sup>88</sup>

The Gallagher Law Library permits public patrons to submit questions electronically and receives questions from people from across the United States through the QuestionPoint system.<sup>89</sup> The responses provided to public patrons are

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Washington law school faculty and law school students have priority when other patrons need the same materials. The law librarian also has discretion to establish restrictions specific to particular library materials or a single library item.” *Id.* § 478-168-080.

<sup>86</sup> *Id.* § 478-168-096.

<sup>87</sup> *Library Hours*, GALLAGHER L. LIBR., <http://guides.lib.uw.edu/law/hours#s-lg-box-7542441> [<https://perma.cc/Y2WS-T23Z>].

<sup>88</sup> The author of this paper worked as an intern in the reference office during the 2015–16 academic year as part of the University of Washington Law Librarianship program. Much of this section about the Gallagher Law Library is based on her experiences.

<sup>89</sup> For research questions pertaining specifically to the law of other states, a standard response is: “We are an academic law library in Washington State affiliated with the University of Washington School of Law. While we field research questions from people not affiliated with the University of Washington, we do not have sufficient resources to answer research questions that do not have to do with Washington State or U.S. Federal law.”

generally much briefer than responses to questions posed by law faculty or students, and the amount of time spent answering these questions is typically much less than the amount of time spent answering questions from faculty and students. Questions from public patrons often pertain to landlord/tenant issues, divorce or child custody issues, or personal injury issues, and many of these questions cross the line into the realm of legal advice. These type of questions are answered by pointing these patrons to resources where they can find the answers themselves.<sup>90</sup> Responses to these questions typically include links to Gallagher Law Library research guides or resources available at the Washington Law Help website or the Washington State Bar Association website,<sup>91</sup> as well as referrals for where to obtain free legal assistance.<sup>92</sup>

Public patrons are permitted to access certain databases such as Lexis Academic while at the Gallagher Law Library and are free to peruse print materials such as *Washington Law Practice* or NOLO books. However, public patrons cannot access certain databases such as Lexis Advance and Westlaw due

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<sup>90</sup> A standard response to a question that solicits legal advice is: “While we cannot answer specific legal questions or provide you with legal advice, we are able to suggest resources that may help you. Here is more information about our reference service policies: <http://lib.law.washington.edu/ref/ref.html>.”

<sup>91</sup> Examples of information provided in responses include: “General information about criminal law in Washington is found here: <http://www.wsba.org/media/publications/pamphlets/criminal.htm>,” “A reliable resource for family law information in Washington state is the Washington LawHelp website, <http://www.walawhelp.org>,” “Here is a guide to finding legal forms: <http://lib.law.washington.edu/ref/pro-se3.html>,” and “For more information on Washington State law, see our guides: <http://lib.law.washington.edu/WA.html> or <http://lib.law.washington.edu/research/research.html#w>.”

<sup>92</sup> A standard response to a question that makes it clear the patron needs assistance from a lawyer or attorney is: “The King County Bar Association also provides Neighborhood Legal Clinics for King County residents (no income restrictions). More information available here: <http://www.kcba.org/pbs/NLC.aspx>. The Northwest Justice Project has a toll-free telephone service called CLEAR for eligible low-income people and seniors to obtain free legal assistance with civil legal problems. More information is available here: <http://www.nwjustice.org/what-clear>.”

to the terms set out in the licensing agreements.<sup>93</sup> When public patrons request access to one of these restricted databases, reference librarians refer them to the Public Law Library of King County, which has these legal databases available for use by the general public. The Seattle branch of the Public Law Library of King County has two computers that provide access to Westlaw and one computer that provides access to Lexis.<sup>94</sup> The library limits computer use to two hours per person per day and patrons cannot make reservations for computer use.<sup>95</sup>

The Public Law Library of King County has a branch in Seattle and a branch in Kent, Washington. The Seattle branch is located in the King County Courthouse, less than a mile from Seattle University School of Law and approximately five miles from the University of Washington School of Law. The Seattle branch at the Public Law Library of King County is open Monday through Friday from 8:00 am to 5:00 pm.<sup>96</sup> Public patrons who work full-time jobs might find it difficult to visit the county library during these hours, but they can visit the Gallagher Law Library at the University of Washington on Sundays. Member of the general public who live in Seattle are more fortunate than those who live in

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<sup>93</sup> The Westlaw User Agreement, for instance, states: “We grant you a non-exclusive, non-transferable, limited license to access Westlaw, which consists of various online information and data that may change from time to time. You may use solely for the following educational purposes. If you are registered as a student, for purposes directly related to your law school coursework (including pro bono and public service program, minimal law school paid stipend, unpaid public internships or externships that are part of your graduation requirements) or for bar preparation purposes; if you are law school personnel, for scholarly research or for student placement purposes. Any other use, including any use in connection with your employment outside of the law school and any student internship or externship where you receive remuneration of any kind, is prohibited.” *Westlaw User Agreement*, WESTLAW, <https://lscontent.westlaw.com/images/content/2012ClickwrapAll.pdf> [https://perma.cc/FC3F-RS7J].

<sup>94</sup> *Public Computers*, PUBLIC L. LIBR. KING COUNTY, <http://www.kcll.org/services/public-computers> [https://perma.cc/32KC-5HYJ].

<sup>95</sup> *Id.*

<sup>96</sup> *Seattle Library*, PUB. L. LIBR. KING COUNTY, <http://www.kcll.org/contact/seattle-library> [https://perma.cc/EG6B-KMBA].

metropolitan areas where all academic law libraries within the city are closed to the general public. Patrons in Seattle have more options for where they can go to conduct legal research.

The county library is located within the King County Courthouse and consists of one floor. At any given time, nearly half of the library users typically are members of the general public, while the other half consists of attorneys conducting legal research while at court.<sup>97</sup> The reference desk is positioned right near the entrance to the library and is highly visible, but there are no chairs for patrons to sit down by the desk, so patrons must stand when obtaining reference assistance. According to Sarah Dunaway, Assistant Law Librarian, the reference desk receives a higher volume of visitors than a reference desk at an academic law library might receive. The lack of chairs at the desk encourages briefer encounters, allowing the law librarians to accommodate more patrons, but there is a feeling of more pressure when patrons are standing by the desk. Members of the general public visit the reference desk much more than the attorneys who are using the library, but everyone who wishes to use a computer must request registration and login information from the information desk. The library has ten computers for available use by patrons, two of which provides access to Westlaw

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<sup>97</sup> This estimate and information in this section about the Public Law Library of King County is based on an interview conducted with Sarah Dunaway, Assistant Law Librarian for Reference Services, on May 4, 2016, as well as on three observations completed in May 2016. On Monday, May 9, 2016, at approximately 4:15 pm, forty-five minutes prior to closing of the library but after various offices in the courthouse have closed, there were approximately ten users in the library, two of whom were using the computers. On Tuesday, May 10, at 12:45 pm, toward the end of the lunch rush, there were approximately ten users in the library, three of whom were using the computers. On the morning of Friday, May 13, at 9:15 am, there were again approximately ten users in the library: several attorneys were working at tables or meeting in the conference room, a public patron was asking a question at the information desk, and three users who looked like members of the general public were using the computers. The busiest time of day, according to the interview with Sarah Dunaway, is generally during lunch hour because attorneys who are at the court visit the library to conduct research.

and one of which provides access to Lexis and SupportCalc, a “custom software [program] which automatically completes Washington State child support and financial declaration forms.”<sup>98</sup> Forms are commonly requested resources, but the law librarians cannot assist patrons in filling out the forms because they abide by a policy to not provide legal advice. However, these law librarians walk a much finer line regarding this distinction compared to law librarians academic law libraries. Law librarians frequently refer patrons who need legal assistance to either the Rita R. Dermody Legal Help Center<sup>99</sup> or to neighborhood clinics.

Statistics from the King County Superior Court clearly illustrate unmet legal need in the area—in 63% of general civil cases, at least one party was not represented by a lawyer, while at least one party was not represented by a lawyer in 80% of domestic or family law cases.<sup>100</sup> Additionally, “[i]n 91% of the landlord/tenant or eviction cases, only the landlord was represented by a lawyer,” while “[i]n 50% of family law cases, neither side was represented.”<sup>101</sup> The legal help center at the law library seeks to address some of this unmet need by

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<sup>98</sup> *SupportCalc*, PUB. L. LIBR. KING COUNTY, <http://www.kcll.org/databases/supportcalc> [https://perma.cc/95PN-ZBML].

<sup>99</sup> Marc Lampson, *Trends in Law Libraries: The Law Wants to Be Free*, KING COUNTY BAR ASS'N (Apr. 2016), <https://www.kcba.org/newsevents/barbulletin/BView.aspx?Month=04&Year=2016&AID=lawlib.htm> [https://perma.cc/9TBN-PFHB] (“And finally a few law libraries in the United States, including the Public Law Library of King County, are now providing actual legal assistance for patrons who are or may be representing themselves in legal proceedings. This trend has been driven by at least two developments: one, changes in statutory and ethical rules that now allow lawyers to provide limited legal assistance to individuals without committing to full-scale representation of them; and two, the enormous rise of self-represented people in legal proceedings, many of whom find their way to the law library for help.”).

<sup>100</sup> *Law Library Hires New Public Services Attorney*, PUB. L. LIBR. KING COUNTY, <http://www.kcll.org/articles/law-library-hires-new-public-services-attorney> [https://perma.cc/595L-G7XE].

<sup>101</sup> *Id.*

providing “free, limited legal assistance to the library’s patrons.”<sup>102</sup> The legal help center is managed by Marc Lampson, who serves as the library’s Public Services Attorney and whose job includes “both traditional library reference duties as well as providing limited legal assistance to those patrons who are representing themselves in legal proceedings in King County.”<sup>103</sup>

The legal help center assists patrons with finding and completing court forms, “getting information about what court rules to follow,” or “explaining how to initiate or respond to legal proceedings.”<sup>104</sup> Patrons who need legal assistance must arrive at the law library between 8:45 and 9:00 am and are assisted in an order based on a lottery. Each person is eligible for one-time assistance—the purpose of this policy is to avoid giving the appearance of attorney representation.

The Rita R. Dermody Legal Help Center is one example of how law librarians can assist unrepresented litigants who visit law libraries. Some law libraries in other states have similar self-help centers where patrons can receive both research assistance and legal assistance.<sup>105</sup> For instance, the model for the Rita R. Dermody Legal Help Center is the clinic at the Sacramento County Public Law Library. The Sacramento Civil Self-Help Center, located at the law library, “provides limited legal assistance to those without attorneys, if they have a qualifying civil case in the Sacramento County court or reside in Sacramento County.”<sup>106</sup> Although the staff of this clinic can assist patrons with simple

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<sup>102</sup> Lampson, *supra* note 99.

<sup>103</sup> *Law Library Hires New Public Services Attorney*, *supra* note 100.

<sup>104</sup> *Legal Clinics*, PUB. L. LIBR. KING COUNTY, <http://www.kcll.org/clinics> [<https://perma.cc/LLL5-NZ93>].

<sup>105</sup> *Law Library Hires New Public Services Attorney*, *supra* note 100.

<sup>106</sup> *Self-Help Resources at the Law Library*, SACRAMENTO COUNTY PUB. L. LIBR., <http://saclaw.org/self-help/> [<https://perma.cc/LUV7-GVFW>].

complaints for or answers to breach of contract or personal injury and property damage, enforcement of judgment, or oppositions to civil forfeitures, the staff cannot assist patrons with landlord/tenant issues, family law, criminal law, employment law, or medical, dental, or legal malpractice problems.<sup>107</sup>

Even though public patrons in Seattle have more options about which law libraries to visit when conducting legal research compared public patrons in other cities, so the county law library does not receive visits from all of these patrons, the Public Law Library of King County still faces resource shortage and budget problems. The law library's website hints at how the law library does not have enough staff to adequately accommodate all of the legal research needs of their patrons by noting, "The Public Law Library has temporarily suspended classes due to a staffing shortage."<sup>108</sup>

## V. LAW LIBRARY SERVICES

Law librarians are permitted to provide legal reference, but not legal advice.<sup>109</sup> Not all academic law librarians are members of the bar, and most states forbid those who do not have a law license from practicing law. For example, the California Business & Professions Code states, "No person shall practice law in

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<sup>107</sup> *CSHC Services: Issues We Can and Cannot Assist With*, SACRAMENTO COUNTY PUB. L. LIBR., <http://sacslaw.org/self-help/civil-self-help-center/cshc-services/> [<https://perma.cc/8V8A-R2F2>].

<sup>108</sup> In March 2016, the website indicated that the library "anticipate[s] resuming our class schedule in April 2016." However, when checked again in May 2016, the language regarding when classes were anticipated to resume again was removed from the website, which instead stated, "We will update this page when we have definitive class dates." *Upcoming Class Sessions*, PUB. L. LIBR. KING COUNTY, <http://www.kell.org/class-sessions> [<https://perma.cc/2S44-QG9W> and <https://perma.cc/N8X7-A9RL>].

<sup>109</sup> *Chapter 4: Legal Reference vs. Legal Advice*, AM ASS'N L. LIBR., <http://www.aallnet.org/chapter/scall/locating/ch4.pdf> [<https://perma.cc/EQG6-9T4K>].

California unless the person is an active member of the State Bar.”<sup>110</sup> Even if a law librarian is a member of the bar in the state where he or she works, he or she generally cannot provide legal advice in his or her capacity as a law librarian because academic law libraries have policies against providing legal advice for liability reasons.<sup>111</sup> Whereas legal reference activities consist of “recommend[ing] books and other sources, teach[ing] legal research techniques, and help[ing] in constructing searches,” legal advice consists of “interpreting and making conclusions about the legal problem[.]”<sup>112</sup>

Existing efforts of law librarians to assist the general public through online resources should not go unrecognized. As mentioned above, numerous academic law libraries compile lists of law libraries open to the general public or lists of law clinics where public patrons can obtain free legal assistance, specifically intended for use by members of the general public. Law librarians at various schools have also created extensive, detailed research guides specifically intended for use by members of the general public. For instance, the law library at Arizona State University Sandra Day O’Connor College of Law offers a “Self-Help Guide to Legal Information”—this guide “was designed to help public patrons with legal research needs on a variety of topics,” ranging from civil rights to family law to health care to taxes.<sup>113</sup> Some public patrons may find these online resources as

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<sup>110</sup> CAL. BUS. & PROF. CODE §§ 6125–6133 (2016).

<sup>111</sup> See, e.g., *Policies on Library Use*, DUKE L., <https://law.duke.edu/lib/policies/> [<https://perma.cc/SS6H-ZXT5>] (“The reference staff cannot provide substantive advice on a legal problem, interpret legal materials for you, or explain how the law applies to your particular situation.”); *Reference Contact Information*, CORNELL U. L. SCH. L. LIBR., <https://law.library.cornell.edu/research/referencecontact> [<https://perma.cc/89PJ-4E5B>] (“While the librarians can assist with research questions, they cannot give legal advice.”).

<sup>112</sup> *Chapter 4: Legal Reference vs. Legal Advice*, *supra* note 109, at 48.

<sup>113</sup> *Self-Help Guide to Legal Information*, ARIZ. ST. U. SANDRA DAY O’CONNOR C. L.,

convenient sources of information and as adequate substitutes to coming the law library to stop by the reference desk, but many other public patrons desire in-person or one-on-one attention.

Although some academic law libraries that are open to the general public offer reference assistance to public patrons, their main service priorities are addressing the needs of students and faculty members. Due to limited staff and resources, law librarians may only have the time to direct public patrons to certain sources for self-help, such as the NOLO series, deskbooks, or websites like WashingtonLawHelp.org, instead of being able to spend a significant amount of time assisting public patrons with their research questions. On the other hand, because public patrons are frequent visitors of the reference desk, the time that law librarians spend assisting these patrons in the aggregate may distract from the time they have to provide faculty members with more in-depth, analytical responses to reference requests.

Access to legal materials is not the same thing as access to justice, which is why this paper does not recommend for all law libraries to merely open their doors to the general public as the solution to address the problem of unmet legal needs. Indeed, some collections at academic law libraries may not even contain the type of materials that public patrons would need: “The public law school library’s traditional relationship with external constituencies also faces challenges as collecting policies are necessarily redefined in ways that will limit the library’s

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<https://web.law.asu.edu/library/RossBlakleyLawLibrary/ResearchNow/ResearchGuides/SelfHelpGuidetoLegalInformation.aspx> [<https://perma.cc/Z3AJ-C3D4>].

ability to serve practitioners and members of the public.”<sup>114</sup> Whereas the Gallagher Law Library collects certain types of materials specifically for public patrons, such as NOLO books or form books, other academic law libraries do not have these types of materials available in physical formats. Instead of advocating for modifying access policies, this paper focuses on alternative approaches to facilitate the provision of meaningful legal research assistance to public patrons by law librarians and law students.

Access to legal materials is recognized as a necessary prerequisite to access to justice, but access to justice extends beyond physical access to legal materials. In a 2014 report, the AALL Special Committee on Access to Justice wrote, “Access to justice includes affordable legal services; readily available legal information and forms; the ability to bring a case to trial without hiring an attorney; the unbundling of legal services; fair treatment and equality in the justice system regardless of social standing; and confidence that the outcome will be fair and just.”<sup>115</sup>

## **VI. ABA STANDARDS 303 AND 304**

ABA Standards 303 and 304, which revise the law school curriculum requirements by adding an experiential learning requirement, are set to go into effect beginning with the 2016–17 academic year.<sup>116</sup> The new ABA Standard 303(a)(3) “changed the ‘other professional skills requirement’ of former Standard

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<sup>114</sup> Lenz, *supra* note 49, at 50.

<sup>115</sup> *Law Libraries and Access to Justice: A Report of the American Association of Law Libraries Special Committee on Access to Justice*, AM. ASS’N L. LIBR. 5 (July 2014), <http://www.aallnet.org/mm/Publications/products/atjwhitepaper.pdf> [https://perma.cc/HM59-2TJX].

<sup>116</sup> *Transition to and Implementation of the New Standards and Rules of Procedure for Approval of Law Schools*, *supra* note 6.

302(a)(4).”<sup>117</sup> ABA Standard 303(a)(3) mandates that a law school curriculum requires, among other things, for students to complete at least six credit hours in one or more experiential courses.<sup>118</sup> An experiential course must be “primarily experiential in nature” and must “(i) integrate doctrine, theory, skills, and legal ethics, and engage students in performance of one or more of the professional skills identified in Standard 302; (ii) develop the concepts underlying the professional skills being taught; (iii) provide multiple opportunities for performance; and (iv) provide opportunities for self-evaluation.”<sup>119</sup>

Experiential courses include simulation courses, law clinics, and field placements,<sup>120</sup> which are defined in ABA Standards 304 and 305. A simulation course, according to ABA Standard 304(a), is a course that “provides substantial experience not involving an actual client, that . . . is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks in a set of facts and circumstances devised or adopted by a faculty member.”<sup>121</sup> In contrast, a law clinic, according to ABA Standard 304(b), “provides substantial lawyering experience that . . . involves advising or representing one or more actual clients or serving as a third-party neutral.”<sup>122</sup>

Both simulation courses and law clinics must fulfill the same three requirements:

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<sup>117</sup> *Managing Director’s Guidance Memo: Standards 303(a)(3), 303(b), and 304*, A.B.A. (Mar. 2015), [http://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/governancedocuments/2015\\_standards\\_303\\_304\\_experiential\\_course\\_requirement\\_.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/governancedocuments/2015_standards_303_304_experiential_course_requirement_.authcheckdam.pdf) [https://perma.cc/SNY3-BSYW].

<sup>118</sup> *ABA 2015-2016 Standards and Rules of Procedure for Approval of Law Schools*, *supra* note 7.

<sup>119</sup> *Id.*

<sup>120</sup> *Id.*

<sup>121</sup> *Id.*

<sup>122</sup> *Id.*

“(i) direct supervision of the student’s performance by a faculty member; (ii) opportunities for performance, feedback from a faculty member, and self-evaluation; and (iii) a classroom instructional component.”<sup>123</sup>

ABA Standard 303(b) indicates that a law school must “provide substantial opportunities to students for: (1) law clinics or field placement(s); and (2) student participation in pro bono legal services, including law-related public service activities.”<sup>124</sup> Interpretation 303-3 notes that “Rule 6.1 of the ABA Model Rules of Professional Conduct encourages lawyers to provide pro bono legal services primarily to persons of limited means or to organizations that serve such persons” and mentions that “law schools are encouraged to promote opportunities for law student pro bono service that incorporate the priorities established in Model Rule 6.1.”<sup>125</sup> Interpretation 303-4 provides examples of law-related public service activities.<sup>126</sup> The proposals in the following sections are aimed at addressing these new standards. Both proposals seek to meet the requirements of ABA Standard 303 and 304, thereby qualifying as experiential courses.

## VII. PROPOSED LEGAL RESEARCH CLINICS

Students at both public and private law schools can receive hands-on legal experience in specific areas of law by participating in a law clinic. For instance, Stanford Law School offers eleven clinics—some examples include the Criminal

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<sup>123</sup> *Id.*

<sup>124</sup> *Id.*

<sup>125</sup> *Id.*

<sup>126</sup> Examples include “(i) helping groups or organizations seeking to secure or protect civil rights, civil liberties, or public rights; (ii) helping charitable, religious, civic, community, governmental, and educational organizations not able to afford legal representation; (iii) participating in activities providing information about justice, the law or the legal system to those who might not otherwise have such information; and (iv) engaging in activities to enhance the capacity of the law and legal institutions to do justice.” *Id.*

Defense Clinic, Environmental Law Clinic, Immigrants' Rights Clinic, and Supreme Court Litigation Clinic.<sup>127</sup> Outside callers to reference desks at academic law libraries often ask the reference librarians if the law school has a clinic where they can receive legal assistance. Generally, clinics have very specific intake policies or application processes, so law librarians do not transfer these patrons to the clinics at the law school, but instead may refer them to free legal aid clinics located nearby.

This paper proposes for law schools to add a legal research clinic where law students are given the opportunity to assist members of the general public with legal research questions. This clinic would help reduce the amount of unmet legal need in the community and would help develop law students' professional skills in interesting, engaging ways.

Law librarians at many law schools currently provide support to clinics, and recent job postings indicate that law libraries are seeking librarians to specifically serve as liaisons with the clinics.<sup>128</sup> With a legal research clinic, law librarians would have an important role in training the students and overseeing their work. But the existence of a legal research clinic would ease the burden on law librarians in other ways by reducing how many public patrons come to the

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<sup>127</sup> *Clinics Offered*, STAN. L. SCH., <https://law.stanford.edu/mills-legal-clinic/clinics-offered/> [<https://perma.cc/MX4K-KZ6B>].

<sup>128</sup> For instance, in April 2016, the Pritzker Legal Research Center at Northwestern Pritzker School of Law posted a job opening for a Clinical Services Law Librarian, who is responsible for “providing dynamic and proactive research, teaching, and reference support to the Bluhm Legal Clinic's faculty, students and staff.” *Clinical Services Law Librarian, Northwestern University*, AM. ASS'N L. LIBR., <http://careers.aallnet.org/jobs/8110594/clinical-services-law-librarian> [<https://perma.cc/CQ42-6Q6X>]. The job description states, “With both live-client and simulation programs, the Clinic [is] an important part of the experiential learning opportunities and obligations that are a critical and required part of a student's legal education, while providing a valuable and critical service to under-served members of society.” *Id.*

reference desk (at law libraries that are open to the public). A legal research clinic would also improve the law school's and legal profession's image because members of the community would begin to see the law school as a place that is interested in engaging with the community rather than as an elitist, closed-off institution.

Some law schools already engage in access to justice initiatives and offer clinics geared toward facilitating access to justice. Cornell University Law School, operates a clinic similar to what is being proposed in this paper with the Cornell Legal Research Clinic.<sup>129</sup> The clinic welcomes research questions from local nonprofit and legal aid offices, and these research questions are answered by law students under the guidance of an attorney instructor.<sup>130</sup> The clinic's instructors are librarians at the Cornell Law Library.<sup>131</sup> The website indicates that the "clinic is ideal for the student who wants to become adept at researching, analyzing and interpreting the law, [and] exercising legal judgment and counseling clients, while being exposed to a broad range of legal topics."<sup>132</sup> The students, who receive research problems each week or every two weeks depending on the scope of the problem, answer the research questions and may suggest recommended courses of action.<sup>133</sup>

In this proposed legal research clinic similar to the Cornell Legal Research

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<sup>129</sup> *Cornell Legal Research Clinic: Clinic Home*, CORNELL U. L. SCH. L. LIBR., [https://law.library.cornell.edu/legal\\_research\\_clinic\\_about](https://law.library.cornell.edu/legal_research_clinic_about) [<https://perma.cc/2TFY-V4V5>].

<sup>130</sup> *Cornell Legal Research Clinic: Clinical Students*, CORNELL U. L. SCH. L. LIBR., [https://law.library.cornell.edu/legal\\_research\\_clinic\\_clinicians](https://law.library.cornell.edu/legal_research_clinic_clinicians) [<https://perma.cc/H3BT-EB8A>].

<sup>131</sup> Amy Emerson is the Associate Director for Administration and Access Services at the Cornell Law Library, while Margaret Ambrose is the Access & Research Services Librarian at the Cornell Law Library. *Cornell Legal Research Clinic: Instructors*, CORNELL U. L. SCH. L. LIBR., [https://law.library.cornell.edu/legal\\_research\\_clinic\\_instructors](https://law.library.cornell.edu/legal_research_clinic_instructors) [<https://perma.cc/X588-QJS4>].

<sup>132</sup> *Cornell Legal Research Clinic: Clinical Students*, *supra* note 130.

<sup>133</sup> *Id.*

Clinic, law students would assist unrepresented litigants with legal research questions. Law students would have the opportunity to conduct comprehensive, thorough legal research for members of the general public, eclipsing the level of service law librarians are generally able to offer to public patrons. One or more law librarians would be responsible for providing legal research instruction to the students prior to allowing the students to handle research questions, distributing research questions, checking over the work completed by the law students, and answering questions and responding to concerns by the students.

The most obvious challenge in implementing a legal research clinic at a law school are the resources required for starting a new clinic. For instance, the legal research clinic would require one or more law librarians to oversee it, which would take them away from other job duties or require the law school to hire an additional law librarian who would perhaps have a primary responsibility of overseeing the clinic. Another possible challenge is that ABA Standard 303(3) specifies that a “faculty member” must oversee the courses used to fulfill the experiential learning requirement. Law librarians do not have faculty status at all law schools, so it is unclear whether this proposal would only fulfill the experiential course requirement at schools where law librarians are deemed to be faculty members.

#### **VIII. PROPOSED RESTRUCTURING OF ADVANCED LEGAL RESEARCH COURSES**

Not all students are interested in participating in a clinic, but these students should still receive opportunities to practice and use their legal research skills in meaningful ways to help those who need legal assistance. This paper

proposes integrating real-world legal research problems into advanced legal research courses, transforming the course from a professional skills course into an experiential course.

In the envisioned advanced legal research course that would meet the criteria of an experiential course, one possible assignment would be for students to respond to research questions from public patrons. Law librarians at law libraries that serve the general public juggle with balancing requests from faculty members, students, and public patrons, but the level of service offered for faculty members and students is much greater than the level of service offered to public patrons. Whereas law librarians sometimes have to provide general, brief answers to questions from public patrons due to an overwhelming number of requests,<sup>134</sup> each student could take a research question from a public patron and respond to it in a significant amount of detail.

As another possible assignment, students would be responsible for preparing a comprehensive research guide to assist public patrons with researching a certain subject, such as family law, small claims, or civil procedure. At the end of the semester, the library could post these research guides on its website for members of the general public to use. Students would benefit from this assignment because they would receive the opportunity to familiarize themselves with the resources available for particular area of the law that interests them and would receive practice in writing about the law in a clear, easy-to-understand style, which will prepare them to communicate more effectively with

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<sup>134</sup> For examples of standard answers to questions from public patrons submitted to the Gallagher Law Library via QuestionPoint, *see supra* notes 89–92.

clients in the future.

For students who are interested in pursuing a career in academia and would like to obtain some experience with teaching, or for students who wish to improve their presentation skills, another possible assignment in the advanced legal research course would be for students to teach workshops to members of the general public.<sup>135</sup> The workshops could cover topics such as where to find resources on specific legal issues or provide an overview of how the court system works.

Law students would likely be much more engaged and interested in working on assignments that they know real people will rely on instead of just completing class exercises or worksheets. Working on real assignments that help real people will make the research skills learned in those classes much more memorable for students. This proposal requires a significant amount of effort from law librarians to agree to restructure their advanced legal research courses and experiment with new classroom ideas.

#### **IX. BENEFITS FOR LAW SCHOOLS, LAW STUDENTS, THE LEGAL PROFESSION, AND COMMUNITIES**

The success of both proposals depends on the willingness of law librarians to oversee a legal research clinic at the law school and to restructure advanced legal research courses. Within the law school, “[a]cademic law librarians are obvious candidates for promoting access to justice. Not only are they experts at

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<sup>135</sup> Discussions of access to legal resources and access to justice frequently arise in the context of prison law libraries. For a similar proposal involving law students teaching legal research in that context, see Emily Shepard Smith, *May It Please the Court: Law Students and Legal Research Instruction in Prison Law Libraries*, 29 *Legal Reference Servs. Q.* 276 (2010) (proposing a program where law students would teach legal research in prison law libraries).

providing access to legal information, but they are also in constant contact with students preparing to become lawyers.”<sup>136</sup> Law libraries always need to think of creative new ways highlight their value to law school administrations, and taking on the role of helping the law school meet the new ABA Standards 303 and 304 provides a great opportunity.

Both private and public law schools would benefit from adding a legal research clinic and restructuring advanced legal research courses. Not only would these proposals fulfill the experiential course requirements of ABA Standards 303 and 304, but the law school would have a valid claim that the school is committed to producing practice-ready attorneys who engage in public service activities. These proposals seek to improve the perception of both law schools and the legal profession as a whole. The legal profession suffers from an image problem—“popular culture treats lawyers with contempt,”<sup>137</sup> and many Americans believe that lawyers are both dishonest and overpaid.<sup>138</sup> The proposed legal research clinic and restructured advanced legal research courses would allow law schools that have closed access policies to their law libraries to become more actively involved in facilitating access to justice, thereby stripping away notions that law schools are elitist institutions that do not care about members of the general public.

Law students would benefit from the opportunities afforded to them by the proposed legal research clinic and restructured advanced legal research courses.

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<sup>136</sup> *Law Libraries and Access to Justice*, *supra* note 115.

<sup>137</sup> Ronald D. Rotunda, *The Legal Profession and the Public Image of Lawyers*, 23 J. LEGAL PROF. 51, 53 (1999).

<sup>138</sup> *Columbia Law Survey: Lawyers and the Legal Profession Condensed Survey Results*, *supra* note 10.

One obvious benefit is that students will have the opportunity to utilize their legal research skills in meaningful, practical ways, which will help them become more effective attorneys after graduation. Law students will also hopefully recognize the value of public service through their experiences in law school and will retain a commitment to public service throughout the rest of their careers. Students will also have the opportunity to apply what they learn in professional ethics courses to situations encountered in experiential courses—for instance, when assisting public patrons for an assignment in an advanced legal research course, students must be careful not to give the impression of an attorney–client relationship. As one scholar has noted, “[b]y prioritizing the engagement of students in public service, law schools not only encourage higher student motivation and performance, but they also support the moral, emotional, and psychological health of law students and the legal profession.”<sup>139</sup>

Finally, and perhaps most importantly, these proposals would benefit the community by providing some legal needs that are not currently being met and offering unrepresented litigants with additional options for obtaining help. These proposals do not alter the access policies at academic law libraries. The consequences of these proposals go beyond offering physical access to resources in law libraries, instead taking another step closer to facilitating access to justice.

## CONCLUSION

This paper explored the access policies of academic law libraries at the top 25 law schools and in the three largest metropolitan areas to determine whether

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<sup>139</sup> Sara K. Rankin, *The Fully Formed Lawyer: Why Law Schools Should Require Public Service to Better Prepare Students for Private Practice*, 17 CHAP. L. REV. 17, 25 (2013).

members of the general public who live near those schools or in those cities have adequate access to legal materials. In consideration of the rationales behind closed access policies, this paper concludes that having an access policy that welcomes members of the general public at a law library is a traditional means by which law library can facilitate access to justice, but other alternative options can be pursued instead. Access to legal materials is not the same thing as access to justice, so rather than proposing that all law libraries should open their doors to the general public as the solution to the problem of unmet legal needs, this paper instead proposes for law schools to offer meaningful opportunities for law students, under the guidance of law librarians, to engage in assisting members of the general public with their legal research needs.

Law librarians are the most likely candidates to oversee legal research clinics at law schools and will be responsible for transforming advanced legal research courses into experiential courses. The success of both of the proposals presented in this paper depends on the willingness of law librarians to take leadership roles in these initiatives. These proposals offer exciting new opportunities for law libraries to demonstrate their value and importance in law schools.

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