

**The Public Access to Legal Information Committee  
of the  
Law Librarians Association of Wisconsin**

**Report on the Public's Access to Legal Information and Assistance in Wisconsin**

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Abstract

Using a variety of data-gathering techniques, the committee attempts to discern the level of access Wisconsin residents have to legal information and assistance. Following a complete set of findings, the committee recommends to the major legal information and assistance service providers practices to improve or enhance access to legal information and assistance in Wisconsin.

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## Introduction

With more and more people deciding to forego legal representation when they go to court, the demand for accurate, current legal information and the need for assistance with court procedures has never been greater. It is the goal of this study to take inventory of the access Wisconsin residents have to legal information and assistance, and, as a result, to recommend enhancements to the collections and services of libraries across the state. Successful programs will be highlighted and offered as examples of how collaboration and creativity are necessary to ensure the greatest meaningful amount of access to legal information and assistance.

## Scope

Because knowing what circuit court law library collections contain is useful to the staff of the Wisconsin State Law Library, we have the good fortune of having past surveys and data regarding the courthouse collections around the state. This helped in the formulation of our survey questions for the clerks of court. Other useful tools were the two editions of the “Directory of WI County Law Libraries” and “Directory of WI Circuit and County Law Libraries” produced in 1975<sup>1</sup> and 1986.<sup>2</sup> One final piece of important data was “Wisconsin County Law Libraries” a report by Marcia J. Koslov, former Wisconsin State Law Librarian. This study, published in 1993,<sup>3</sup> was done as a court evaluation project for the court executive development program of the Institute for Court Management and yielded especially useful information about the use of Wisconsin’s county law libraries by the court. Koslov’s study contains the most recent data that has been collected about the state of Wisconsin’s courthouse libraries and will be more thoroughly examined in the Findings sections below. Since 1994, there have been no published reports of data collected about Wisconsin’s county law libraries. While all of the previous studies yielded useful information about what Wisconsin courthouse libraries contained, as well as who had access to them and when, they did not share the scope of the current study, which uniquely investigates the access to legal information that the public has. Further reviews of literature yielded information about surveys completed on local, statewide, and national levels regarding county and court law libraries, with the primary focus being on their services to the bench and bar, their standards, or their collection holdings.<sup>4</sup> None of these surveys shared the primary focus of this study; that focus being centered on the *public’s* access to legal information and assistance. This scope is also broader than these other surveys since we are not limiting our results to Wisconsin’s court libraries’ holdings or services. The scope

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<sup>1</sup> Compiled by Marcia J. Koslov and Michael F. Bemis. Contents include location and hours of county law libraries, as well as brief descriptions of collection size and content.

<sup>2</sup> Compiled by WI State Law Library; published by Law Librarians Association of WI. Contents include location, hours and accessibility.

<sup>3</sup> A revised version of this study was also published in 86 Law Libr. J. 707 (1994).

<sup>4</sup> Hecht, Rachel “Survey of Federal Court Libraries” 67 Law Libr. J. 259 (1974); Byrne, Cornelia “Survey of Single-Judge Municipal Court Libraries in Ohio” 86 Law Libr. J. 351 (1994); Foster, Lynn “Access to Academic Law Library Services: A Survey” 84 Law Libr. J. 741 (1992); Gonzalez, Sylvia A. “Survey of Court Law Libraries” 74 Law Libr. J. 458 (1981); Fraley, Ruth A. “Survey of State, Court, and County Law Libraries” 83 Law Libr. J. 543 (1991); Foust, Judith M. “Pennsylvania County Law Libraries: A Profile” 73 Law Libr. J. 143 (1980); Jurkins, Jacquelyn “Development of the County Law Library” 62 Law Libr. J. 140 (1969); Ochal, Bethany J. “County Law Libraries” 67 Law Libr. J. 177 (1974); Standards: County Law Library Standards 88 Law Libr. J. 637 (1997); County Public Law Library Standards 95 Law Libr. J. 117 (2003); Standards for Appellate Court and County Law Libraries 81 Law Libr. J. S-1 (1989)

proposed here is meant to convey a much wider picture of the legal information and assistance to which Wisconsin's residents have access.

Why focus on the public? Wisconsin's courthouse collections tell an interesting tale regarding the needs of the public and the court's response. In previous studies, a collection of books or even a computer with Internet access available in a Wisconsin courthouse was considered a law library. But for purposes of this study, a collection of books, or a computer with Internet access or legal databases, without staff to assist users with that collection or the information it contains is not considered a law library. Wisconsin has only ever had two staffed county law libraries: Milwaukee Legal Resource Center and Dane County Legal Resource Center. Wisconsin only has six staffed law libraries open to the public.<sup>5</sup> As will be explained below, it is our goal that this study be used for shaping and implementing services for the public. That is why the scope of this study focuses on the public's access, not that of bench or bar.

## Methodology

Phase I. In November 2004 a survey was sent via email to the ten district court administrators (DCA) for the Wisconsin Circuit Courts, the state's trial court system<sup>6</sup>. The DCA's were asked to respond to the following nine questions regarding the services and programs offered to the public for assistance with court procedures or legal help:

1. Do any courthouses in your district have assistance programs available to help the public access the courts?
2. What court offices are involved with the program(s)?
3. What community agencies are involved with the program(s)? (ex: local bar association, legal aid, etc.)
4. What assistance is offered and to whom?
5. Is there a fee charged to the public for the assistance? If so, how much?
6. How much funding is budgeted or spent on the legal assistance programs indicated above?
7. Are there any assistance programs being planned?
8. Name and position of person completing this survey.
9. Additional Comments.

Some DCA's forwarded these questions to the individual clerks of circuit court in their respective districts. All districts responded.

Phase II. In January 2005, a survey was sent via email to 70 clerks of circuit court.<sup>7</sup> The survey concentrated on courthouse collections and their content and currency, as well as electronic resources, budget, location, and hours of access. The collections that were of particular interest are listed in the section on definitions below. The other questions beyond collection content were as follows:

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<sup>5</sup> In addition to Milwaukee and Dane County Legal Resource Centers, the other four are: Wisconsin State Law Library, University of Wisconsin—Madison Law Library, Marquette University Law Library, and the Library of the U.S. Courts for the Eastern District of Wisconsin.

<sup>6</sup> See <http://www.wicourts.gov/about/organization/circuit/map.htm> for a map showing the 10 judicial administrative districts.

<sup>7</sup> There are 72 counties, but due to consolidated circuit courts, only 69 circuit courts. There are still 72 clerks, however, Milwaukee County's survey was sent to Rebecca Knutson, librarian at Milwaukee Legal Resource Center, and Dane County's survey was answered by the author, librarian at Dane County Legal Resource Center.

- How are resources accessed? For example, are resources in a locked room and the public must retrieve a key? Do electronic resources need a special password to access? Are there limited hours that resources are available?
- Indicate location of resources
- How much funding is budgeted or spent on the legal resources indicated above?
- Does the court partner or consult with or contribute funding to a local public or academic library to ensure that libraries have legal resources?
- Does the court have any plans to increase or decrease access to legal resources in the courthouse?
- Additional Comments.

Again, all counties responded.

Phase III. A list of libraries was compiled, comprised of the following:

- The public libraries of each county that were in the same city as the courthouse, as well as the two most populous cities. If one of the two most populous cities is not the city with the courthouse, the additional city's library was also included.
- All academic libraries in each county, including the University of Wisconsin system's universities and colleges, as well as 2 and 4-year technical and community colleges.
- Any other libraries, special or tribal, that are open to the public.

A list of these libraries is included in Appendix 7.

A checklist of legal materials was formulated (see Appendix 1 for a list of titles). Formulation of the checklist was derived through consultation and discussion with the Wisconsin State Law Librarian, Jane Colwin, about the core legal resources that public law libraries in Wisconsin should have. In large part, we used the collection at the Dane County Legal Resource Center (DCLRC) as a guide. Due to recent budget constraints, DCLRC had recently cut many titles and subscriptions in its collection and the debate and evaluation of this decision process resulted in a collection of core legal resources, many of which ended up on this survey's checklist. In addition, we also considered what the "ideal" collection should have, knowing that the results of this survey may prove that the "ideal" legal resource collection does not exist. As you will see, there are only three collections that had 100% of the items listed on the checklist. Shared catalogs, such as between library systems<sup>8</sup> or academic library consortium, allowed for greater ease of searching, but all other library catalogs needed to be search individually. To assist in this process, two volunteers offered to help search catalogs for the titles on the checklist.<sup>9</sup> The volunteers successfully searched 215 libraries' online catalogs. Forty libraries' collections from our sample are not included in the results due to catalog accessibility issues—either the library did not have an online catalog or the catalog was unavailable at the time of the survey.

This methodology did produce some limitations. The online catalog searches only looked for items on the checklist. It is possible that the surveyed libraries may have other legal materials that they provide to their users. It is also possible that that our searches may have

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<sup>8</sup> See the Wisconsin Department of Public Instruction's map of how the state is divided into library systems at : <http://www.dpi.state.wi.us/dpi/dltel/pld/wisysdir.html#Public>

<sup>9</sup> Thanks go to Betsy Vogel, Manager, Library and Information Resources, for Rayovac Corporation (now called Spectrum Brands) and Kimmie Raschka, student, University of Wisconsin School of Library and Information Studies, for their assistance.

missed items due to incomplete or incorrect holdings information contained in the online catalogs.

Similarly, results of the Clerk of Courts survey listing courthouse holdings may not be complete. In particular, the last part of question number three asked for “all other titles in your collection.” Are we to interpret a blank response to mean that all the titles in the collection are listed elsewhere in the survey? It probably would have been better to ask for the number of volumes in the collection, rather than listing them. This would provide a broader and more practical sense of the library’s holdings than only a title list.

Philosophical limitations were also evident and produced questions that this study does not necessarily answer. For example, is a higher population an accurate indicator of a better legal collection? Or does the lack of or limited access to legal materials necessarily indicate a need?

## Definitions

### A. Public Law Library

A public law library is a professionally-staffed law library that is open to the public. There are six such libraries in Wisconsin: three in Madison and three in Milwaukee.<sup>10</sup> This definition may differ from how the term is used in states with a county public law library system in place. In previous studies and directories a “county law library” meant libraries located in courthouses and open to the public, attorneys, or court staff, comprised of a room or area of resources, or a computer, but not staffed. For the purposes of meaningful access to legal information, this definition is no longer useful or accurate. Any member of the public can access resources, but we believe that without staff offering assistance with those resources and, more importantly, referrals to legal services if needed, the public lacks full use of and access to legal information.

### B. Public Library’s legal collection

A public library’s legal collection consists of those materials classed in Dewey Decimal numbers 340-349 or Library of Congress Classification KF-KFZ, including those deemed “reference” or for “library use only” and those materials in non-book format, such as videotapes, databases, or vertical files.

### C. Academic Library’s legal collection

An academic library’s legal collection consists of those materials classed in Dewey Decimal numbers 340-349 or Library of Congress Classification KF-KFZ, including reference or reserve materials, and materials in non-book format, such as videotapes, electronic database subscriptions, or electronic journals.

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<sup>10</sup> For a directory of law libraries open to the public in Wisconsin see: <http://wsll.state.wi.us/branch/dclrc/pub/wilawlib.pdf>

#### D. Wisconsin Primary Law

Wisconsin primary law materials are those which are considered “the law.” For the purposes of this study, the materials we searched for are:

- Latest and prior editions of the official Wisconsin Statutes and Laws of Wisconsin
- Current Wisconsin Administrative Code
- Callaghan’s Wisconsin Reports (1<sup>st</sup> and 2<sup>nd</sup> series), West’s Northwestern Reporter (1<sup>st</sup> and 2<sup>nd</sup> series)
- Current local ordinances
- Current local circuit court rules
- Opinions of the Attorney General of Wisconsin

#### E. Legal collections

“Legal collection” resources are those that are considered interpretive, explanatory or descriptive, or are finding aids, such as indexes. Also, for the purposes of distinction from Wisconsin primary law resources, this category includes Federal primary law materials. Legal collection resources we searched for in this study are:

- Law Reviews/Periodicals: *Wisconsin Law Review*, *Marquette Law Review*, *Wisconsin Lawyer* magazine, *Wisconsin Law Journal*, and others not specific to Wisconsin, such as *Harvard Law Review*
- Case Digests: *West’s Wisconsin Key Number Digest* and *Callaghan’s Wisconsin Digest*
- *West’s Wisconsin Statutes Annotated*
- Wisconsin Jury Instructions: Criminal, Civil, Children’s
- Wisconsin Judicial Benchbooks: Criminal/Traffic, Civil, Family, Juvenile, Probate/Guardianship/Mental Health
- *Wisconsin Practice* and *Wisconsin Pleading & Practice*, multi-volume sets
- CLE Books published by the State Bar: *System Book for Family Law*, *Wisconsin Civil Litigation Forms Manual*, *Wisconsin Criminal Defense Manual*, *Wisconsin Rules of Evidence* or any other resources published by the State Bar of Wisconsin
- Booklets published by the Court: *A Guide to Probate in Wisconsin*, *Guide to Small Claims Court in Wisconsin*, *Filing an Appeal: A Citizen’s Guide to Filing an Appeal with the Wisconsin Court of Appeals* or any others published by the court system or court offices or staff
- Any regional caselaw reporters
- *United States Code* or *United States Code Annotated*
- *Code of Federal Regulations*
- Federal Reporter, Federal Supplement
- United States Supreme Court Reports, Lawyer’s Edition, or West’s Supreme Court Reporter
- Any titles published by Nolo Press, specifically *Represent Yourself in Court*, *Legal Research: How to Find and Understand the Law*, or *Everybody’s Guide to Small Claims Court*
- Any titles published by Sphinx Legal

## F. Electronic Resources

Electronic resources are those that are only available through electronic means, such as a website or legal database. After checking for general internet access, these specific electronic resources were included in this survey:

- Loislaw: Either accessed through loislaw.com or by CD updates on a computer in the library.
- Westlaw: Either accessed through a password supplied by the library or through Westlaw's Patron Access feature.
- Lexis: Either accessed through a password supplied by the library or through Shepards Public Access feature.
- Any other legal or court databases that require a subscription or are not available freely through the Internet (that must be accessed in the library or with a library card).

## G. Assistance Programs

For the purposes of this study, "assistance programs" are those services associated with a court, legal or community agency, that are designed to offer help with a court procedure or legal problem. Services may include help with form completion, form distribution, legal advice, explanation of court procedures, workshops or other educational events, or referrals. Services included in this study are offered for free, unless otherwise noted.

## Findings—Print Resources

### Overall Resources

The libraries with 100% of items on the checklist are law libraries: WI State Law Library, University of WI Law Library, Marquette Law School Library. The court districts with the highest percentages of items from the checklist are District 1: Milwaukee county and District 5: Dane, Green, Lafayette, and Rock counties. This was also expected because two of those counties, namely Dane and Milwaukee, are the home of the six staffed law libraries open to the public. The public library systems with the highest number of items generally are those systems that are comprised of one or two counties, with Milwaukee County Federated Library System leading the way. Special libraries open to the public have the greatest percentage of items among the different types of libraries, most likely because three of the six examined are law libraries. Academic libraries were more likely to have legal resources from the checklist than public libraries.

### Wisconsin Primary Law Resources

Courts are most likely to have more Wisconsin primary law print resources (defined above) than any other resources. Special libraries are most likely to have all Wisconsin primary law resources on the checklist, but academic libraries are close behind. Public libraries are most likely to have limited holdings, for example only current statutes, and are least likely to have caselaw or digests.

## Legal Collection Resources

Special libraries are most likely to have all legal collection resources on the checklist, but some academic libraries have very high percentages as well. Academic libraries are more likely to have regional reporters and federal primary law, but some court collections have these resources as well. Public libraries are least likely to have federal materials or Wisconsin treatises, but are most likely to have Nolo or Sphinx Press books. Many public libraries have Nolo books available through NetLibrary, an electronic system providing e-books to library card holders. See Appendices 1-5 for detailed findings of individual and system holdings.

## Findings—Electronic Resources

### Basic Internet Access

In 2003 it was reported that 100% of public libraries in Wisconsin had Internet access available to their patrons.<sup>11</sup> What about other types of libraries? What about courts? The following chart summarizes the Internet access available at non-public libraries.

Fig. 1: Internet Access available in non-public libraries, by library type

<u>Library</u>	<u>Internet Access?</u>	<u>Notes</u>
Circuit Courts	28 of 72 courts have access to the Internet for the public	Some counties provide electronic legal resources, but not general Internet access (see also next section)
University of Wisconsin System libraries (2 and 4 year universities and colleges)	26 of 26 schools have access to the Internet for the public	Some schools provide limited access to databases (see also next section) but all have general Internet access; some UW-Madison campus libraries may have limited access
All Other College libraries	30 of 40 schools have access to the Internet for the public	Some schools require that a librarian log in the public with a “guest” log in; some schools have restrictions on how the public uses the Internet (research only, no chatting or games, etc)
Special libraries	6 of 6 special libraries have access to the Internet for the public	Some databases or resources may have limited access (see also next section)

## Electronic Legal Resources

Since many legal resources may be found on the Internet, any library in Wisconsin that allows the public to access the Internet also provides access to some legal resources. In this section, we answer two questions: First, for those libraries without general public access to the Internet, is there access to other electronic legal resources? Second, what specific electronic legal resources are provided by Wisconsin libraries?

Some court libraries have access to electronic legal resources, such as Lexis, Lois, or Westlaw. Thirteen courts (of 72) offer electronic legal resources, but their surveys indicated that they do not offer access to the Internet. Their survey responses did not indicate how resources are accessed, if not via the Internet. See Appendix 2 for a more detailed list of the electronic resources each court has available for the public.

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<sup>11</sup> Page 3, Division for Libraries, Technology and Community Learning, “The Status of Integrated Library Systems and Internet Access in Wisconsin’s Public Libraries,” Bob Bocher, Technology Consultant, December 2004, available at: <http://www.dpi.state.wi.us/dpi/dltcl/pld/pdf/ilsinternet.pdf>

The most likely reason academic libraries do not allow public access to electronic legal resources is that they do not allow the public *any* access to their computer resources, not even the Internet. This is understandable for those who stick to their mission of providing resources only to faculty, staff and students.

Electronic legal resources subscribed to by Wisconsin libraries vary by library type. Courthouse collections are most likely to offer Loislaw on CD-ROM, followed by Westlaw or Lexis. This may be due to the cost or availability of Loislaw when court libraries started offering electronic resources. Now, Westlaw and Lexis both offer some type of public access plan for public libraries. Most Wisconsin academic libraries subscribe to “Lexis-Nexis Academic” databases. However, those databases are often limited to student or faculty users. Some academic libraries also offer Lois or Westlaw, but often restrict access to those as well. Some academic libraries have Criminal Justice Periodicals Index or Criminal Justice Abstracts, Hein Online, Congressional Universe, FirstSearch-GPO, or Proquest’s Law Module, but again, the public may not be allowed access to these, although some libraries allow “guest” log-ins and have community users with full access privileges. Public libraries are most like to rely on web resources that are free to the public. Many public libraries provide links to legal or government resources on their website. Of the public libraries surveyed, two offer Loislaw and one offers Lexis through funding assistance from their county’s circuit court.

#### Range of Printing Costs

The cost of printing ranges from free, or free for a certain number of pages, to \$1.25 per page. The average price of black and white printouts is 20¢ per page, with color printouts averaging 45¢ per page.

#### Answers to Expected Findings

There were certain assumptions that fueled the study from the start. Some went unfounded, while others were born out through survey findings. Still others were mere guesses that could not be verified in the scope of this study. Here are the assumptions, followed by our findings:

- Some print legal materials will be found in nearly every library in the survey.

True and False. Of the 215 libraries and 72 court collections examined, 50 (17%) did not have any of the 66 titles on the checklist. This group includes those libraries whose collections are not automated or whose catalogs were not available online. The remaining 83% have at least one title from the checklist. Not quite “nearly every,” but a high percentage nonetheless.

- Most print legal materials found in public libraries will be too dated to be useful.

False. Public libraries appear to be keeping their legal resources up to date. The most dated materials, unfortunately, tend to be Nolo Press books. Some libraries had Nolo Press books ten or more years out of date, but this was the exception rather than the rule. Many libraries offer access to Nolo Press books through NetLibrary, a program that offers online access to e-books to library card holders and provides a more effective way of keeping materials current for those without a large print budget.

- Public library websites will more often link to government legal sites than commercial legal sites.

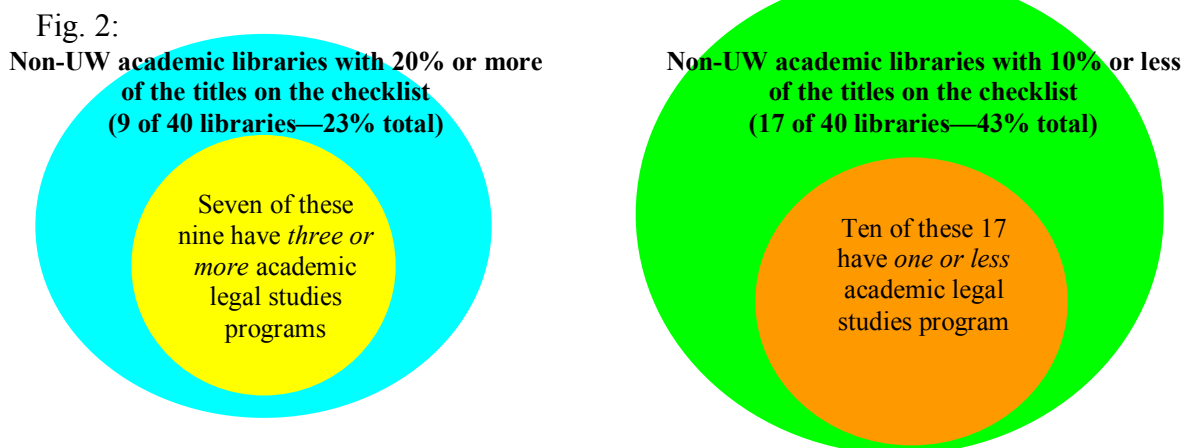
True. Those public library websites that had a section for legal resources were most likely to link to governmental sites, such as GPO or Thomas, than commercial legal sites. The number of public libraries that linked to the WI State Law Library, or the UW Law School Library, the Wisconsin Court System, or the State of Wisconsin websites was impressive.

- Libraries in larger cities will have more current and numerous resources.

True and False. While libraries in larger cities are more apt to have larger budgets for materials, and thus more numerous resources, they do not necessarily have more current resources. However, larger libraries are more likely to allow greater access to electronic resources, and, as discussed above, electronic resources are often more current in than print resources.

- Academic libraries that support some type of program in legal studies<sup>12</sup> will have more legal resources than their counterparts with no such programs.

True and False. Since many of the UW campuses offer the same programs, including pre-law or criminal justice, one might assume that they would have a similarly high number of legal resources available in their libraries. However, ten of the 26 UW schools have less than 10% of the resources on the checklist, while twelve of the 26 schools have 20% or more of the resources on the checklist. There appears to be no correlation. There does appear to be a correlation in size of school, however, since the libraries with the lowest number of resources are all small, two-year colleges in the system, while the highest numbers of legal resources are all at 4-year universities. Figure 2 below shows that we found a correlation in non-UW schools between the number of legal resources in their library and the number of academic legal studies programs the school has.



<sup>12</sup> Legal studies programs include paralegal, pre-law, or criminal justice studies, in addition to the law schools.

- Though people turn to the courthouse first to find legal help,<sup>13</sup> this study will show that while access to information or assistance in courthouses has not improved significantly compared to previous studies, it has definitely changed.

True. This finding is based on previous studies' results of investigating court law libraries. However, first we must determine what increased or decreased access looks like. If previous studies show that a court offered staff assistance in using print resources, and now only provides electronic resources, has access increased or decreased or simply changed? This question is more complicated than it seems. For some people, taking away staff assistance will decrease access to materials, even if the amount of resources available remains the same. There seem to be two levels of access: physical access to materials and useful access to materials. The first level deals with location of materials, where they are on the shelf, finding out which library owns the materials, and finding the resources online. The second level provides for meaningful use of the resources and understanding why you use one resource over another. For complete access to be offered, the public needs a combination of both levels of access. The American Association of Law Libraries' State, Court and County Law Library Special Interest Section (SCCLL-SIS, AALL) comments on this issue in its County Public Law Library Standards by noting that "Libraries must consider the concept of access to legal information versus ownership of materials."<sup>14</sup>

For this finding, we differentiate between these two levels of access and how they have changed from previous studies. We limit this finding to access at court libraries since our basis of comparison, Marcia Koslov's 1993 study, did the same.<sup>15</sup> Koslov found the following:

1. With the exception of Dane County and Milwaukee County, no counties provide for professional library staff.<sup>16</sup> This is still true. However, both Dane County and Milwaukee County Legal Resource Centers are managed through contractual arrangements with the WI State Law Library and the Clerk of Courts offices.
2. In many counties, the public is not allowed access to the county law library.<sup>17</sup> In the current study, eleven counties do not have materials available, in either print or electronic format, for public access in the courthouse. In the Koslov study, only three counties indicated they were not open to the public.<sup>18</sup>
3. Koslov's four objectives to determine whether county law libraries are of use to the courts were:

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<sup>13</sup> See note 11 supra.

<sup>14</sup> American Association of Law Libraries State, Court and County Law Libraries Special Interest Section, "County Public Law Library Standards," 95 Law Libr. J. 117 (2003), at page 122, also online at: <http://www.aallnet.org/sis/sccll/pdfs/stdfin02.pdf>.

<sup>15</sup> We are comparing the results of the Koslov study, published in 86 Law Libr. J. 707 (1994), "Wisconsin County Law Libraries: A Court Evaluation Project."

<sup>16</sup> Koslov, "Wisconsin County Law Libraries: A Court Evaluation Project," 86 Law Libr. J. 707 (1994), at page 710.

<sup>17</sup> Ibid., p. 711.

<sup>18</sup> Ibid., p. 728.

- a. The libraries should contain a basic set of current legal materials.
- b. The libraries should be readily accessible.
- c. The libraries should have sufficient financial resources to support the first two objectives.
- d. The libraries must be used by the judiciary and the judicial staff on a regular basis.<sup>19</sup>

Of these four objectives, the findings of this study are able to correlate to and update the first three. With regard to objective (a), 44 counties offer Wisconsin statutes, Administrative Code, and Wisconsin caselaw reporters in print. Another three counties offer these basic resources via electronic means only. While this isn't as elaborate as the methodology from Koslov's study, it still indicates that about 65% of counties are offering the basic Wisconsin legal resources in some format to the public.

Objective (b) shows compliance with the 1989 version of the AALL's SCCLL-SIS standards on County Law Libraries, which included the statement, "As much of the library's collection should be open to the public as possible."<sup>20</sup> This statement is not included in the 2003 standards, but is implied through the expansion of other standards, including a clause regarding ADA compliance. Koslov found that nearly 90% of county law libraries were open to all, including the public, and only three libraries did not permit access by the public. With regard to this objective, physical access to legal information at county law libraries in Wisconsin courthouses has decreased over the past 12 years. The following chart summarizes how public access has changed:

Fig. 3: Public Access to County (Court) Law Library Collections

Year of Study	Staffed County Law Libraries	County Law Libraries with no public access*	County Law Libraries with Public Access
1993 (Koslov)**	2 (3%)	3 (4%)	69 (96%)
2005 (Seeger)	2 (3%)	11 (15%)	61 (85%)

\* - Includes those courts that have made arrangements to offer legal resources at a local public library

\*\* - The Koslov study did not have a 100% response rate, so those figures are estimates.

From a sheer physical accessibility point of view, access has not improved in Wisconsin county courthouses. Not enough information is available to determine if meaningful access (as defined above) has changed.

For objective (c), Koslov reports that:

The total amount spent in 1991 by the reporting Wisconsin counties equals approximately \$1,371,000....The median expenditure is \$15,582. When viewed in terms of dollars per judge, the rank order of the counties changes significantly, and the median expenditure is only \$7,964.50.<sup>21</sup>

The information about "dollars per judge" is important because the county law library statute<sup>22</sup> specifically states that the county cannot spend more than \$1,500 per judge per year on law books without county board approval. That dollar amount has not changed since 1959, despite numerous bills in the legislature proposing an increased amount. Comparing Koslov's findings with the budget information offered through this study, we see that the total amount spent annually by the reporting Wisconsin counties now equals approximately \$682,575, significantly

<sup>19</sup> Ibid., p. 712-713.

<sup>20</sup> County Law Library Standards, 1989, at S-14, as quoted in Koslov, p. 712-713.

<sup>21</sup> Koslov, p. 734.

<sup>22</sup> 2003 Wis. Stat. § 757.40.

lower than the amount in Koslov’s study, despite the significant increase in the cost of resources over the past 10-12 years. This study did not calculate how this corresponds to the amount spent on materials per judge, but since this study is concerned with public access, the amount spent on materials in the county law library per county was calculated. Appendix 8 shows each county’s expenditure per county resident. If we divided up the \$682,575 for each state resident, it would indicate that statewide, we are spending only \$.12 per state resident on legal materials in courthouses.<sup>23</sup>

- This study shows a correlation between the number of pro se litigants in a county and the number of resources or assistance programs available.

Inconclusive. It is difficult to show the link between the volume of pro se litigation in a county and the number of resources and assistance programs available primarily because there is no uniform way for courts to track statistics on pro se litigation. We did attempt to find this link through the estimated numbers provided by Clerk of Courts staff who receive or process filings in their county. We asked staff in 13 randomly-selected counties to estimate how many cases are filed per year in which at least one party is self-represented. If the counties with high (more than 50%) pro se litigation volume also had more than 25% of the items on the checklist, or substantial electronic resources, and legal assistance available, while those counties with lower volumes of pro se litigation and less than 10% of the items on the checklist or no electronic legal resources or no legal assistance programs in place, that would be an indication of a correlation.

Of the 13 counties, three declined to estimate their pro se litigation volume. Of the remaining ten counties in the sample, one county was able to retrieve data for their entire district of 13 counties, albeit data from 2003. With that additional data, we now had information from a total of 22 counties. Fig. 4 summarizes this data.

Fig. 4: Sample of Pro Se Litigation Volume

Sample size: 22 of 72 counties. Pro Se filings are yearly for all case types

- |  |
|--|
| <p>I. No assistance programs and no titles on checklist: 6 of 22<br/> A. Five of these six estimate at least 50% one party pro se<br/> B. Four of these six estimate at least 65% one party pro se</p> |
|--|

- |   |
|---|
| <p>II. Assistance program in place and over 25% titles on checklist: 5 of 22<br/> A. Four of these five estimate at least 54% one party pro se<br/> B. Two of these five estimate at least 75% one party pro se</p> |
|---|

This is only about 30% of the total counties in Wisconsin, so any resulting correlation or lack of correlation would prove inconclusive when applied to the entire state. Sample I seems to indicate no link between pro se volume and the presence of resources and assistance, while Sample II appears to correlate according to our findings.

However, all other counties in the sample fall somewhere in between. Either they estimate high pro se litigation volume and have few resources or little assistance, or they estimate low volume, but have substantial resources. The correlation is not as evident. Further research

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<sup>23</sup> Population based on 2004 estimate by Demographic Services Center for the WI Department of Administration. See [http://www.doa.state.wi.us/pagesubtext\\_detail.asp?linksubcatid=96](http://www.doa.state.wi.us/pagesubtext_detail.asp?linksubcatid=96) for more information.

would be needed to look at resources and estimates statewide, or to find a comprehensive way to gain more accurate pro se litigation volume data.

#### Findings—Legal Assistance Programs and Services

There are eight “widely accepted goals of programs to assist self-represented litigants.

- Increase understanding of court orders
- Increase compliance with the terms of court orders
- Increase access to justice
- Increase the likelihood of “just” outcomes involving self-represented litigants
- Increase user satisfaction with the court process
- Increase the efficiency and effectiveness of the court system
- Increase education for court users
- Help users develop expectations that are reasonable in light of the law and the facts.”<sup>24</sup>

Do the established assistance programs in the circuit courts of Wisconsin meet these goals? Only one of the ten judicial districts reported that no legal assistance programs were in place or being planned. All other districts have at least one program planned for their area. The following summarizes, by judicial district, the assistance programs in place or being planned in Wisconsin circuit courts.<sup>25</sup>

- District 1 (Milwaukee County)

The Milwaukee County Family Law Self-Help Clinic is open Mondays, Tuesdays and Wednesdays from 11:30 a.m. to 1:00 p.m. and Fridays from 8:00 a.m. to 9:30 a.m. in Room G9 of the Courthouse. The Clinic is a free legal self-help service for family law matters. Clinic staff is available during clinic hours to provide legal information regarding local court rules and procedures and to help self-represented litigants complete family law forms. The clinic is sponsored in part by the Milwaukee County Department of Child Support Enforcement. Volunteer attorneys, paralegals, and other legal professionals staff the clinic. These volunteers are able to answer questions regarding legal procedures and provide general legal information but are not able to provide legal advice, represent litigants in court, or commit to individual cases. The clinic is conducted on a walk-in basis. The clinic does not provide forms; however, certain family law forms may be purchased at the Milwaukee Legal Resource Center, Room 307A of the Courthouse, or at Wisconsin Legal Blank, 749 N. 37<sup>th</sup> Street, Milwaukee.

The Milwaukee County Small Claims Self-Help Clinic is open Thursdays from 11:30 a.m. to 1:00 p.m. in Room G9 of the Courthouse. The Clinic is a free legal self-help service for small claims matters. Clinic staff are available during clinic hours to provide legal information regarding local court rules and procedures and to help self-represented small claims litigants locate and complete small claims forms. The clinic is staffed by volunteer attorneys, paralegals, and other legal professionals. Volunteers are able to answer questions regarding local procedures and provide general legal information but are not able to provide legal advice, represent litigants in court, or commit to individual cases. The clinic is conducted on a walk-in basis.

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<sup>24</sup> *Trial Court Research and Improvement Consortium Executive Program Assessment Tool: Programs to Assist Self-Represented Litigants*, page 5, Revised December 2004.

<sup>25</sup> Findings as a result of the surveys sent to District Court Administrators on November 19, 2004. A map of the districts is available at: <http://www.wicourts.gov/about/organization/circuit/map.htm>

The Milwaukee Legal Resource Center is open 8 a.m. to 4:30 p.m. Monday through Friday, and is a branch of the Wisconsin State Law Library. Resource Center staff assist users with locating forms and procedural information, as well as with using library resources. Forms and copies are available for a fee.

A Restraining Order Clinic is available Monday through Friday from 8:30 a.m. to 10:30 a.m. and from 1:00 p.m. to 2:30 p.m. or by appointment in Room 711 of the Courthouse. The Clinic is a free service of the Task Force on Family Violence and provides step-by-step assistance in obtaining restraining orders, including domestic abuse, child abuse and harassment restraining orders. The Clinic is staffed by advocates who can explain the process for obtaining a restraining order, help individuals with the necessary paperwork, go with individuals to court, and help individuals find shelter, counseling or other services. Clinic advocates are not able to provide legal advice. The entire process takes a few hours. An individual seeking a restraining order needs to bring to the Clinic his or her picture identification, an address where the abuser can be served, and a picture of the abuser, if one is available.<sup>26</sup>

- District 2 (Kenosha, Walworth, Racine Counties)

Kenosha County has a Domestic Violence program in which staff from Women's and Children's Horizons assist individuals with TRO form completion. The county provides free space to the group in the lower level of the courthouse. Forms are available in Room 109 of the Courthouse, but those requiring assistance should call (262) 653-2767 and leave a message to set up a time for phone or in-person assistance. The program has no set hours and does not offer legal advice.

- District 3 (Waukesha, Jefferson, Ozaukee, Washington Counties)

Waukesha County has a Court Self-Help Center open 8:15 a.m. to 4:15 p.m. Monday through Friday that provides forms, instructions, procedural information, and a website with FAQ's and a glossary of terms for family cases. The Self-Help Center also assists individuals with finding an attorney or other community resources. The Center is currently funded through the existing Clerk of Courts budget through reallocation of staff, although the initial set-up and development of the Center was funded through grants. The Center hopes to expand into other types of cases, such as Small Claims, Probate, Juvenile and Criminal/Traffic. There is no plan or timetable for this expansion.<sup>27</sup>

- District 4 (Calumet, Fond du Lac, Manitowoc, Sheboygan, Winnebago Counties)

The Winnebago County Clerk of Courts office provides pro se divorce forms and information online at: <http://www.co.winnebago.wi.us/clerkofcourts/ProSeDivMain.htm>

Fond du Lac's Family Court Commissioner's office distributes family court information and pro se divorce forms for a fee.

- District 5 (Dane, Green, Lafayette, Rock Counties)

Rock County is designing a program that would provide family law assistance one day per month. According to one of the Family Court Commissioners, the program will be for mediation of pending divorces. The County also provides post-divorce pro se packets, as well as for informational packets for child support modification, placement/custody modification, child

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<sup>26</sup> Additional information can be found at: <http://www.tffv.org/frame.asp?page=Safety%2EFinal%2Epdf>

<sup>27</sup> For more information, see the Center's website at: <http://courtsselfhelp.waukeshacounty.gov>

support contempt, and placement/custody contempt. The packets will be available on their website when it is completed.

Dane County has several assistance programs. The Family Law Assistance Center is open on Wednesdays, 11:30 a.m. to 1:30 p.m. in the Courthouse (currently in Room 226, but will be in the Assembly Room in the new Courthouse in January 2006). Volunteer attorneys from the Dane County Bar Association provide assistance with locating forms and procedures, form completion, and general procedural information for family court cases.<sup>28</sup>

The Family Court Assistance Project meets three half-days per week in the Courthouse. Through this program, University of Wisconsin-Madison Law School students assist litigants with forms and procedural information. The hours and location vary from semester to semester, with limited availability when school is not in session. The Program also meets away from the Courthouse, as do many other UW-Law School clinical programs.<sup>29</sup> For more information, call (608) 262-2301.

The Small Claims Assistance Program is open on Tuesdays 9-11 a.m. in the Courthouse (currently in Room 320, but will be in the Assembly Room in the new Courthouse in January 2006), and features volunteer attorneys from the Dane County Bar Association who provide assistance with locating forms and procedures, form completion, and general procedural information for small claims cases. The program is coordinated through the Dane County Bar Association and the Dane County Legal Resource Center.

The Dane County Legal Resource Center is open 8:30-4:30 M-F, and is a branch of the Wisconsin State Law Library. Resource Center staff assist users with locating court and legal forms and procedures, and offers classes for the public on basic legal research, and referrals to legal and community services, as well as a blog and electronic newsletters designed especially for pro se litigants and the public.<sup>30</sup> In addition, the Center has assisted in developing and maintaining the information and forms found on the Dane County Clerk of Court's website: <http://www.countyofdane.com/clrkcort/clrkhome.htm>.

The Domestic Abuse Intervention Services in Dane County has legal advocates that assist people upon request with court forms and procedures in certain cases.<sup>31</sup>

- District 6 (Adams, Clark, Columbia, Dodge, Green Lake, Juneau, Marquette, Portage, Sauk, Waushara, Wood Counties)

Waushara County offers, one hour per month, free legal consultation through the Department of Aging Resource Center to individuals who have questions or concerns regarding aging, disabilities and long-term care services.<sup>32</sup> There is also assistance with domestic abuse and harassment restraining order injunctions through CAP Services, Inc. Family Crisis Center.<sup>33</sup>

Columbia County refers people to the following programs:

1. Hope House: Offers assistance with forms and procedures and support for

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<sup>28</sup> More information about this program: <http://www.dcba.net/programs/FamilyAssistSchedule.html>

<sup>29</sup> More information about this program and its parameters: <http://www.law.wisc.edu/clinics/DivorceCourtProject.htm> In addition the UW Law School has several clinical programs that offer assistance to the public throughout Madison and Dane County. More information on these programs is found here: <http://www.law.wisc.edu/clinics/clinicaleducationskillstraining.htm>

<sup>30</sup> Much more information, including the Center-maintained list of low-cost legal assistance in Dane County, is on the Center's website: <http://wsll.state.wi.us/branch/dclrc/index.html>

<sup>31</sup> See <http://www.abuseintervention.org/>

<sup>32</sup> See [http://www.co.waushara.wi.us/resource\\_center.htm](http://www.co.waushara.wi.us/resource_center.htm)

<sup>33</sup> See [http://www.capserv.org/pages/Family\\_Crisis\\_Center.html](http://www.capserv.org/pages/Family_Crisis_Center.html)

- domestic violence cases. Call 800-584-6790 for more information.
2. Teresa House: Offers assistance with forms and procedures and support for divorce cases.<sup>34</sup>
  3. The Clerk of Courts office provides handouts and pamphlets and is working on a community referral guide for area resources.

Portage County Clerk of Courts office directs litigants to Legal Aid and/or to the Judicare Helpline.<sup>35</sup> Portage County also recently began work with JusticeWorks, Ltd., a non-profit corporation, to design a network of restorative justice programs using community experts and volunteers. The five task forces that will begin to explore topics of interest are: Alternatives to Sentencing, Housing, Mediation, Mentoring, and Access to Justice. The Access to Justice group will explore building a self-help center for pro se litigants. The group is chaired by retired UW-Stevens Point professor John Morser.<sup>36</sup>

- District 7 (Buffalo, Crawford, Grant, Iowa, Jackson, La Crosse, Monroe, Pepin, Pierce, Richland, Trempealeau, Vernon Counties)

Richland County uses volunteer senior citizens and attorneys to assist litigants with form completion in stipulated divorce cases. Form packets are available for a fee and space for assistance is provided in the courthouse. Assistance is available the first Monday of each month from 1-4 p.m. on the third floor of the courthouse. Call the Clerk of Courts for more information or to check on fees, (608) 647-3956.

La Crosse County features a Family Law Information Center using volunteer senior citizens and La Crosse County Bar Association attorneys to assist litigants with form completion in family court cases, general court information about family law matters and local referral information professional service providers.

- District 8 (Brown, Door, Kewaunee, Marinette, Oconto, Outagamie, Waupaca Counties)  
No assistance programs reported in use or planned at this time.
- District 9 (Florence, Forest, Iron, Langlade, Lincoln, Marathon, Menominee, Oneida, Price, Shawano, Taylor, Vilas Counties)

The Ninth District has a committee set up to put together a self-help center offering forms and assistance. This project will be developed in the next one to two years. Contact Ninth District Court Administrator Scott Johnson for more information, (715) 842-3872.

- District 10 (Ashland, Barron, Bayfield, Burnett, Chippewa, Douglas, Dunn, Eau Claire, Polk, Rusk, St. Croix, Sawyer, Washburn Counties)

Douglas County offers a Forms Assistance Clinic that provides help with family court form completion and procedures from UW-Superior's Legal Studies program (with guidance from Douglas County Bar Association attorneys). Hours are limited to when school is in session. Call (715) 394-8406 for more information.

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<sup>34</sup> See <http://www.teresahouselegal.org/index.html>

<sup>35</sup> See <http://www.judicare.org/> for information about Wisconsin Judicare, a legal services provider for low-income people residing in the northern counties Wisconsin. Other parts of Wisconsin are served by Legal Action of Wisconsin: <http://www.legalaction.org>.

<sup>36</sup> For more information about this project see page 5 of the Summer issue of *The Third Branch*: <http://www.wicourts.gov/news/thirdbranch/docs/summer04.pdf> published by the Wisconsin Court System.

In Eau Claire County, a free legal clinic meets the third Wednesday of every month, from 6:30 to 8:00 p.m., at the L.E. Phillips Memorial Public Library, located at 400 Eau Claire Street. Each free legal clinic session focuses on a different issue, from business law to intellectual property, bankruptcy to employee benefits, and personal injury to e-commerce, and more. The Clinic operates on a question and answer forum where participants have 10 to 15 minutes to ask questions. Five to seven local attorneys are available at each clinic to answer questions, as well as introduce topics and give free legal advice.<sup>37</sup>

Chippewa County offers volunteer attorneys at the Chippewa Falls Public Library, located at 105 W. Central Street, who answer general questions and provide basic information about legal questions. No legal advice is given. No pre-registration is required for the sessions offered the fourth Wednesday of every month (except December) from 6:30 - 8:00 p.m. The program is sponsored by the Chippewa County Bar Association and The Chippewa Falls Public Library.<sup>38</sup>

In addition to these efforts, District Court Administrator Gregg Moore adds that information about the programs in the three counties above is available to the public in the respective clerk of court and register in probate offices. Available in all 13 counties are "Guide for Legal Advice or Assistance" and "Should I Represent Myself?" handouts, attorney rosters, and district family court forms.<sup>39</sup> A district committee continues to work on improving access to the courts for self-represented litigants. Membership includes three judges, three clerks of court, a family court commissioner, a register in probate, a district court administrator, an attorney, executive director of Wisconsin Judicare (legal services provider), and Director of UW-Superior's Legal Studies Department.<sup>40</sup>

Wisconsin Judicare was recently awarded a \$150,000 grant from the Otto Bremer Foundation for a two-year collaborative pilot project in the Tenth District to improve access to the courts, particularly for low-income individuals. Key objectives of the project include:

1. Develop standardized rules and procedures to improve the ease of court access for self-represented litigants.
2. Collaborate with community groups and organizations, libraries, attorneys, tribal court leaders, circuit court officials and others to fully implement and promote usage of model forms and instructions for divorce and other family cases. These materials would be available to litigants, the general public and anyone else who might benefit from their use.
3. Provide direct assistance and training to judges, family court commissioners, clerks of court and court staff to help them meet the challenges of self-represented litigation.
4. Develop portions of the Wisconsin Judicare website to help self-represented citizens who do not have assistance of legal counsel; this would include adding links from other websites, such as State Bar of Wisconsin and the Wisconsin Court System.
5. Develop and implement a major public outreach effort to inform citizens of program services and available resources, which would entail a multi-faceted approach; also research funding possibilities for production of a public outreach video.

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<sup>37</sup> See <http://www.eauclairecountybar.org/>

<sup>38</sup> Contact Eau Claire-area Attorney Gary King for more information at (715) 855-8177.

<sup>39</sup> Available in hard-copy for a fee and online at: <http://www.co.saint-croix.wi.us/Departments/ClerkOfCourt/10thDistrict.htm>.

<sup>40</sup> For more information on the Tenth District's initiatives, see "Tenth Judicial District Self-Represented Litigants Initiative: A Five-Year Retrospective," by Gregg Moore, District Court Administrator, August 8, 2005 at: <http://www.wicourts.gov/about/organization/programs/docs/10distlitigants.pdf>

6. Establish a methodology for replicating this “access to justice” initiative in the other 20 counties of the Wisconsin Judicare service area. Bob Hagness, a former court commissioner and former member of the State Bar of Wisconsin’s Board of Governors, was chosen to coordinate this initiative.

In addition to these various district and county programs, the Wisconsin Court System has recently developed 34 divorce forms that may be used by the public statewide. These forms will be available online through the Court’s website<sup>41</sup> and in print in the Clerks of Court offices throughout the state by December 2005 and will be accompanied by instructions specific to each county.

## Recommendations

How do we as law librarians communicate the importance of the public’s access to legal information and assistance, especially to those who make funding decisions for law libraries, public library collections, and courthouse assistance programs? In Wisconsin, there have been unsuccessful attempts at legislation to create a system for channeling funds for county law libraries. In some states, legislation has mandated the establishment and funding of county law library systems. See Appendix 9 for a summary of legislative activity in Wisconsin and a note about other states’ laws regarding funding or organization of county law libraries. More collaboration between public or academic libraries and law libraries could foster the development of relevant programs and resources for the public.

Because LLAW believes that public access to legal information is important, we make the following recommendations, based on the findings of this survey, for enhancing services to the public.

- Recommendations to Public Law Librarians
  - Publicize your accessibility (in all forms) statewide, but especially to those organizations, courts, and libraries that are likely to serve people who have legal questions.
  - Make information about your services available to the public in a variety of formats, such as web-based and print, as well as in multiple languages.
  - Collaborate with public and academic libraries to offer legal research resources and training to the public.
  - Create local legal resources in simplified language, or collaborate with legal associations to make resources available, where there is a need for information.
  - Schedule regular visits to public and/or academic libraries, county courthouses, and to the local bar associations. Use these visits to promote the services of the public law libraries in Wisconsin, or as opportunities to offer training in finding and using legal information resources.
  
- Recommendations to Public and Academic Librarians
  - Make sure legal resource collections are current.

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<sup>41</sup> See <http://www.wicourts.gov>

- Provide access to a current set of statutes in print and online access to the administrative code and recent caselaw.
- Maintain local and county ordinances and court rules.
- Retain older statutes if space permits. If older statutes are not retained, refer patrons to the older statutes on the Wisconsin Legislature’s website.
- If possible, maintain sets of Wisconsin caselaw reporters and relevant law reviews and journals, even if sets are incomplete or non-current. Libraries with very small sets with access to a nearby, more complete collection may consider discarding their materials.<sup>42</sup>
- Nolo Press and Sphinx Legal titles, or other books written especially for the lay person have a short shelf life: 5 years or less. Discard older copies of these books—old law is more hazardous than no law.
- “Not current” materials should be identified as such so the reader knows the information may be out of date and/or no longer accurate. If possible, direct the reader to current material, such as online caselaw or codes, or updated treatises at a nearby library, or at the least, the phone number to a larger law library that may have current material.
- Contact a law library, a legal professional, court staff, or community agency that offers legal services to the public to inquire about collaborating to provide programming geared to the general public.
- Provide information on local legal resources in print and through the library’s website.
- Create a resource list of places for librarians or patrons to call or email for help with legal information questions. Include local assistance programs, as well as statewide agencies such as the Department of Consumer Protection’s hotline and the WI State Law Library. Make the list available in a variety of formats and languages.

➤ Recommendations to the Circuit Courts of Wisconsin

It has been documented that:

When self-represented litigants are better prepared for court, have accurate paperwork and supporting documents, and have a better understanding of the court process, court employees and judicial officers report that the court is less likely to have to continue a case or make a decision based on incomplete information.<sup>43</sup>

It is with this finding in mind that we offer these recommendations to the circuit courts of Wisconsin.

- If your court offers an assistance program, make staff and the public aware of it through attractive flyers or brochures, as well as through the Clerk of Court website.
- Develop an informative website that includes directions to the courthouse, contact information, links to forms and other publications, and frequently asked questions.
- Find ways to collaborate and create programs or services to the public to enhance and project positive experiences.

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<sup>42</sup> Before discarding, it might be a good idea to contact the nearby library with a complete set to see if they need any volumes to replace missing items.

<sup>43</sup> Hough, Bonnie Rose. “Paper Nine: Evaluation of Innovations Designed to Increase Access to Justice for Self-Represented Litigants.” Published in *The Future of Self-Represented Litigation: Report from the March 2005 Summit*. National Center for State Courts, State Justice Institute, p. 113.

- Employ a professional law librarian to provide information and forms to the public and direct users to other resources, as well as maintain any print or online resources so that they are up-to-date and available not only to the public, but also to judges and other court staff.
- Use volunteers to assist people with finding resources, procedures, or forms relevant to their case.
- Keep print resources current, or maintain electronic subscriptions to basic primary law materials: Wisconsin statutes, administrative code, caselaw, local ordinances, and court rules (appellate and local).
- Consider collaborating with the local bar association to offer assistance programs.

## Summary and Conclusion

While this study has shown that legal resources and assistance are available to all Wisconsin residents, some counties provide better access than others. We highlighted services that can be emulated by other libraries or court offices in order to counter the real factor limiting access to resources and assistance: inadequate funding. Finally, we offered suggestions for increasing access that are practical and easy to implement.

To the best of our knowledge, this has been the first reported study that has focused entirely on the public's access to legal information and assistance and has included an exploration of multiple types of libraries and court services. We recommend that this study be updated periodically in order to ensure that access to legal information and assistance is inventoried and given notice. In addition, this committee recommends that more study be completed to answer the questions raised by this report; namely, how do pro se litigants locate, access and use legal information and assistance? Is the availability of electronic resources making it easier or more confusing for pro se litigants to find and use legal resources? To get at the heart of these questions, we must examine the information-seeking behavior of pro se litigants from their own perspective. Have they found more information or assistance in the courthouse, or in the community, or on their own? Using the perspective of the pro se litigant, libraries and courts may be able to better formulate resources and services that meet the needs of the litigant, ensuring that access to legal information and assistance remain a priority.

## Appendix 1: The Checklist

Throughout this report we have mentioned the titles that comprised a “checklist” of legal resources for which we searched library catalogs. Fig. 5 contains the electronic and print resources that served as the “checklist.”

Fig. 5: List of electronic and legal resources comprising checklist

### Electronic:

- Internet Access
- Printer: Is there a fee for printing?  Y  N How much per page?
- LoisLaw
- Westlaw (password available for public use?)
- Lexis (available for public use?)
- Other Court or Legal Databases for the public:

### Print: (Indicate noncirculating titles by an “R” in front)

- Official *Wisconsin Statutes* Latest Edition:
- Prior Editions of *Wisconsin Statutes*: Range of Years:
- Laws of Wisconsin* (Session Laws) Latest Edition:
- Prior Editions of *Laws of Wisconsin*: Range of Years:
- Wisconsin Administrative Code*: Latest Release Filed:
- Callaghan’s Wisconsin Reports*, 1<sup>st</sup> series Starting volume: Ending Volume:
- Callaghan’s Wisconsin Reports*, 2<sup>nd</sup> series Starting volume: Ending Volume:
- West’s Northwestern Reporter*, 1<sup>st</sup> series Starting volume: Ending Volume:
- West’s Northwestern Reporter*, 2<sup>nd</sup> series Starting volume: Ending volume:
- Current Local Ordinances for these cities/counties:
- Local Circuit Court Rules
- Opinions of the Attorney General of Wisconsin*: Starting volume: Ending volume:
- West’s Wisconsin Statutes Annotated*: Date of most recent pocket parts:
- Law Reviews/Periodicals:
  - Wisconsin Law Review*: Volumes:
  - Marquette Law Review*: Volumes:
  - Wisconsin Lawyer/Wisconsin Bar Bulletin*: Volumes/Issues:
  - Wisconsin Law Journal*: Volumes/Issues:
  - Other periodicals (Note title and volumes):
- Black’s Law Dictionary*: What edition(s)?
- Case Digests
  - West’s Wisconsin Key Number Digest* Date of most recent pocket parts:
  - Callaghan’s Wisconsin Digest* Date of most recent pocket parts:
- Criminal Jury Instructions (4 volumes) Latest update filed:
- Civil Jury Instructions (3 volumes) Latest update filed:
- Children’s Jury Instructions (1 volume) Latest update:
- Judicial Benchbooks
  - Criminal & Traffic: Latest update filed:
  - Civil: Latest update filed:
  - Family: Latest update filed:
  - Juvenile: Latest update filed:
  - Probate, Guardianship, & Mental Health: Latest update filed:
- A Guide to Probate in Wisconsin* (Blue booklet) Edition/Year:
- Guide to Small Claims Court in Wisconsin* (booklet) Edition/Year:
- Filing an Appeal: A Citizen’s Guide to Filing an Appeal with the WI Court of Appeals* Ed/Yr:
- Regional Reporters
  - Atlantic Starting volume: Ending volume:

- Atlantic, 2<sup>nd</sup> series Starting volume: Ending volume:
- Northeastern Starting volume: Ending volume:
- Northeastern, 2<sup>nd</sup> series Starting volume: Ending volume:
- Pacific Starting volume: Ending volume:
- Pacific, 2<sup>nd</sup> series Starting volume: Ending volume:
- Pacific, 3<sup>rd</sup> series Starting volume: Ending volume:
- Southeastern Starting volume: Ending volume:
- Southeastern, 2<sup>nd</sup> series Starting volume: Ending volume:
- Southern Starting volume: Ending volume:
- Southern, 2<sup>nd</sup> series Starting volume: Ending volume:
- Southwestern Starting volume: Ending volume:
- Southwestern, 2<sup>nd</sup> series Starting volume: Ending volume:
- Southwestern, 3<sup>rd</sup> series Starting volume: Ending volume:
- United States Code Annotated* Date of most recent pocket parts:
- United States Code Service* Date of most recent pocket parts:
- Code of Federal Regulations* Latest edition:
- United States Supreme Court Reporter* Starting volume: Ending volume:
- United States Supreme Court Reports, Lawyer's Edition* Starting volume: Ending volume:
- West's Supreme Court Reporter* Starting volume: Ending volume:
- Federal Reporter*, 1<sup>st</sup> series Starting volume: Ending volume:
- Federal Reporter*, 2<sup>nd</sup> series Starting volume: Ending volume:
- Federal Reporter*, 3<sup>rd</sup> series Starting volume: Ending volume:
- Federal Supplement*, 1<sup>st</sup> series Starting volume: Ending volume:
- Federal Supplement*, 2<sup>nd</sup> series Starting volume: Ending volume:
- Wisconsin Practice* (Green Set) Date of pocket parts:
- Wisconsin Pleading and Practice* (Blue Set) Date of pocket parts:
- System Book for Family Law* (2-vol. binder set published by WI State Bar) Last update filed:
- Wisconsin Rules of Evidence* (Published by WI State Bar) Last update filed:
- Civil Litigation Forms Manual* (Published by WI State Bar) Last update filed:
- Wisconsin Criminal Defense Manual* (Published by WI State Bar) Date of pocket parts:
- Total Other titles published by the WI State Bar:
- Total other titles on Wisconsin Law (KFWs):
  
- Represent Yourself in Court* (Published by Nolo Press) Edition/Year:
- Legal Research: How to Find and Understand the Law* (Published by Nolo Press) Edition/Year:
- Everybody's Guide to Small Claims Court* (Published by Nolo Press) Edition/Year:
- Total other titles published by Nolo Press:
- Total titles published by Sphinx:
  
- Total titles in call number range: 340-349 \_\_\_\_\_ or KF \_\_\_\_\_**

## Appendix 2: Electronic legal resources available to public in Courthouses

Some counties make electronic legal resources available to the public. This may include resources that are available on the Internet or those available with a court-provided password. Fig. 6 lists which resources are available in each county, as well as whether general Internet access is available to the public. Note that Waukesha County's electronic resources, forms, and other assistance is located at the county's family law self-help center in the Courthouse, not their law library.

Fig. 6: Electronic legal resources Circuit Courts make available to the public

County	Westlaw, Lexis, Loislaw?	Internet?
Adams	Loislaw	Y
Ashland	None	N

<b>County</b>	<b>Westlaw, Lexis, Loislaw?</b>	<b>Internet?</b>
Barron	None	N
Bayfield	None	Y
Brown	Westlaw	Y
Buffalo	None	N
Burnett	None	N
Calumet	Loislaw	N
Chippewa	None	N
Clark	None	N
Columbia	None	Y
Crawford	None	N
Dane	Lexis-Shepards Public Access; Loislaw	Y
Dodge	Lexis	N
Door	Loislaw	N
Douglas	Westlaw	N
Dunn	Loislaw	N
Eau Claire	Westlaw	Y
Florence	None	Y
Fond du Lac	None	Y
Forest	None	N
Grant	Westlaw	Y
Green	None	N
Green Lake	Loislaw	Y
Iowa	None	N
Iron	None	N
Jackson	None	N
Jefferson	Westlaw	Y
Juneau	None	N
Kenosha	None	N
Kewaunee	None	N
La Crosse	Lexis; Loislaw (funded by county, but available at La Crosse Public Library only)	N
Lafayette	None	Y
Langlade	Lexis	Y
Lincoln	Loislaw available in Register of Deeds office	N
Manitowoc	Loislaw	Y
Marathon	None	Y
Marinette	Loislaw	N
Marquette	None	Y
Menominee	None	N
Milwaukee	Westlaw; Loislaw	Y
Monroe	Westlaw	N
Oconto	Loislaw; Westlaw	Y
Oneida	Westlaw	Y
Outagamie	None	N
Ozaukee	Lexis	Y
Pepin	None	N
Pierce	None	N
Polk	None	Y
Portage	Loislaw, Westlaw, Lexis	N
Price	None	Y
Racine	Westlaw, Lexis	Y
Richland	None	N

County	Westlaw, Lexis, Loislaw?	Internet?
Rock	Lexis	Y
Rusk	None	N
Sauk	Lexis	N
Sawyer	None	N
Shawano	None	N
Sheboygan	None	N
St. Croix	None	Y
Taylor	County funds Westlaw at Medford Public Library	N
Trempealeau	Loislaw, Lexis	N
Vernon	None	N
Vilas	Loislaw, Lexis	N
Walworth	None	N
Washburn	Loislaw	Y
Washington	None	N
Waukesha	None	Y
Waupaca	None	N
Waushara	Loislaw	Y
Winnebago	Loislaw	Y
Wood	None	Y

The next five appendices all list the same kind of information in different ways. They list the search results of the titles on the checklist (see Appendix 1) in library and courthouse collections, reflecting what print legal resources the public has access to in different locations. Each appendix arranges the data by a different grouping: by judicial district, public library system, type of library, county, and individual library. For each, the columns of percentages are defined, with exceptions noted.

### Appendix 3: Access to items on checklist in each judicial district

Wisconsin's Circuit Courts are divided into judicial districts. Fig. 7 lists the counties in each district as well as their availability of items from the checklist (see Appendix 1). The percentages can be interpreted through this example: A resident of District 4 can find 88% of the titles on the checklist somewhere in the district, but has only a 12% chance of finding those titles in any one library or courthouse in the district. Column three indicates the percentage of availability across the district of items from the checklist, while column four shows the average of all items from the checklist owned by all libraries/courthouse collections in the district divided by the number of libraries/courthouse collections.

Fig. 7: Percentage of items held by judicial district.

District	Counties in District	Availability of checklist items	Average of checklist items in all libraries/courthouse collections
1	Milwaukee	100%	35%
2	Racine, Kenosha, Walworth	47%	10%
3	Jefferson, Ozaukee, Washington, Waukesha	95%	17%
4	Calumet, Fond du Lac, Manitowoc, Sheboygan, Winnebago	88%	12%
5	Dane, Green, Lafayette, Rock	100%	28%

<u>District</u>	<u>Counties in District</u>	<u>Availability of checklist items</u>	<u>Average of checklist items in all libraries/courthouse collections</u>
6	Adams, Clark, Columbia, Dodge, Green Lake, Juneau, Marquette, Portage, Sauk, Waushara, Wood	77%	11%
7	Buffalo, Crawford, Grant, Iowa, Jackson, La Crosse, Monroe, Pepin, Pierce, Richland, Trempealeau, Vernon	71%	11%
8	Brown, Door, Kewaunee, Marinette, Oconto, Outagamie, Waupaca	92%	17%
9	Florence, Forest, Iron, Langlade, Lincoln, Marathon, Menominee, Oneida, Price, Shawano, Taylor Vilas	64%	8%
10	Ashland, Barron, Bayfield, Burnett, Chippewa, Douglas, Dunn, Eau Claire, Polk, Rusk, St. Croix, Sawyer, Washburn	83%	9%

#### Appendix 4: Access to titles on checklist at public libraries

Wisconsin's public libraries are grouped into library systems. Fig. 7 lists the counties in each system as well as their availability of items from the checklist (see Appendix 1). This appendix includes items found only at public libraries. The percentages can be interpreted through this example: A resident living in the Lakeshores Library System can find 23% of the titles on the checklist somewhere in the system, but has only an 11% chance of finding those titles in any one library in the system. Column three indicates the percentage of availability across the system of items from the checklist, while column four shows the average of all items from the checklist owned by all libraries in the system divided by the number of libraries.

Fig. 8: Checklist items in Public Libraries

<u>System</u>	<u>Member Counties</u>	<u>Availability of checklist items</u>	<u>Average of checklist items in all libraries</u>
Milwaukee County Federated	Milwaukee	39%	34%
Waukesha County Federated	Waukesha	23%	14%
Arrowhead	Rock	24%	19%
Kenosha County	Kenosha	17%	8%
Lakeshores	Walworth, Racine	23%	11%
Eastern Shores	Sheboygan, Ozaukee	20%	9%
Manitowoc-Calumet	Manitowoc, Calumet	17%	9%
Outagamie Waupaca	Outagamie, Waupaca	35%	14%
Mid-Wisconsin Federated	Dodge, Washington, Jefferson	17%	11%
Winnefox	Waushara, Winnebago, Marquette, Green Lake, Fond du Lac	27%	8%
Southwest Wisconsin	Richland, Crawford, Grant, Iowa, Lafayette	9%	2%
Nicolet Federated	Brown, Door, Florence, Kewaunee, Marinette, Menominee, Oconto, Shawano	21%	4%

<u>System</u>	<u>Member Counties</u>	<u>Availability of checklist items</u>	<u>Average of checklist items in all libraries</u>
Indianhead Federated	Polk, Barron, Rusk, Price, Eau Claire, Chippewa, St. Croix, Dunn, Pierce, Pepin	23%	5%
Winding Rivers	Buffalo, Jackson, Juneau, La Crosse, Monroe, Trempealeau, Vernon	32%	3%
Southcentral	Adams, Wood, Portage, Dane, Green, Sauk Columbia	30%	9%
Northern Waters	Ashland, Bayfield, Burnett, Douglas, Iron, Sawyer, Vilas, Washburn	14%	2%
Wisconsin Valley	Clark, Forest, Langlade, Lincoln, Marathon, Oneida, Taylor	21%	4%

#### Appendix 5: Access to titles on checklist by library type

This appendix organizes the search results by library type. Figure 9 lists the three types of libraries examined. Academic libraries include university, college, and technical or community colleges in their total, then are further divided into University of Wisconsin system schools, technical or community colleges, and private universities or colleges. For this appendix, the two law school libraries are counted as academic libraries. Special libraries are defined as tribal libraries, the State Historical Library, and the WI State Law Library and its two branches. The percentage in column three indicates the average of all items from the checklist owned by all libraries of each type divided by the number of libraries of that type.

Fig. 9: Percentage of items held by library type.

<u>Library Type</u>	<u>Total libraries of this type examined</u>	<u>Average of checklist items in all libraries of this type</u>
Academic Total	66	18%
--University of Wisconsin system schools	26	23%
--Technical or Community Colleges	21	15%
--Private Colleges or Universities	19	15%
Public	143	6%
Special	6	55%

#### Appendix 6: Access to titles on checklist in each county

The libraries and courthouse collections that were searched for titles from the checklist were organized according to their location. Figure 10 shows the availability and average of items owned by all the libraries in each county. Column two indicates the percentage of availability across the county of items from the checklist, while column three conveys the average of all items from the checklist owned by all libraries/courthouse collections in the county divided by the number of libraries/courthouse collections. For example, in Dane County, residents can find all of the items on the checklist somewhere across the county, but have only a 44% chance of finding those titles from the checklist at any one library or courthouse collection.

Fig. 10: Percentage of items held by county.

<u>County</u>	<u>Availability of checklist items</u>	<u>Average of checklist items in all libraries</u>
Adams	21%	9%
Ashland	32%	8%
Barron	12%	4%
Bayfield	27%	9%
Brown	85%	22%
Buffalo	30%	10%
Burnett	3%	1%
Calumet	15%	7%
Chippewa	42%	17%
Clark	14%	5%
Columbia	20%	9%
Crawford	3%	1%
Dane	100%	44%
Dodge	45%	12%
Door	41%	12%
Douglas	48%	12%
Dunn	21%	9%
Eau Claire	55%	23%
Florence	30%	16%
Fond du Lac	45%	14%
Forest	14%	5%
Grant	45%	17%
Green	55%	20%
Green Lake	32%	13%
Iowa	24%	9%
Iron	36%	12%
Jackson	35%	12%
Jefferson	86%	28%
Juneau	2%	1%
Kenosha	42%	11%
Kewaunee	36%	13%
La Crosse	50%	16%
Lafayette	14%	14%
Langlade	30%	8%
Lincoln	47%	19%
Manitowoc	62%	15%
Marathon	30%	9%
Marinette	45%	13%
Marquette	36%	13%
Menominee	3%	1%
Milwaukee	100%	35%
Monroe	27%	9%
Oconto	24%	9%
Oneida	17%	5%
Outagamie	74%	29%
Ozaukee	32%	11%
Pepin	2%	1%
Pierce	44%	17%

<u>County</u>	<u>Availability of checklist items</u>	<u>Average of checklist items in all libraries</u>
Polk	2%	1%
Portage	48%	17%
Price	23%	9%
Racine	29%	13%
Richland	11%	4%
Rock	86%	24%
Rusk	8%	3%
Sauk	48%	16%
Sawyer	32%	10%
Shawano	18%	7%
Sheboygan	42%	12%
St. Croix	15%	7%
Taylor	5%	2%
Trempealeau	36%	12%
Vernon	47%	17%
Vilas	9%	5%
Walworth	8%	5%
Washburn	32%	8%
Washington	20%	8%
Waukesha	55%	17%
Waupaca	36%	15%
Waushara	36%	12%
Winnebago	41%	11%
Wood	32%	11%

Appendix 7: Within each county, access to titles in each library

We now come to the final grouping of search results. Figure 11 lists each library and courthouse collection that was surveyed for this study and indicates the percentage of items from the checklist that we found in the library catalog or through courthouse surveys. Column three indicates the total checklist titles owned by the library divided by the number of titles on the checklist. Since we listed the libraries by their location within each county, the name of the library may not be its official name.

Those libraries with the notation of \*\* indicate that the library’s holdings could not be determined by its shared catalog with a larger library or system; or, the technical college doesn’t have its own library at this location; or, the court has no resources available for use by the public (they may have resources for judges or lawyers to use), has electronic resources only, or has made arrangements to offer resources outside the courthouse.

Those libraries with the notation of \*\*\* indicate that the library had no online catalog to search or their catalog was inaccessible when searched for this project.

Fig. 11: Percentage of items held by individual library or court.

<u>County</u>	<u>Library/Court</u>	<u>Checklist items owned</u>
Adams	Adams County Circuit Court	20%
	Friendship Public Library	**
	Adams County Public Library	6%
	Mid-State Technical College	**

<u>County</u>	<u>Library/Court</u>	<u>Checklist items owned</u>
Ashland	Ashland County Circuit Court	27%
	Ashland Public Library	5%
	Mellen Public Library	0%
	Northland College	8%
	WI Indianhead Technical College	2%
Barron	Barron County Circuit Court	**
	Barron Public Library	5%
	Rice Lake Public Library	5%
	Univ of WI—Barron County	6%
	WI Indianhead Technical College	5%
Bayfield	Bayfield County Circuit Court	24%
	Washburn Public Library	2%
	Bayfield Public Library	2%
	WI Indianhead Technical College	**
Brown	Brown County Circuit Court	70%
	Green Bay Public Library	18%
	Ashwaubenon Public Library	**
	Oneida Tribal Library	6%
	Univ of WI—Green Bay	27%
	St. Norbert College	11%
Buffalo	Buffalo County Circuit Court	30%
	Alma Public Library	0%
	Mondovi Public Library	0%
Burnett	Burnett County Circuit Court	**
	Grantsburg Public Library	0%
	Webster Public Library	3%
Calumet	Calumet County Circuit Court	6%
	Chilton Public Library	8%
	New Holstein Public Library	6%
Chippewa	Chippewa County Circuit Court	17%
	Chippewa Falls Public Library	17%
	Bloomer Public Library	***
	Chippewa Valley Technical College	33%
Clark	Clark County Circuit Court	12%
	Neillsville Public Library	0%
	Thorp Public Library	3%
Columbia	Columbia County Circuit Court	9%
	Portage Public Library	14%
	Lodi Public Library	5%
Crawford	Crawford County Circuit Court	**
	Prairie du Chien Public Library	3%
	Soldiers Grove Public Library	0%
Dane	Dane County Circuit Court	71%
	Madison Public Library	27%
	Sun Prairie Public Library	11%
	Univ of WI—Madison Law Library	100%
	Edgewood College	6%
	Madison Area Technical College	12%
	State Historical Society Library	24%
WI State Law Library	100%	
Dodge	Dodge County Circuit Court	18%
	Juneau Public Library	3%

<u>County</u>	<u>Library/Court</u>	<u>Checklist items owned</u>
Dodge	Beaver Dam Public Library	15%
	Moraine Park Technical College	**
Door	Door County Circuit Court	**
	Sturgeon Bay Public Library	11%
	Egg Harbor Public Library	2%
	Northeast WI Technical College	36%
Douglas	Douglas County Circuit Court	8%
	Superior Public Library	9%
	Solon Springs Public Library	**
	Univ of WI—Superior	41%
	WI Indianhead Technical College	5%
Dunn	Dunn County Circuit Court	6%
	Menomonie Public Library	12%
	Boyceville Public Library	2%
	Univ of WI—Stout	17%
Eau Claire	Eau Claire County Circuit Court	42%
	Eau Claire Public Library	23%
	Altoona Public Library	0%
	Univ of WI—Eau Claire	26%
Florence	Florence County Circuit Court	30%
	Florence County Public Library	2%
Fond du Lac	Fond du Lac County Circuit Court	23%
	Fond du Lac Public Library	23%
	Ripon Public Library	8%
	Ripon College	9%
	Marian College	5%
	Univ of WI—Fond du Lac	5%
Forest	Moraine Park Technical College	26%
	Forest County Circuit Court	14%
	Crandon Public Library	***
	Wabeno Public Library	***
Grant	Grant County Circuit Court	35%
	Lancaster Public Library	6%
	Platteville Public Library	5%
	Univ of WI—Platteville	29%
	Southwest WI Technical College	9%
Green	Green County Circuit Court	50%
	Monroe Public Library	9%
	Brodhead Public Library	***
Green Lake	Green Lake County Circuit Court	32%
	Green Lake Public Library	3%
	Princeton Public Library	5%
Iowa	Iowa County Circuit Court	23%
	Dodgeville Public Library	2%
	Mineral Point Public Library	0%
Iron	Iron County Circuit Court	33%
	Hurley Public Library	2%
	Mercer Public Library	2%
Jackson	Jackson County Circuit Court	33%
	Black River Falls Public Library	2%
	Taylor Public Library	0%
	Western WI Technical College	**

<u>County</u>	<u>Library/Court</u>	<u>Checklist items owned</u>
Jefferson	Jefferson County Circuit Court	33%
	Jefferson Public Library	8%
	Fort Atkinson Public Library	9%
	Whitewater Public Library	12%
	Univ of WI—Whitewater	78%
Juneau	Juneau County Circuit Court	**
	Mauston Public Library	2%
	Elroy Public Library	0%
	Western WI Technical College	**
Kenosha	Kenosha County Circuit Court	**
	Kenosha Public Library	17%
	Salem Public Library	**
	Carthage College	14%
	Univ of WI—Parkside	23%
Kewaunee	Kewaunee County Circuit Court	32%
	Kewaunee Public Library	3%
	Algoma Public Library	3%
La Crosse	La Crosse County Circuit Court	**
	La Crosse Public Library	33%
	Holmen Public Library	0%
	Viterbo College	5%
	Univ of WI—La Crosse	24%
	Western WI Technical College	35%
Lafayette	Lafayette County Circuit Court	14%
	Darlington Public Library	***
	Shullsburg Public Library	***
Langlade	Langlade County Circuit Court	21%
	Antigo Public Library	8%
	Elcho Public Library	0%
	Northcentral Technical College	3%
Lincoln	Lincoln County Circuit Court	39%
	Merrill Public Library	12%
	Tomahawk Public Library	5%
Manitowoc	Manitowoc County Circuit Court	56%
	Manitowoc Public Library	14%
	Two Rivers Public Library	11%
	Silver Lake College	6%
	Lakeshore Technical College	**
Marathon	Univ of WI—Manitowoc	6%
	Marathon County Circuit Court	**
	Wausau (Marathon County) Public Library	17%
	Mosinee Public Library	3%
	Northcentral Technical College	21%
Marinette	Univ of WI—Marathon County	3%
	Marinette County Circuit Court	42%
	Marinette Public Library	3%
	Peshtigo Public Library	2%
	Northeast WI Technical College	**
Marquette	Univ of WI—Marinette County	6%
	Marquette County Circuit Court	36%
	Montello Public Library	0%
	Westfield Public Library	3%

<u>County</u>	<u>Library/Court</u>	<u>Checklist items owned</u>
Menominee	Menominee County Circuit Court	**
	Suring Area Public Library	0%
	Menominee County Tribal Library	3%
Milwaukee	Milwaukee County Circuit Court	73%
	Milwaukee Public Library	42%
	West Allis Public Library	12%
	Marquette University Law Library	100%
	Univ of WI—Milwaukee	59%
	Milwaukee Area Technical College	29%
	Alverno College	12%
	Cardinal Stritch University	9%
	Mount Mary College	11%
	WI Lutheran College	8%
Monroe	Monroe County Circuit Court	27%
	Sparta Public Library	0%
	Tomah Public Library	0%
	Western WI Technical College	**
Oconto	Oconto County Circuit Court	20%
	Oconto Public Library	8%
	Oconto Falls Public Library	0%
Oneida	Oneida County Circuit Court	**
	Rhineland Public Library	6%
	Three Lakes Public Library	2%
	Nicolet Area Technical College	14%
Outagamie	Outagamie County Circuit Court	56%
	Appleton Public Library	33%
	Kaukauna Public Library	6%
	Lawrence University	20%
Ozaukee	Ozaukee County Circuit Court	6%
	Port Washington Public Library	8%
	Cedarburg Public Library	8%
	Concordia University	24%
Pepin	Pepin County Circuit Court	2%
	Pepin Public Library	***
	Durand Public Library	0%
Pierce	Pierce County Circuit Court	30%
	Ellsworth Public Library	8%
	River Falls Public Library	9%
	Univ of WI—River Falls	20%
Polk	Polk County Circuit Court	**
	Balsam Lake Public Library	2%
	Amery Public Library	***
Portage	Portage County Circuit Court	11%
	Stevens Point Public Library	17%
	Amherst Public Library	***
	Univ of WI—Stevens Point	42%
Price	Price County Circuit Court	20%
	Phillips Public Library	***
	Park Falls Public Library	6%
	Northcentral Technical College	**
Racine	Racine County Circuit Court	12%
	Burlington Public Library	11%

<u>County</u>	<u>Library/Court</u>	<u>Checklist items owned</u>
Racine	Racine Public Library	20%
	Gateway Technical College	8%
Richland	Richland County Circuit Court	**
	Richland Center Public Library	5%
	Lone Rock Public Library	3%
	Univ of WI—Richland	8%
Rock	Rock County Circuit Court	74%
	Janesville Public Library	21%
	Beloit Public Library	17%
	Beloit College	9%
	Blackhawk Technical College	11%
	Univ of WI—Rock County	11%
Rusk	Rusk County Circuit Court	3%
	Ladysmith Public Library	5%
	Bruce Public Library	2%
Sauk	Sauk County Circuit Court	44%
	Baraboo Public Library	9%
	Reedsburg Public Library	6%
	Univ of WI—Baraboo	5%
Sawyer	Sawyer County Circuit Court	26%
	Hayward Public Library	3%
	Winter Public Library	0%
	Lac Courte Oreilles Ojibwa Community College	12%
Shawano	Shawano County Circuit Court	8%
	Shawano Public Library	12%
	Bonduel Public Library	2%
Sheboygan	Sheboygan County Circuit Court	**
	Sheboygan Public Library	18%
	Plymouth Public Library	5%
	Lakeland College	5%
	Lakeshore Technical College	39%
	Univ of WI—Sheboygan	5%
St. Croix	St. Croix County Circuit Court	8%
	Hudson Public Library	9%
	New Richmond Public Library	8%
	WI Indianhead Technical College	5%
Taylor	Taylor County Circuit Court	**
	Medford Public Library	5%
	Rib Lake Public Library	3%
	Northcentral Technical College	2%
Trempealeau	Trempealeau County Circuit Court	36%
	Whitehall Public Library	0%
	Arcadia Public Library	0%
Vernon	Vernon County Circuit Court	45%
	Viroqua Public Library	3%
	Westby Public Library	2%
Vilas	Vilas County Circuit Court	8%
	Eagle River Public Library	5%
	Lac du Flambeau Public Library	2%
Walworth	Walworth County Circuit Court	**
	Elkhorn Public Library	8%
	Delavan Public Library	8%

<u>County</u>	<u>Library/Court</u>	<u>Checklist items owned</u>
Washburn	Washburn County Circuit Court	32%
	Shell Lake Public Library	0%
	Spooner Public Library	0%
	WI Indianhead Technical College	**
Washington	Washington County Circuit Court	11%
	West Bend Public Library	11%
	Hartford Public Library	8%
	Moraine Park Technical College	**
	Univ of WI—Washington County	5%
Waukesha	Waukesha County Circuit Court	39%
	Waukesha Public Library	23%
	Brookfield Public Library	6%
	Carroll College	9%
	Waukesha County Technical College	12%
	Univ of WI—Waukesha	11%
Waupaca	Waupaca County Circuit Court	29%
	Waupaca Public Library	11%
	Clintonville Public Library	6%
Waushara	Waushara County Circuit Court	35%
	Wautoma Public Library	2%
	Redgranite Public Library	0%
Winnebago	Winnebago County Circuit Court	9%
	Oshkosh Public Library	23%
	Neenah Public Library	12%
	Univ of WI—Fox Valley	8%
	Univ of WI—Oshkosh	30%
Wood	Wood County Circuit Court	18%
	Wisconsin Rapids Public Library	14%
	Marshfield Public Library	6%
	Mid-State Technical College	5%
	Univ of WI—Marshfield	11%

#### Appendix 8: County Expenditures per Resident on Legal Resources in the Courthouse Collections

One of the questions on the survey answered by county clerks of circuit court asked how much funding is budgeted or spent on the legal resources that are available to the public in the courthouse. Figure 12 indicates the answer to that question (column three) divided by the county's estimated 2004 population (produced by the Demographic Services Center for the Wisconsin Department of Administration, column two) to show each county's expenditure per resident in column four. A notation of "n/a" means that the county has no legal materials available for the public in the courthouse or the Clerk of Courts office offered no response to this survey question. While this survey question specifically asked only for budgeted amounts for legal resources available to the public, some responses may have included the amount budgeted for judges' resources in their total. Note that Waukesha County's law library budget is part of the Corporation Counsel department, not the Clerk of Courts.

Fig. 12: County Expenditures

<u>County</u>	<u>Population</u>	<u>Total Amount Budgeted</u>	<u>Amount per Resident</u>
Adams	20,707	\$5000	24¢
Ashland	16,969	\$5000	29¢
Barron	46,540	n/a	n/a

<u>County</u>	<u>Population</u>	<u>Total Amount Budgeted</u>	<u>Amount per Resident</u>
Bayfield	15,575	\$5000	32¢
Brown	237,841	\$64,500	27¢
Buffalo	14,033	n/a	n/a
Burnett	16,398	n/a	n/a
Calumet	44,361	\$8000	18¢
Chippewa	59,466	\$7600	13¢
Clark	34,373	\$800	2¢
Columbia	54,596	\$50	less than 1¢
Crawford	17,501	n/a	n/a
Dane	450,730	\$91,000	20¢
Dodge	88,285	\$4000	5¢
Door	29,114	n/a	n/a
Douglas	43,708	\$10,000	23¢
Dunn	41,737	\$1700	4¢
Eau Claire	96,214	\$39,650	41¢
Florence	5,214	n/a	n/a
Fond du Lac	99,608	“varies”	“varies”
Forest	10,198	\$3000	29¢
Grant	50,552	\$10,000	20¢
Green	35,163	\$3600-5600	10-16¢
Green Lake	19,344	\$8000	41¢
Iowa	23,639	\$12,000	51¢
Iron	6,948	\$5000	72¢
Jackson	19,677	n/a	n/a
Jefferson	78,342	\$21,000	27¢
Juneau	25,470	n/a	n/a
Kenosha	156,082	n/a	n/a
Kewaunee	20,860	\$12,000	58¢
La Crosse	109,616	n/a	n/a
Lafayette	16,311	\$2000	12¢
Langlade	21,227	\$3000	14¢
Lincoln	30,271	\$5500	18¢
Manitowoc	84,264	\$15,000	18¢
Marathon	129,962	\$0	\$0
Marinette	44,204	\$19,000	43¢
Marquette	15,051	\$5000	33¢
Menominee	4,616	n/a	n/a
Milwaukee	939,358	\$204,000	22¢
Monroe	42,626	\$18,000	42¢
Oconto	37,679	n/a	n/a
Oneida	37,726	\$7000	19¢
Outagamie	168,840	\$20,000	12¢
Ozaukee	85,160	n/a	n/a
Pepin	7,568	\$1500	20¢
Pierce	38,615	\$9000	23¢
Polk	43,870	\$2000	5¢
Portage	68,935	\$25,000	36¢
Price	15,954	\$18,000	\$1.13
Racine	191,853	\$10,000-15,000	5-8¢
Richland	18,098	n/a	n/a
Rock	155,536	\$25,000	16¢
Rusk	15,512	n/a	n/a

<u>County</u>	<u>Population</u>	<u>Total Amount Budgeted</u>	<u>Amount per Resident</u>
Sauk	72,522	\$6400	9¢
Sawyer	58,595	\$11,000	19¢
Shawano	17,027	\$0	\$0
Sheboygan	41,944	n/a	n/a
St. Croix	115,447	\$9000	8¢
Taylor	19,872	n/a	n/a
Trempealeau	27,765	\$8000	29¢
Vernon	28,928	\$8000	28¢
Vilas	21,966	\$1500	7¢
Walworth	97,052	n/a	n/a
Washburn	16,762	\$3500	21¢
Washington	123,587	\$10,000	8¢
Waukesha	373,339	\$13,000	3¢
Waupaca	53,148	\$4500	8¢
Waushara	24,806	\$3500	14¢
Winnebago	161,863	\$10,000	6¢
Wood	76,235	\$16,775	22¢

## Appendix 9: Laws regarding Wisconsin county law libraries

### I. Current Law

Although Wisconsin has had a law regarding legal resources for circuit courts since 1887, there has never been a provision requiring the creation or maintenance of a county law library open to the public. The language of 1887 has evolved into the following current (2003-04) statute sections:

**757.40 Law library.** Any circuit judge may, whenever he or she deems it desirable, purchase or direct the clerk of the circuit court for any county in his or her circuit to purchase law books and subscribe for the periodical reports of any of the courts of the several states or territories or of the United States, for any county in his or her circuit, provided the cost of the books and reports, including pocket parts and continuing services, shall not exceed \$1,500 for any county in one year, unless the board of supervisors of the county authorizes the expenditure of a larger sum. Whenever the purchase or subscription is made the clerk shall have each volume of books received stamped or branded with the name of the county and take charge of the same for the use of the courts, judges, attorneys and officers thereof. The cost of the volumes shall be paid by the county treasurer upon the presentation to him or her of the accounts therefor, certified to by the clerk of the circuit court and the circuit judge.

**757.41 Law library; Milwaukee County.** (1) The county board of any county having a population of 250,000 or more may acquire by gift, purchase or otherwise, a law library and law books, and shall house the law library and additions in the courthouse or in suitable quarters elsewhere, and may make, and enforce by suitable penalties, rules and regulations for the custody, care and preservation of the books and other property contained in that library. The county board shall provide reasonable compensation for the law librarian and such assistants as are necessary for the proper care and maintenance of the library. Except as provided in sub. (2), the librarian and assistants shall be appointed as the county board determines, under ss. 63.01 to 63.17. The librarian shall perform all of the duties imposed by s. 757.40 upon the clerk of the circuit court of the county in which the library is located and that clerk has no responsibility under s. 757.40. The purchase of additional law books, legal publications, periodicals and works of reference for the library may be directed by each of the circuit judges of the county under s. 757.40. The library shall be kept open every day throughout the year, except Sundays and holidays, for such hours as the county board directs, but the county board may determine by ordinance that the library be closed on Saturdays. Attorneys and the general public shall be permitted to use the books in the library in the building housing the library under rules and regulations adopted by the county board.

(2) In any county with a population of 500,000 or more, the librarian shall be appointed in the unclassified service by the county executive, subject to confirmation by the county board. The librarian may be dismissed at any

time by the county executive with the concurrence of a majority of the members-elect of the county board or by a majority of the members-elect of the county board with the concurrence of the county executive. If the county executive vetoes an action by the county board dismissing the librarian, the county board may override the veto by a two-thirds vote of its members-elect. Assistants shall be appointed as the county board determines, under ss. 63.01 to 63.17.

Marcia Koslov’s 1994 study (see footnote 15 above) contains a thorough examination of the statutory requirements to have legal resources available in county law libraries. Koslov wrote: “Originally drafted for Milwaukee County alone, section 757.41 applies only to counties with population of more than 250,000.”<sup>44</sup> Using 2004 population estimates, three counties currently have a population over 250,000.<sup>45</sup> All three of those counties have some sort of county law library open to the public. Sub-section (2) mentions counties over 500,000 in population. Right now, that includes only Milwaukee County; however, Dane County is now at about 450,000 and Waukesha County is 380,000 and both are growing. For a more complete examination of the statutory requirements and language, see Koslov’s study, section A above.

## II. History

Statute sections 757.40 and 757.41 have had the following enacted changes:

Year/Act	Major Changes
Laws of Wisconsin (L.) 1987 Act 48 sections 1, 2	Created sub-section (2) of section 757.41 and amended language in 757.41(1)
L. 1977 chap. 187 sections 96, 135(6)	Updates language and cross-references from re-numbering to 757.40-.41 (from 256.40-.41)
1975-76 Statute sections 256.40-256.41	Law was renumbered in 1977-78 session
L. 1971 chap. 111	Amends the language of 256.41 regarding library hours
L. 1959 chap. 416	Amends 256.40 to limit the amount spent on legal resources to \$1500 unless the county board of supervisors authorizes a larger sum
L. 1953 chap. 163	Amends 256.40 to limit the amount spent on legal resources to \$1000 unless the county board of supervisors authorizes a larger sum; also creates languages that the amount spent includes “pocket parts and continuing services” of resources
L. 1945 chap. 191	Amends 256.40 to limit the amount spent on legal resources to \$500 unless the county board of supervisors authorizes a larger sum
L. 1927 chap. 439	Amends 256.41 to require hiring of library staff subject to county board appointment, rather than circuit judges’ majority

<sup>44</sup> Koslov, 708.

<sup>45</sup> The counties are Milwaukee, Dane, and Waukesha. In addition, Brown county is the only other county with a population over 200,000 and it also has resources available to the public.

1925-26 Statute sections 256.40-256.41	Incorporates changes from L. 1925 chap. 141
L. 1925 chap. 141	Creates 256.41 “Law library; Milwaukee County” to allow counties of 250,000 or more in population the option of having a county law library; the law librarian and staff are to be appointed by a majority of judges in the circuit court of each county
L. 1925 chap. 4	Renumbers law to 256.40
1898 Statutes section 2592a	Re-names section to “Law Library” and is limited to an expenditure of \$200, unless the county board of supervisors authorizes a larger sum; amends 1889 Ann. Stat. section 2583a to cover all law books
1889 Ann. Stat. section 2583a	Incorporates changes from L. 1889 chap. 187
L. 1889 chap. 187	Amends 1887 law to read “any circuit” rather than just 12 <sup>th</sup> circuit
L. 1887 chap. 367	Allows judges of the 12 <sup>th</sup> circuit to subscribe to reports of any court of last resort in the state and United States, requiring the clerk of the judges’ circuits to maintain and store the subscriptions, and the county treasurer to pay for them

### III. Funding for county law libraries

The current law allows judges to request \$1500 worth of legal resources, unless the county’s board of supervisors allows a larger expenditure. This amount was last increased in 1959, despite the following unsuccessful attempts at changing the amount or devising an alternate means for obtaining funding:

<u>Senate or Assembly Bill</u>	<u>Change</u>
1971 SB 908	Proposed a \$1 increase in the fees for filing the initial papers in an action or special proceeding in court. The \$1 will be expended only for purposes of financing a county law library
1985 AB 955	Proposed an increase to \$5500 per circuit court branch
1987 AB 452	Proposed a bill to allow county boards to enact an ordinance to allow a fee not to exceed \$4 on civil and forfeiture actions, to be collected for the Clerk of Courts for the purpose of funding the law library. It is estimated that up to \$3,532,000 in revenue could be collected annually.
1987 AB 688	Proposed an increase to \$5500 per circuit court branch
1989 AB 360	Proposed an increase to \$5500 per circuit court branch
1989 AB 436	Proposed a bill to allow county boards to enact an ordinance to allow a fee not to exceed \$4 on civil and forfeiture actions, to be collected for the Clerk of Courts for the purpose of funding the law library

1991 SB 210  
1991 SB 483

Proposed an increase to \$5500 per circuit court branch  
Proposed an increase to \$5500 per circuit court branch

#### IV. County law library system

From Koslov's study:

In 1990, a special legislative committee on trial court funding was appointed. Funding for county law libraries was a part of the total study. The committee agreed in principle to the concept of a state law library system that incorporated the individual county law libraries into a statewide network under the direction of the State Law Library. Nonetheless, legislative attempts to fund even a feasibility study for this concept were unsuccessful.<sup>46</sup>

The state law library system concept described above would have encompassed the State Law Library, the libraries of the Court of Appeals, and the county law libraries. The system would have operated under the management of the State Law Library with fiscal, personnel and general assistance from the Director of State Courts office. Wisconsin statutes section 758.01 directs the Supreme Court to maintain a law library for "the use of officers and employees of this state, attorneys and the public." It does not specify a single location for that library.

1989 Assembly Bill 360 introduced the committee's concept of the State Law Library System to the state legislature with an amendment to statute sections 757.40 (re-titled "Law Libraries and Legal research Facilities") and 757.41 (re-titled "Law library; Populous counties"). In addition to increasing the amount judges may spend on legal resources to \$5500, the bill authorized the director of state courts to spend up to \$250,000 annually to assist counties in operating these facilities. This new system of legal research facilities was estimated to cost approximately \$1.2 million in recurring, 1992 dollars for staff and \$5500 per judge (per the Fiscal Estimate provided by the Director of State Courts for 89 AB 360).

This concept was also introduced in earlier bills, before the committee on trial court funding was appointed. For example, both 1985 AB 955 and 1987 AB 688 provided for designation of certain libraries as legal research facilities and authorization of the director of state courts to expend not more than \$250,000 annually to assist counties in operating these facilities.

#### V. Other States

A note about laws concerning public law libraries in other states: as of the time of writing this report, at least 39 states had laws regarding the creation, maintenance, organization, or funding of law libraries open to the public, especially county law libraries which are usually affiliated with a court.<sup>47</sup> In addition, some local jurisdictions have ordinances or local court rules governing the use and funding of law libraries in the local area.

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<sup>46</sup> Koslov, 712.

<sup>47</sup> See [http://www.aallnet.org/sis/scell/LAWS\\_ABOUT\\_COUNTY\\_LAW\\_LIBRARIES.pdf](http://www.aallnet.org/sis/scell/LAWS_ABOUT_COUNTY_LAW_LIBRARIES.pdf)