

# Travis County Commissioners Court Agenda Request

Item 25



**Meeting Date:** August 7, 2012

**Prepared By/Phone Number:** Lisa Rush, Law Library, 854-9290

**Elected/Appointed Official/Dept. Head:** Steven Broberg, Director of RMCR *S. Broberg*

**Commissioners Court Sponsor:** Admin Ops Subcommittee – Judge Samuel T. Biscoe and Commissioner Margaret Gomez

## **AGENDA LANGUAGE:**

- A. Consider and take appropriate action on the Law Library's request to make permanent the consolidation of its Granger and Courthouse operations.
- B. Receive briefing and take appropriate action on Law Library's 2012 Operational Report and FY13 budget presentation

## **BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:**

Please see attached documentation titled:

- A. "Brief Report: Consolidation of Granger Law Library and Courthouse Self-Help Center."
- B. "Travis County Law Library 2012 Operational Report"

## **STAFF RECOMMENDATIONS:**

- A. Staff recommends that the Law Library consolidation be made permanent.
- B. Staff recommends that the briefing on 2012 Operational Report and FY13 budget presentation be received.

## **ISSUES AND OPPORTUNITIES:**

Please see attached documentation titled:

- A. "Brief Report: Consolidation of Granger Law Library and Courthouse Self-Help Center."
- B. "Travis County Law Library 2012 Operational Report"

## **FISCAL IMPACT AND SOURCE OF FUNDING:**

Please see attached documentation titled:

- A. "Brief Report: Consolidation of Granger Law Library and Courthouse Self-Help Center."
- B. "Travis County Law Library 2012 Operational Report"

**REQUIRED AUTHORIZATIONS:** Admin Ops Subcommittee

## **Brief Report: Consolidation of the Law Library and Courthouse Self-Help Center**

**Follow-Up to:** Tuesday, November 22, 2011 Court Session, Item #30

### **Background/Summary**

In December 2011 the Law Library initiated a six-month test of consolidating its two locations. The self-represented litigant services were moved from the smaller Courthouse Self-Help Center (SHC) and merged with the Granger Law Library.

The Law Library requested the consolidation for the following reasons and achieved these results:

<b><i>Reasons for Consolidation</i></b>	<b><i>Results After Consolidation</i></b>
At 525 square feet, room 118 was over-crowded.	At 3,650 square feet there is more room for the patrons to work in the Granger Law Library.
There was not enough room to fully serve the patrons.	Rather than leaving immediately with forms, patrons fill out their forms at the tables, giving librarians more opportunities to help them.
It was difficult to staff two locations. The Law Library used Granger staff, temporary staff, and Information Booth staff to compensate. Staff suffered stress related to the number of patrons, the hurried nature of serving the patrons in such a limited space, and the noise.	Scheduling staffing for the full business hours is easier now though the workload has not declined. Staff provides more assistance to each patron because patrons now remain in the library to work at the tables and computers. Staff still suffers from workload-related stress.

### **Staff Recommendations:**

The Law Library would like to keep its operations consolidated in the Granger Building. Staff recommends that the consolidation of the Courthouse Self-Help Center with the Granger Law Library be made permanent.

### **Issues and Opportunities:**

Consolidating the Self-Help Center into the Granger Law Library was successful in that we have more room in Granger for self-represented litigant patrons to fill out their paperwork prior to filing in court. Co-locating the staff means that the librarians can give them more assistance.

However, two new issues have emerged:

1. Self-represented litigant patrons who once would have visited the courthouse Self-Help Center to just pick up forms and leave, now remain in Granger to fill out the forms. The patrons work at the tables or use the automated forms applications on the public access computers. This is positive since it means the patrons can get more help from the librarians – one of the goals of the consolidation. The downside is that the Granger Law Library becomes crowded and noisy during parts of the day.
2. The second issue is that the attorneys who visited the Granger Law Library before the consolidation are not coming as often nor staying as long, possibly because it is noisier and the work tables are frequently occupied. The Law Library would like to find a way to bring the attorney patrons back and believes that creating an attorney-client meeting and mediation room in one of the offices that will be vacated by Media Services in August could help. Noise could be reduced if we could create a waiting area for the children and family members of self-represented litigant patrons.

After discussion of space needs with Facilities Management, their recommendation was that the Library expand into the space vacated by Records Management and Media Services. The Law Library agreed that this would be a good solution to the Library's space constraints.

By expanding into the vacated space, the Law Library will be able to provide waiting areas for the families, more table space for patrons, and mediation rooms for attorneys. The vacated space is enough to meet the Law Library's needs through 2018 per the Facilities Management master space plan.

**Fiscal Impact**

The consolidation should save \$6,500 per year as the duplicate materials in the Self-Help Center will no longer be needed.

Travis County

# Law Library Operational Report 2012

With Projections for the Next Five Years

7/30/2012

# Law Library Operational Report 2012

What the Law Library Does .....	2
Law Library Services .....	3
Program History .....	8
Revenue & Expenditure History .....	10
Law Library Structure .....	12
State of the Law Library: Issues and Opportunities .....	13
State of the Law Library: Challenges .....	14
Conclusion .....	16
Data Sources .....	17

## Introduction – What the Law Library Does

The Travis County Law Library provides legal information to the courts, the legal community, and to the litigants of Travis County.

A legal community that has access to the legal research and tools can more effectively provide the information to the courts. This is particularly important in indigent defense cases in which the appointed attorney may only have access to legal research databases because of the Law Library.

Some litigants, called “Self-Represented Litigants” (SRLs) interact with the courts without the help of an attorney. When they do, it is the job of the Law Library’s **Reference** Division to ensure that they have equal access to the forms, statutes and case law they need.

The **Technical Services** division, responsible for centralized budgeting, databases contracts, and book processing, ensures that judges receive their law books and can access online legal research databases they need. The division also supervises the Information Booth in the Heman Marion Sweatt Civil Courthouse.

The Library is often the self-represented litigant’s first point of contact with the courts. Informed, prepared litigants benefit courthouse efficiency and improve access to justice. In its ten-year history the **Self-Help Services** program has helped 30,000 litigants to complete their case through an uncontested process – saving court time that might otherwise be spent correcting errors, holding unneeded hearings, and clearing up confusion.

Lastly, the Law Library is a *connector* in the community. The Law Library connects its patrons to services (not just legal aid services) and to the courts.



### Forms = Access to the Courts

Forms are mentioned throughout this report because forms are among the most important tools provided by the Law Library.

Without forms, the litigant has little chance of presenting his or her civil case to the judge. Because so few reliable, substantively correct legal forms are drafted and sold specifically for self-represented litigant use, the Law Library reference attorneys created the forms needed for the Self-Help Services program. Over the past 10 years, these forms have become very important to litigants and county law libraries in Texas.

With the help of a grant in 2005-2006, the forms were expanded from just name change and divorce forms to occupational license and modification of child support forms and more. The Law Library publishes the forms on [www.TexasLawHelp.org](http://www.TexasLawHelp.org), a website maintained by Texas Legal Services Center (TLSC). TLSC reports that 62 % of the SRLs who download the forms earn less than \$26,000 per year.

In 2011 the forms were adopted as the model for the Supreme Court of Texas’ standardized forms initiative.

## Law Library Services

### Reference

The Law Library reference staff members assist library visitors by listening carefully to their questions and then providing information about their legal issues in print or online.

When attorneys need librarian help, it is most often with searching the legal research databases or with particularly difficult research questions. Librarians email cases and statutes to attorneys upon request.

Non-attorney litigants are called “self-represented litigants” (SRLs). Librarians help self-represented litigant (SRL) patrons understand in general terms how their issues are handled by the court. Often SRLs need both information and legal advice. Librarians refer SRLs to local bar lawyer referral service and to the legal aid clinics for legal advice.

“Helping patrons understand general legal procedure often helps them understand their legal issues. If patrons leave the library without resolving their issue, they still leave better informed about their issue, the courts, and what attorneys can do.”

- Judy Helms, Reference Supervisor

### Projection: Reference Services in 2018

In another five years Law Library will still be *the* source of legal information and forms, and its role as referral source to community resources will have expanded.

The reference librarians will continue to inform patrons about the court system but will do so with more tools. Patrons will receive information via video, in-person workshops, social media such as chat, etc. The Law Library will work to expand its information kits to include housing and consumer law and civil procedure for self-represented litigants. Reference librarians will still give patrons paper forms if they want them but will steer these patrons toward online legal forms automation programs on the patron access computers. The programs will ask patrons question and generate legal forms based on their answers.

For attorneys, the Law Library will continue to serve as a source of books but will increase access to electronic resources. Attorneys will be able to reserve mediation and conference rooms. Solo practitioners will refer their limited scope clients to the Law library to retrieve forms that the attorney will then review.

Library staff will need to develop new skill sets. A survey of other county law libraries showed that the Travis County Law Library could improve on some services, particularly those that require communication by chat or social media.

Our reference staff have  
73 years of experience

**Josie Arjona – 24 years**



**Geri Krohn – 24 Years**



**Judy Helms – 12 Years**



**Delores Harris – 12 Years**



**Sindy Torres – 1 Year**

## Law Library Services -- continued

### *Technical Services & the Information Booth*

The major duties of the Technical Services staff are to:

- maintain the public access computers,
- help patrons to use the computers,
- keep the library and judges' print collections current,
- manage the online database access for the library and the courts,
- order and pay for print and online materials for the library and the court,
- maintain the library's web page, and
- provide back-up to the reference desk.



### **Courthouse Information Booth**

The Technical Services supervisor, Melinda Ledesma, also supervises the Information Booth in the Heman Marion Sweatt Civil Courthouse. The Information Booth provides notary services and accurate directional information to visitors and callers.

The Information Booth function was transferred to the Library on October 1, 2006. The library developed reference aids and directional and information guides to give faster responses to routine visitor questions.

Staff salaries, except for the supervisor, are funded from the General Fund, not the Law Library fund.

### **Projection: Technical Services in 2018**

Over the last few years the Law Library reduced the print collection to mostly statutes and forms books. The Library supplemented the collection with robust online legal research databases. The content of the collection is unlikely to change except for the possible addition more online federal materials. If the Law Library is relocated to a new civil court house built next to the new federal courthouse, the Library will be the closest library to the federal courts.

The Law Library's patron access computers are used daily for legal research and other applications. The Law Library will expand patron access to technology by adding scanners and additional computers.

Over the next few years, patrons will use the public access computers to complete automated forms, watch how-to videos, and eFile court documents. Technical Services will provide patrons instruction on how to eFile. (eFiling is mandatory for attorneys in most civil cases but self-represented litigants can complete forms by hand on paper. At some point, SRLs will be required to eFile also.)

Technical Services publishes the Library webpage and the family law forms content on [www.TexasLawHelp.org](http://www.TexasLawHelp.org). The staff will automate the most frequently requested forms so that patrons can complete the forms online using a question-and-answer format that includes audio and video help.



## Law Library Services -- continued

### Self-Help Services

The Law Library's Self-Help Services began with a major goal: to help unrepresented litigants get *enforceable* court orders.

Child support orders demonstrate why correct, enforceable court orders are important. When a support order is drafted correctly, the judge spends less time reviewing the order. The employer receives the correct documentation needed to withhold support from the paying parent's income. The agencies that enforce child support orders can do so. The children are more likely to receive support. The litigant does not need to return to court for corrections. This results in a significant time savings for all parties.

#### It starts with a reference interview –

The reference attorneys created instruction kits that include forms to address the most common requests. When a SRL contacts the Self-Help Center -- either in person or by phone -- a law librarian conducts a reference interview to determine the SRL's issue. If the issue is one for which we have prepared kits, the law librarian then provides the forms and instructions. Otherwise the librarian refers the patron to legal aid, lawyer referral or other social service; or helps the SRLs conduct their own legal research using the Library's collection.

#### Reference Attorney Appointments

If the SRL has an uncontested family law case, either agreed or default, a librarian schedules an appointment for the SRL with an on-staff reference attorney. Before the appointment, each SRL must complete and sign an intake form. By signing the intake form the SRL acknowledges that the reference attorney cannot give legal advice and no attorney client relationship is created.

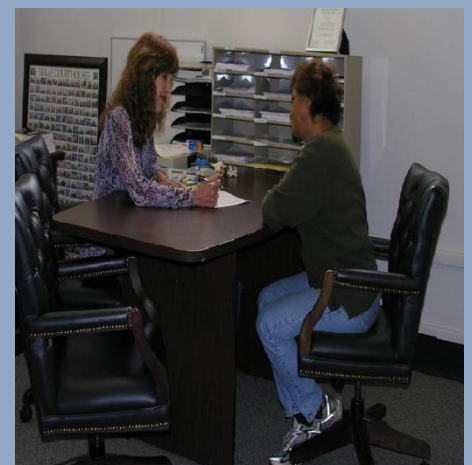
At the appointment, the reference attorney helps the SRL complete family law forms and explains the steps to complete the case. If the SRL needs legal advice or representation, the reference attorney refers them to a lawyer referral service or legal aid office. The reference attorney refers the SRL if it is determined that the case is contested or if the SRL has resources or issues that complicate the case beyond our ability to assist. For example, divorcing SRLs who need real estate documents drafted or need to divide retirement plans are referred to a lawyer referral service.

Reference attorney appointments, available in both English and Spanish, last between 20 and 60 minutes, depending upon if children are involved in the case. **There is generally a month wait for an appointment.** The Library decreased the wait to 8 days this summer by hiring a temp reference attorney to work 10 hours a week.

**29,9502 =**

Patrons helped directly by  
the reference attorneys since  
2002.

29 % in appointments  
71 % at Uncontested Docket



## Reference Attorney at Uncontested Docket

In addition to appointments, a reference attorney attends the Civil District Courts' twice daily uncontested docket. At docket, the reference attorney reviews the court file, pleadings, and proposed orders of all self-represented family law litigants.

If the SRL is ready to present their case to the judge, the reference attorney attaches a checklist to the paperwork so the judge can quickly see that all procedural requirements have been met. The reference attorney also make notes at the bottom of the checklist regarding the substance of the proposed orders such as who is being awarded custody, type of visitation, the amount of child support and who's ordered to provide health insurance. The judge then looks at the checklist, the SRL reads the testimony provided by the reference attorney and the judge signs the orders.

It usually takes the judge only about 2-3 few minutes to complete each case. **If the Reference attorney were not at docket, the judge would spend 10 minutes or more to complete each case.**

SRLs do not approach the bench unless the reference attorneys determine that they are ready. If the SRL is not ready because they need legal advice and/or representation, the reference attorney refers the SRL to legal aid or the local lawyer referral service. If the SRL has not completed all procedural steps, the reference attorney explains what procedural steps still need to be completed and how to complete them. If the SRL simply needs help completing additional paperwork, the attorney helps the SRL complete the paperwork right then in court, time permitting, or asks the SRL to make an appointment with the reference attorney to finish filling out the paper work.

## Language Access

The Law Library began providing bilingual reference attorney appointments and forms in 2006. It has become increasingly difficult to meet the demand for bilingual services. In addition, there is generally a months-long delay between an update of an English form and the translation of that form into Spanish.

To address these gaps, the Law Library converted half of a supervisory position into a half-time bilingual paralegal/interpreter position in 2011. However, due to demand for bilingual reference services, the paralegal was assigned to the reference desk. For the FY13 budget, the Law Library is requesting a full-time bilingual librarian.

## NATIONAL Influences

### Due Process for Self-Represented Litigants Addressed by SCOTUS

United States Supreme Court issued an opinion about due process for the self-represented litigants on June 20, 2011 and, for the first time in 25 years, addressed what courts must do to ensure that SRLs are given access to justice.

The implications for *Turner v. Rogers* are being studied nation-wide but the Nation Center for State Courts' publication *Future Trend 2012* emphasized two important points:

1. "The Supreme Court explicitly approved – indeed in some cases required the use of forms in self-represented litigant cases, thereby putting to final rest any claim of their inappropriateness."
2. "The Court reached out to endorse the concept of neutral court staff providing assistance to litigants."

Source: "Turner v. Rogers: Improving Due Process for the Self-Represented" Future Trends in State Courts 2012, National Center for State Courts.

### DOJ Issues Guidance Letter Regarding State Court's Obligation to Provide Language Access.

On August 17, 2010, the Justice Department clarified the obligations of courts to provide interpretation and translation services to those with Limited English Proficiency (LEP).

The letter explains require courts receiving federal financial assistance to provide meaningful access to all civil, criminal or administrative hearings, at no charge to LEP individuals.

The Travis County Civil Court's LEP plan became the model recommended by the Office of Court Administration.

Source: Department of Justice Office of Public Affairs, August 17, 2010. [www.justice.gov/opa/pr/2010/August/10-crt-930.html](http://www.justice.gov/opa/pr/2010/August/10-crt-930.html)

## Law Library Services -- *continued*

### Projection: Self-Help Services in 2018

Over the last few budgets, the Law Library shifted the application of its resources away from an attorney-centric books and online collection to SRL-centric services and forms development. This shift in resources and continued transition towards self-help will continue.

The Law Library's self-help program covers self-represented litigant information needs well if the issue is *uncontested* (agreed) *and family law*. But if the issue is contested or something other than family law (such as eviction), there are fewer information kits to help them. The Library plans to expand its how-to information kits to include more about housing issues and videos on civil procedures in contested cases.

The number of self-represented litigants is expected to increase dramatically. The American Bar Association (ABA) released a July 2012 report on the delivery of legal services. In it, the ABA stressed that self-represented interactions with the courts is now a nation-wide phenomenon.

The report, entitled "*ABA Standing Committee on Delivery of Legal Services Report to the House of Delegates*," stated that, nationwide, between 60 and 90 percent of family law cases involved at least one self-represented party. Some states reported SRLs in as many as 97 percent of eviction cases. The Law Library understands that this trend is still developing in Travis County.

Though the Law Library is dedicated to providing legal information to self-represented litigants, we know that patrons would benefit most from legal advice – which the library cannot give. Other county law libraries have reported success with having volunteer "attorneys for the day" in the library to give advice on contested matters.

The ABA recommends limited scope representation by attorneys as a means to representation to litigants of modest means. Attorneys who used the limited scope business model charge an hourly rate or a flat fee for a specific service (such as review forms or a consultation) instead of collecting a retainer to work on the entire case. "When lawyers provide a limited scope representation, or 'unbundle' their services, they facilitate greater access to competent legal services."

It will be helpful for the Law Library to partner with the local bar association to facilitate the limited scope business model. By doing so, we may serve both the attorneys and the self-represented litigants – and the courts will receive more attorney-reviewed orders in contested matters.

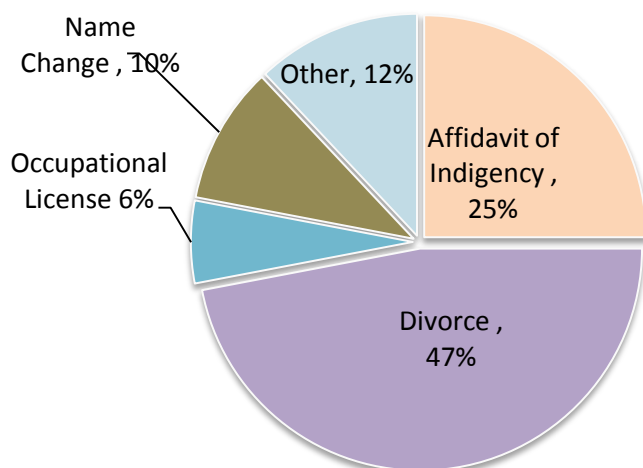


### Smart Phones + Smart Codes = Video Answers to Legal Information Questions

Some 55% of Americans access the Internet on their cell phones. Pew Research reports that low-income Americans are more likely to access the Internet through cell phones than on personal computers.

The Law Library partnered with Media Services to create short informational videos about getting an Occupational Driver's License and changing a name.

SRLs can see both videos by clicking on the printed smart codes at the Information Booth or Reference Desk or at [www.TravisCountyLawLibrary.org](http://www.TravisCountyLawLibrary.org)



Technical Services staff will have responsibility for automating the Law Library's forms, starting with the most frequently requested forms. (See pie chart at left.)

Instead of filling forms out by hand – and crossing out unneeded sentences – patrons answer questions and the software generates the form based on the answers. Patrons who have used a popular tax form preparation software will understand quickly how the legal forms automation software can help them.

Figure 1 Most Requested Information Kits

## Program History

### 1983 – 1998

The Travis County Law Library was established in 1983 to provide legal information to the residents of Travis County. Funding for the Library came from a mix of the County Law Library filing fee and the General Fund. The Law Library consisted of a Courthouse branch used primarily by the public and a Granger Building branch used primarily by the county and district attorneys and the judges who officed in Granger. Between 1983 and 1995 the Law Library was part of the General Services Department. After a re-organization in administrative departments, it became part of the Records Management and Communication Resources Department (RMCR) in 1995.

### 1998-1999

For the first 15 years, almost all of the Library's patrons were attorneys or judges. Few patrons were non-attorneys representing themselves in court. In the late 1990s self-represented litigants began asking the Law Library for forms and procedural information. As SRL patrons began to make up a greater percentage of the Law Library's patronage, the Law Library began searching for ways to provide legal information in the formats non-attorney patrons needed.

At the same time, an increasing number of SRLs began appearing at the court's daily uncontested dockets. This caused considerable delay and frustration for Travis County's civil district judges. The judges were concerned about the enforceability of orders presented by SRLs.

### 2000

To address the issues of enforceability of SRL child support orders and the inefficiencies uninformed litigants added to the court process, the civil district judges created a Pro Se Committee in 2000. The committee developed a plan to create plain-language family law forms for SRLs that the Law Library could give to patrons.

The committee later developed a plan to have a reference attorney in the Law Library and at the courts daily uncontested dockets.

### 2001

In fall of 2001, the Travis County Commissioners Court approved the law library staff addition of a half-time reference attorney and a half-time temporary reference attorney. The reference attorneys were authorized to help SRLs fill out forms in uncontested family law cases. The reference attorneys assisted patrons on a first-come-first served basis in the courthouse.

### 2002-2004

The Granger 4<sup>th</sup> floor library moved to the first floor in 2002.

In the courthouse library, so many patrons waited for hours to meet with the reference attorneys that the appointment system was created. On March 2, 2002, the reference attorney program was formalized and, in addition to facilitating at docket and creating forms, reference attorneys began meeting with SRLs in appointments in the Granger Law Library. The Law Library considers this to be the beginning of the "Self-Help Program."

The legal forms created by the reference attorneys were published on the web. Other county law libraries began referring their patrons to the Travis County forms. In 2004 the Law Library was asked to join the forms committee of Texas Supreme Courts Access to Justice Commission. The Law Library continues to serve on various Access to Justice committees.

### 2005

In 2005 the Law Library was awarded a \$316,114 grant to create bilingual, easy-to-read forms for self-represented litigants for use that could be used state-wide. The forms were published to [www.TexasLawHelp.org](http://www.TexasLawHelp.org), a website managed by the Texas Legal Services Center. The Law Library continues to update these forms. The forms are used all over Texas.



Also in 2005, the large courthouse fourth floor library was closed. Its collection was added to that of the Granger Law Library, which was expanded. A small library branch in room 118 of the courthouse was created.

The new courthouse branch was too small to serve as a library and was converted into a Self-Help Center. The reference attorneys began meeting appointments in the Self-Help Center. Librarians provided information, forms, and access to computers and copiers. Attorneys used the Self-Help Center during trial as a business center but went to the Granger Law Library for research.

### 2006 - 2011

The Information Booth function was transferred to the Law Library on October 1, 2006.

The Law Library added free mediation services for family law patrons through a partnership with the Alternative Dispute Resolution Center.

The Self-Help Center remained in room 118 on the first floor of the Courthouse for five years. During this time, over 250,000 patrons visited the Self-Help Center. Space in room 118 became too small to hold the patrons or enough staff to serve them. In December 2011, the Self-Help Center program and staff were relocated back to the Granger Law Library.

In 2011 the Texas Supreme Court selected the Law Library to serve on its Task Force for state-wide uniform legal forms. The Travis County Law Library's forms served as the model for the proposed uniform forms.

In January 2012 the family section of the Texas Bar Association asked the Supreme Court of Texas (SCOT) to disband the Task Force on Uniform Forms and to discontinue trying to promulgate standard forms for self-represented litigants. The SCOT refused and the work of the Task Force continues.

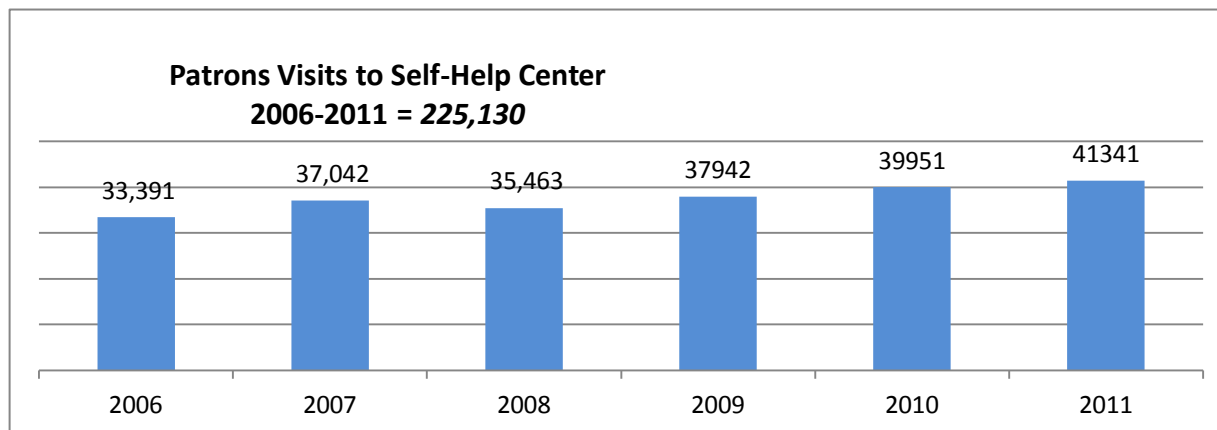
### 2012

Until the consolidation of the Self-Help Center into the Granger Law Library, the Granger branch was a quiet library used primarily by attorneys doing legal research and as a location to office the administrative side of the library.

After the Self-Help Center was moved back to the Granger, the Library became busier, louder, and crowded. SRL patrons often need to take time off work to visit the library and so stay at the library to take care of as much of their issue as they can. They bring their families, including children. Some attorneys, mostly solo practitioners, stopped coming to the Granger Law Library, probably because of the noise and crowd.

After we informed them of our space needs, Facilities Management recommended that the Library expand into the space vacated by Records Management and Media Services. The Law Library agreed that this would be a good solution to the Library's space constraints.

By expanding into the vacated space, the Law Library will be able to provide waiting areas for the families, more table space for patrons, and mediation rooms for attorneys.



## Revenue & Expenditure History

### ***FY83 – FY99***

The Travis County Law Library was established in 1983 to provide legal information to the residents of Travis County. Funding for the Library came from a mix of the County Law Library filing fee and the General Fund.

### ***FY00 – FY05***

The filing fee collected on behalf of the Law Library increased from \$15 to \$35 in FY00. The Law Library no longer needed supplemental revenue from the General Fund. The Law Library continued to order books and electronic access to legal materials for all the courts and departments but paid for these out of the Law Library fund.

In the fall of 2001, the Travis County Commissioners Court approved the staff addition of a half-time reference attorney and a half-time temporary reference attorney. To ensure that a reference attorney attended every uncontested docket, the Law Library hired temp attorneys to supplement the 1 reference attorney FTE.

### ***FY06-FY07***

In FY06 the Law Library completed a \$316,114 grant to develop bilingual legal information and forms for the TexasLawHelp.org website.

The Technical Services supervisor position was added in FY06. A .5 bilingual reference attorney was added in FY07, increasing the number of reference attorneys to 1.5 FTEs.

### ***FY08-FY10***

The Law Library began hiring temp librarians to assist staff to handle the increasing number of SRL patrons. When the wait for a reference attorney appointment reaches a month, the Law Library brings in temp reference attorneys to meet with appointments.

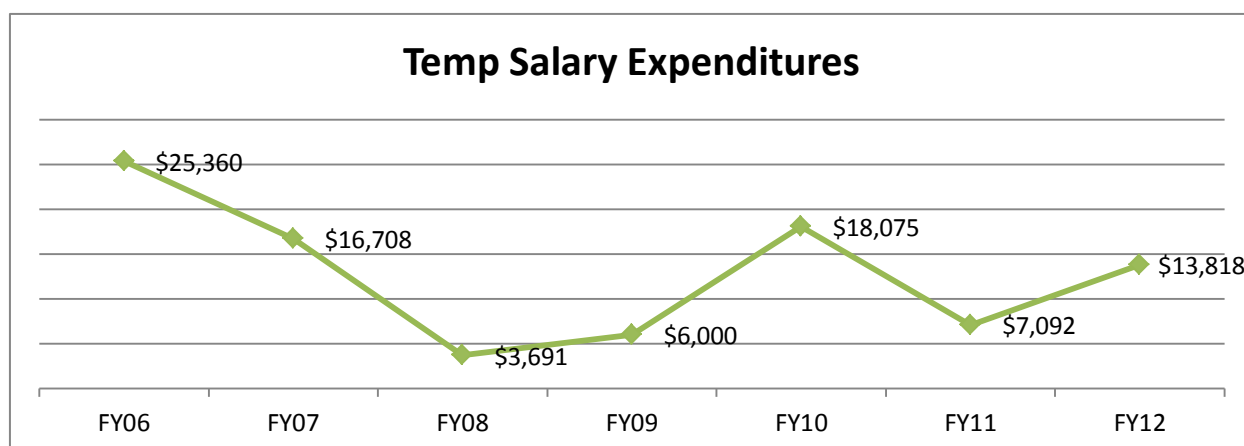
### ***FY11-FY12***

A drop in filing fee revenue, combined with increasing prices for legal materials, put financial pressure on the Law Library fund. The Law Library requested that departments pay for their own books and online access to databases in FY12.

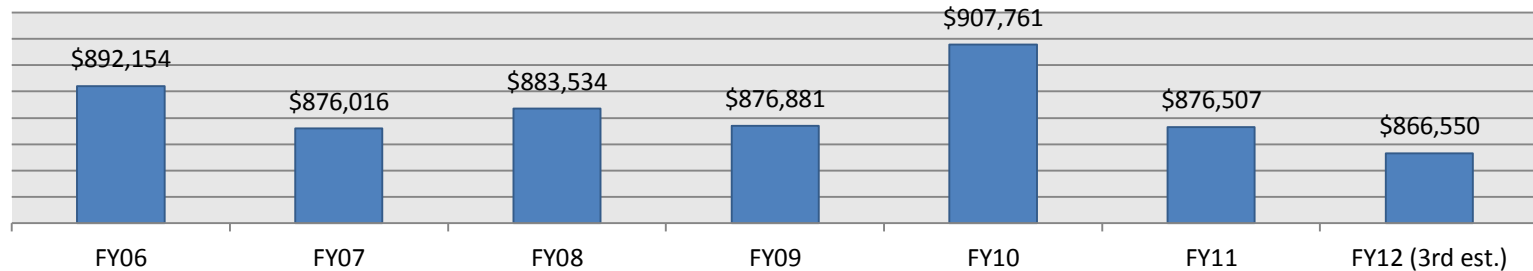
Though the Law Library continued to order books for the courts, the General Fund paid for book purchases for the courts in FY12. The Law Library fund pays for the courts' online access to legal research databases.

### ***FY13 – Budget Request***

In the FY13 budget, the Law Library requested that the General Fund pay for law books and online access for courts, and for additional librarian FTEs. Requested FTEs include a librarian, a part-time supervisor, and 10 hours of reference attorney time.

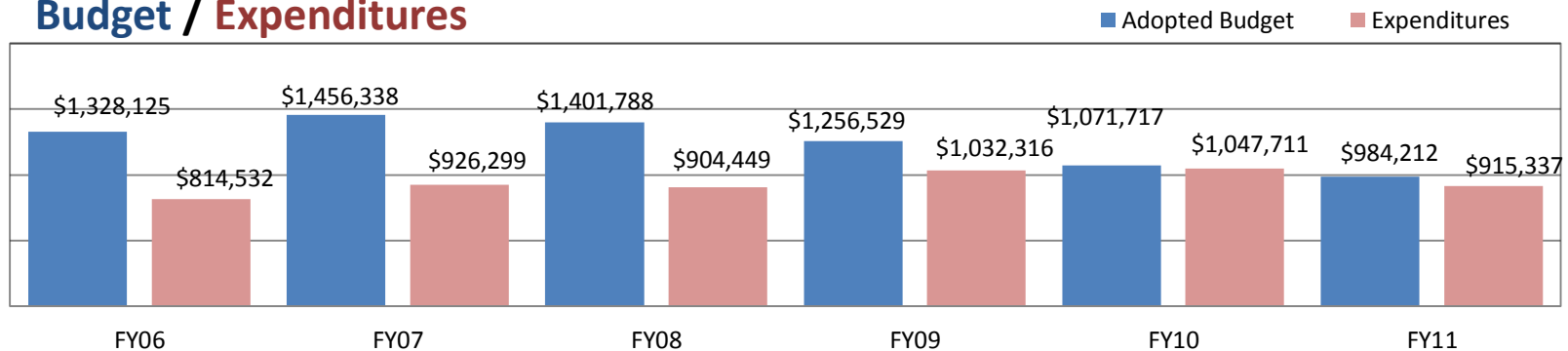


## Revenue



The Law Library is funded by a \$35 civil filing fee. The Law Library also charges for notary services and for print outs and copies.

## Budget / Expenditures



As the top chart shows, revenue from filing fees has decreased. The Law Library successfully trimmed expenditures in FY11 and FY12 however increased need for services and inflation in book prices will continue to put pressure on the Law Library fund. In FY12 the Law Library requested that it be allowed to discontinue purchasing materials for courts and departments out of the Law Library fund and that the General Fund support these purchases instead. PBO concurred with the exception of online charges for the civil and criminal courts.

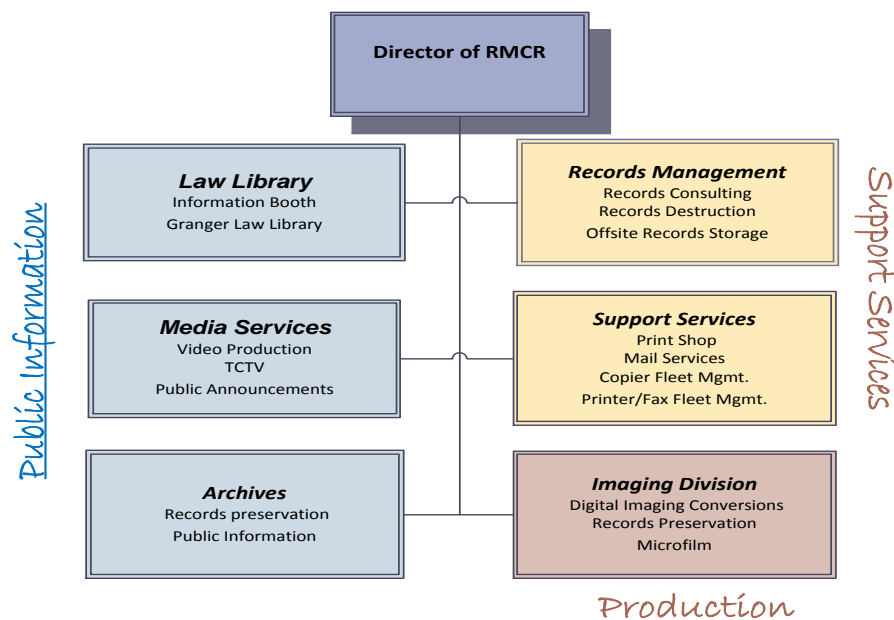
The same request was made in FY13. PBO concurred with the request with the exception of online charges for the criminal courts. **The Law Library will ask in its budget hearing for General Fund support for services that it provides to the courts,** including legal materials, supervision of the Information Booth, and the .5 docket attorney FTE.

## Law Library Structure

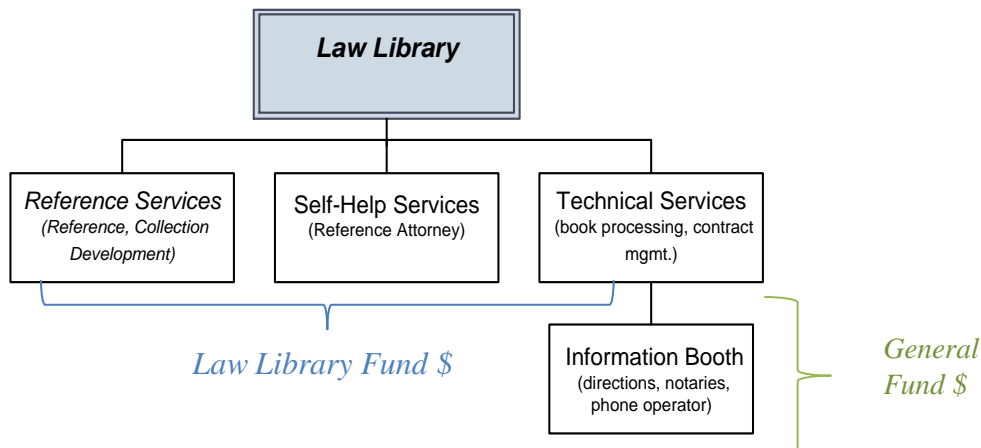
Records Management and Communications Resources (RMCR) has six divisions that support its mission to provide support services, public information, and production. The Law Library is one of RMCR's six divisions. It straddles two of the RMCR's mission areas:

1. **Public Information** – The Law Library provides legal information to the residents and legal community of Travis County. The Law Library's Information Booth subdivision provides information and notary assistance to visitors and directory/information assistance to callers to the county.
2. **Support Services** – The Law Library's technical services subdivision coordinates the contracting for online legal services for the courts and county departments. It coordinates budgeting, ordering, and distribution of law books to the courts.

## RMCR Divisions



## Law Library Subdivisions





# State of the Law Library: Issues and Opportunities

## *Changing Expectations for County Law Libraries*

Law libraries have long served a variety of constituencies, and are well-positioned to assume a broader role, with a particular focus on those historically excluded from access to justice. Put another way Law libraries have great potential to play an important role in making the judicial system more user-friendly and accessible for people without lawyers.

-- *The Sustainable 21st Century Law Library: Vision, Deployment and Assessment for Access to Justice*, by Richard Zorza. April 2012.

## *Space*

Knowing of our need for more space, Facilities Management approached the Law Library in 2012 about expanding into the adjacent suite vacated by Records Management and Media Services. The new footprint would meet library growth needs as projected by Broadus and confirmed by the Law Library and Facilities. The increased space would also allow the Law Library to take advantage of volunteer attorneys and law students. The Law Library recommends approval of this space plan.

## *Volunteers*

The Law Library and the University School of Law Pro Bono program piloted a new project during the spring 2012 semester. Under supervision of a reference attorney, a law student volunteer helped patrons complete their paper work *prior to the meeting with the reference attorney*. The result was time saving for the reference attorney and for the patron. The reference attorney could assist more patrons. The patron's appointment was more productive. The student learned about family law and assisting the public.

The UT Law Pro Bono Program asked the Law Library to accept five student volunteers for fall 2012 semester if Commissioners Court agrees. The Law Library cannot accept all five because there is not enough reference attorney time to supervise that many. At present, the Granger Law Library does not have room for that many volunteers.

## *Collaboration*

The UT Law School is the newest of the Library's partners. The Law Library has worked closely with the Texas Legal Services Center (TLSC) for six years to develop content on the legal information website TexasLawHelp.org. The website became an online self-help center for Texans. The Travis County librarians and every other public reference law librarian in the state refer patrons to the site for forms, legal aid contact information, etc.

The Law Library also collaborates with the Texas RioGrande Legal Aid (TRLA), the Lawyer Referral Service, the Austin Dispute Resolution Center, and Volunteer Legal Services. The Law Library refers patrons to these and other community service agencies. The agencies provide the Library with informational materials and training, but also refer their customers to the Library when appropriate.

Collaboration with local bar associations could help us improve our services. For all of our services to SRL patrons, the Law Library knows that the SRLs would benefit most from legal advice – which the library cannot give. Other county law libraries have reported success with having volunteer “attorneys for the day” in the library to give advice on contested matters. The Law Library will work toward this collaboration.

## State of the Law Library: Challenges

The largest challenge faced by the Travis County Law Library is serving the increased number patrons.

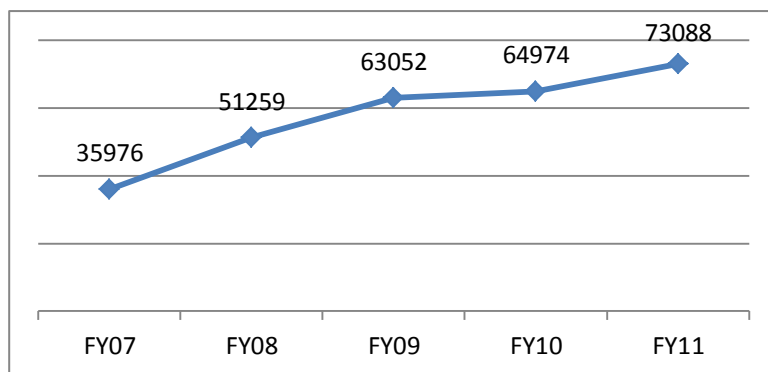
Over 73,000 patrons interacted with the Law Library last year. This represented an 11.5 percent increase over FY10. Growth in the number of patrons who visit or call the Library brings the challenges adequately staffing to meet patron needs.

### *Growth in Self-Represented Litigant Patrons*

Self-represented litigants began coming to the Courthouse Self-Help Center in the tens of thousands in 2008. Perhaps not coincidentally, 2008 was the beginning of the financial crisis known as the Great Recession.

Currently, at least 70 percent of the Library's patrons are self-represented litigants. The District Clerk's Office estimates that 45 percent of divorce filings have at least one self-represented litigant and the courts expect the number of SRL to "go through the roof" over the next few years. The Law Library projects that the proportion of self-represent litigant patrons to attorney patrons will increase to 80 percent over the next five years.

*Patron interactions with the Library*  
*Interactions include in-person visits and calls.*



Two factors may accelerate this. One is even further cuts to legal aid programs. Legal Aid has more applicants for its services than it can help now. Reduction in federal funding for legal aid services increases the number of litigants interacting with the courts without attorney representation.

The second factor is the threat of defunding for the Texas State Law Library. Texas State Law Library was defunded in 2011 Legislative session but was saved at the last minute. If the State Law Library is defunded in 2013, the Travis County Law Library customer base will expand to include state agencies and appellate courts located in Austin, plus the State Law Library's walk-in patrons.

### **Library FTEs**

FY06	6.35
FY07	7.35
FY08	7.85
FY09	7.85
FY10	7.85
F11	7.75
FY12	7.75
FY13	
(request)	9.5

### *Problems caused by insufficient staffing*

**The last FTE added by the Law Library was a .5 bilingual reference attorney in 2008. Since then, patron interactions with the Law Library grew by over 21,800 without an increase in staff.**

SRL patrons need more assistance than do attorney patrons. Attorneys can be directed to the books or the computers, and with minimal instruction, perform their own legal research. But reference interviews can take 3 to 30 minutes per patron if the patron is a self-represented litigant. The current staffing level is inadequate to meet the workload demand of serving the SRL patrons.

The Law Library has struggled under the strain. During the last year, the reference librarians have expressed that they are exhausted. They speak so much to patrons during the day that they are hoarse in the evening. They worry that the afternoon patrons do not get as good service because, by 2 p.m., the reference librarians are "brain numb." It bothers the librarians that patrons take off work to come to the library and they may be losing income as they wait long periods.

Patrons are affected by inadequate staffing in the form of wait time for reference help, delays in getting reference attorney appointments, and lags in translation of English forms into Spanish. The wait for a reference attorney appointment can be four to six weeks. If an SRL patron cannot get an appointment within a reasonable time, he or she is likely to file or attend court with incomplete paperwork. This wastes the courts' time and is counter-productive to the original goal of the Self-Help Services program.

There is also a gap between the level of service provided in English and in Spanish. Many SRL patrons either can only speak Spanish or are more comfortable processing the information they receive if it is delivered in Spanish. Often there is no staff on the reference desk who can help Spanish-speaking patrons. Forms that have been updated in English are left outdated in Spanish due to lack of staff time to translate.

There are new services the Law Library should explore but cannot do so without additional staff. For example, the University of Texas Pro Bono Program asked the Library to accept five volunteer law students for the fall 2012 semester. The students would help SRLs complete forms before meeting with the reference attorneys and assist the reference attorney in docket. The Library does not have the reference attorney time to train and supervise five students and so can only accept two or three.

**The Law Library has taken several steps to mitigate the problem of inadequate staffing:**

1. Our most successful mitigation step was to hire temp staff. Reductions in expenditures over the last two years enabled the Law Library to hire a temp reference attorney to work ten hours a week this summer. The wait for a reference attorney appointment dropped from four weeks to eight days. The Library also hired a bilingual temp librarian to work 20 hours a week. The temp librarian has been a tremendous help, both by helping the Spanish-speaking patrons and by relieving some of the stress on the reference librarians.
2. December 11, 2011 the Law Library consolidated the Courthouse Self-Help Center into the Granger branch. Consolidating the Courthouse Self-Help Center into the Granger Law Library helped, but wait times for librarian assistance can still be long, reference attorney appointments are booked four weeks in advance, and services and forms for Spanish-speaking patrons still lag behind those provided to English speaking patrons.
3. The Law Library publishes its information kits on the web. For frequently asked reference questions that have involved answers, we are working with RMCR to create short informational videos. The first two videos are online.
4. We take advantage of volunteers, such as attorney reviewers of forms and the University of Texas Pro Bono Program.

***Solution***

Although these mitigation efforts helped, the most effective solution is to increase staff. The Library requested additional staff in the FY13 budget. At the August budget hearing we will request 10 hours of reference attorney time (\$19,110), a part-time supervisor (\$37,597), and a bilingual librarian (\$56,035) be added to the staff. The total for the additional 1.75 staffing would be \$112,742

***FY13 Budget Request***

10 hours a week reference attorney time (Increase .25 FTE to existing slot)	= \$19,110
Law Librarian = 1 FTE, pay grade 17, new slot	= \$56,035
Library supervisor = .5 FTE, pay grade 20, new slot	= \$37,597
<b>1.75 FTE</b>	<b>Total: = \$ 112,742</b>

In planning for the downtown campus, consultants estimated a need for a total of 23 FTE now and 31 in 2015. This is far from where the Law Library is now but does show that need for additional staff has been recognized and that the need will grow.

## Conclusion

### *When the customers change, everything changes --*

In 2007 the Travis County Law Library was a quiet little library used primarily by attorneys. Five years later it is a noisier, busier law library used primarily by non-attorney members of the public. The Law Library is still playing catch-up to the needs of the community.

What will the Law Library be like in another five years?

The year 2018 will mark the Law Library's 35<sup>th</sup> anniversary. The Law Library will be preparing to move to the Civil Courthouse. Its Self-Help Services program will be mature and include workshops and classroom instruction. Technical Services will have developed automated forms so workshop participants can leave the class with forms they have customized themselves to meet their needs.

Reference librarians will be familiar with more community services and can connect the patrons with those services. They will communicate to patrons in person, by phone, and via chat.

Public access technology will have expanded to include more computers, video instruction, automated forms, and scanners.

Attorney patrons will reserve conference and mediation rooms online. They will come to the Law Library's business center between hearings and on breaks to prepare further for trial.

The Law Library's hours may have expanded to include weeknight and Saturday access.

In short, the Law Library will be the same but better. There will be more access to more legal information. We will have caught up with the needs of our community.

## *Data Sources for Projections*

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This document used census data organized by the Travis County Health and Human Services in its report The Travis County Trend Profile and the United States Census Bureau's online FactFinder tool. By taking the Travis County demographic growth numbers, the Law Library was able to compare its services to law libraries in the counties that are currently the size that Travis County will be in 2018.

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The law libraries used for comparison include Contra Costa and Sacramento county law libraries in California and Hennepin Law Library in Minneapolis, Minnesota. The King County (Washington) Law Library was also studied though Seattle has a larger population than Austin.

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The Law Library interviewed attorneys, judges, staff members, and other members of the community for their predictions and ideas about the future of the courts and the Law Library.

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The article *The Sustainable 21<sup>st</sup> Century Law Library: Vision, Deployment and Assessment for Access to Justice*," by Richard Zorza, April 2012, was particularly helpful.

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Also helpful was the National Center for State Courts annual publications of Future Trends in State Courts.

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*ABA Standing Committee on Delivery of Legal Services Report to the House of Delegates*, July 2012, American Bar Association provided statistics on the national trends in self-representation and recommendations for limited scope representation.

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The Pew Internet & American Life Project contributed the statistics related to video usage on cell phones, and smart phone adoption rates. Of particular help was the report "Cell Internet Use 2012" published June 26, 2012 at <http://www.pewinternet.org/Reports/2012/Cell-Internet-Use-2012.aspx>

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"Self-Represented Litigants and the Bar," January 24, 2012, a post by former Office of Court Administrator Carl Reynolds on his blog CourtTex is the source for Travis County data on SRL filing in divorce and on the usage of the TexasLawHelp forms. <http://courtex.blogspot.com/>

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