

Chapter 10

Public Services

ABSTRACT

Public Services, as the name suggests, is the most visible of the many roles of a public law librarian. Rarely does the public see the other library responsibilities such as budget, collection development, cataloging and processing materials, weeding, or staffing. Being the most visible, public service is a major part of a library's public relations and marketing process and customer service speaks volumes as to how one is perceived by library patrons. This chapter covers a wide variety of functions that fit under this category including reference, bibliographic instruction, jail services, disabled or handicapped access, circulation, and interlibrary loan.

OVERVIEW

Patrons often enter the public law library with high and unrealistic expectations. Many assume the librarian is an attorney who can help solve their legal problems or give them legal advice. Some of them may have been told by an employee in another county, municipal, state or federal department to “Go to the law library. They can help you.” Many patrons believe that every possible legal form imaginable is in a file cabinet or on the computer and all library users

want their problems resolved no matter how complex in less than five minutes because they are in a hurry. Everyone wants everything done immediately and many are not willing to wait or do the necessary work (i.e. research) themselves. Another expectation many library patrons have is that everything can be easily found on the internet with Google or Yahoo providing all answers; and numerous people, including legal professionals frequently accept the results found at the top of the search engines' results lists as gospel without first considering the source or its validity.

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To correct their expectations the first words out of the mouth of the librarian for the pro se patron should be: “I’m not an attorney and cannot give you any legal advice, but I can show you some books or websites on your topic.” The librarian’s purpose is to try to help the patron find the law without interpreting the law even when asked “what does this mean?” The reference interview may begin with the librarian restating the question. “So you are saying you need...?” Additional questions may include: “Have you checked the catalog?” “How much information do you need?” “When do you need the information?” (Is your hearing today or next month?) “Who told you that you need that particular form?” (A friend or the district clerk?) “Did you try LawHelp.org or the library’s website?” A basic question for an attorney or legal professional is: “Have you tried Westlaw® or LexisNexis®?”

REFERENCE SERVICE

Reference service begins the moment someone submits a question to a member of the library’s staff. This can occur in person when someone walks in to the library with a question or request, over the telephone or fax, via email, or using some form of social media such as Twitter®. The question or request can take any number of forms but the most common approaches include the following examples:

- I need the form for temporary custody.
- How do I probate a will?
- Where are the books on filing a law suit?
- Can you help me fill out this form?
- I need a restraining order.

What to do? Point and say “last aisle, top shelf?” The point and verbal location response is not very helpful for the majority of the library’s users. But what level of service should the library offer? Is it necessary to walk each patron to the

shelf to show him the books and explain the table of contents or index? What about pulling the form from the file cabinet and handing it to the requestor? The answer, of course, is “it depends.” The library’s level of service may be dictated by the organization’s philosophy, state/county norms or statutes, the library’s level of staffing, or how busy the library is at the time that person enters the library. A small library with only a few patrons at a time can provide more personal service than a large, very busy library where hundreds of patrons come in everyday.

If one thinks of the general reference interview as a basic form of the game “Twenty Questions,” the legal reference interview can be considered the advanced version of the same game. Frequently, the law library patron finds it difficult to put into words exactly what he needs or is seeking information on. The language barrier could be due to the need to prove a negative; a pro se’s unfamiliarity with legal and/or library terminology; discomfort with the library setting or public arena; a vague, undefined concept or issue requiring abstract thought; low educational level such as a high school dropout; poor reading skills; English as a second or third language; a mental handicap; computer illiteracy; or any number of other reasons. A legal professional may also find himself unable to adequately identify, describe or state exactly what he needs because of an issue’s complexity, abstractness or the need to either prove or disprove a negative.

The concept of proving or disproving a negative involves finding proof via case law that something does or does not exist. A search for positive law will turn up a statute or series of long established case law that states unequivocally that something is or is not lawful. For example, a search for the lawfulness of murder is a search for positive law: Murder is against the law and it can be proven by reading a specific statute and/or a large number of cases published throughout the legal history of the United States. Proving or disproving a negative, however, is much more difficult as it involves

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