

the Glue

that Holds Legal Society Together

Public law libraries forge networks among the courts and judges, the legal community, and self-represented litigants

by Mareth Wilson

Many librarians choose their careers because they “want to make a difference.”

Law library literature abounds with descriptions of tangible initiatives that all types of libraries undertake to better connect people with legal information. The AALL Annual Meeting invariably showcases public law library projects and programs that have succeeded in gaining new constituents or in building closer relationships with existing ones. Ask a public law librarian the value of his or her job and the response will be a variation on the theme of access to legal information or access to justice.

Despite the valuable service that public law libraries provide, many law librarians are braced for the inevitable question from decision makers and accountants: “Why do we need a public law library?” A concept

called social capital has emerged from the margins of mainstream public policy research and is making its way into the library literature. When public law librarians must go before the authorities whose opinions will affect the library’s future, the librarians can incorporate social capital—which is about much more than funding a library—into the language they already use to measure their success and articulate their purpose and value.

What is Social Capital

In his book, *Bowling Alone: the Collapse and Revival of American Community*, published in 2000, Harvard Professor of Public Policy Robert D. Putnam popularized the concept of social capital, which had been taking hold across several academic disciplines for a couple of decades. Putnam plotted and analyzed massive amounts of data taken from 25 years of social surveys and concluded that the social bonds that tie individuals to groups in ways that “facilitate coordination, cooperation, and mutual benefit” have eroded and need to be rebuilt through a re-creation of social capital.

Two definitions of the concept are often quoted. The Organization for Economic and Community Development offers this: “Networks together with shared norms,

values, and understandings that facilitate co-operation within or among groups.” The World Bank defines the concept as “the institutions, relationships, and norms that shape the quality and quantity of a society’s social interactions...Social capital is not just the sum of the institutions that underpin a society—it is the glue that holds the society together.”

In an interview with Putnam in the March 2004 *OECD Observer*, he describes the central theses of the concept as “social networks that have effects on information flow and repeated interactions in networks. These can help resolve dilemmas of collective action, and [this is] consistent with conventional economic theory,” Putnam says. “Networks can affect ‘identity’—if I interact more often with a group, I’m more likely to take their interests into account...[T]he features of social organization, such as networks, norms, and trust, facilitate coordination and cooperation for mutual benefit. Social capital enhances the benefits of investment of physical and human capital.”

An often quoted passage from page 19 of Putnam’s book, *Bowling Alone*, is: “Social networks have value. Just as a screwdriver (physical capital) or a college education (human capital) can increase productivity (both individual and collective), so too



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social contacts affect the productivity of individuals and groups.”

There is a duality about the concept. It is both a cause and a result. It is an intangible, used to explain a broad range of tangible, mainly economic, outcomes. Some criticize it as a cure all. The essential premise is that increases in positive association with members of other groups who have a “shared interest” predicts further investment and further reward, whether economic or of some other description. This easily applies to the work done by public law librarians to build connection and trust within the network composed of themselves, the courts, and the public, particularly the self-represented litigants.

Libraries as Agents of Social Capital

What little research and theory have been published in print and online about the social capital of libraries primarily concern the traditional public library’s evolving image as an information commons and gathering place where diverse individuals and groups come together for the benefit of the community and the individuals in it. Putnam was a featured speaker at the 2000 American Library Association convention. Then-ALA president Nancy Kranich wrote in a November 2001 *Library Journal* editorial, “instead of seeing their efforts as

‘library’ building, our traditional approach, librarians are beginning to refocus their vision to the perspective of ‘social capital.’ We still have to learn how to articulate the importance of that role and what it means to the community.”

The *British Journal of Librarianship and Information Science* March 2004 issue included an article by Anne Goulding, “Libraries and Social Capital,” that described efforts of libraries in the United Kingdom. “Libraries of all types enable access to a wide range of printed and electronic resources related to what is often called citizenship information, the kind of information that helps individuals and groups play a more effective part in their community and in the democratic process.”

A rare, maybe unique, and notable example of social capital being applied in a scholarly way to the mission of *law* libraries appeared in *Law Library Journal*. In “Legal Information as Social Capital” (99:2 *LLJ* 267, 2007) Virginia Wise and Frederick Schauer elaborate on many facets of the value to society of access to legal

information, including the idea that shared legal information is necessary to creating “habits of cooperation” that bridge the divide between citizens and the exclusive world of the legal community.

Imagine a Venn diagram, with three overlapping circles representing the ideas put forth by Kranich, Goulding, and Wise and Schauer. One circle is community, the second circle is libraries, and the third is citizen access to legal information. In the space created by the overlap of the circles, at the confluence of these ideas, sits the public law library, with the human capital and physical capital in place to build its own unique network of trust, mutual benefit, and affiliation. As Goulding explained, this will “enable [libraries] and the network within which they are operating to act more

effectively, making society more efficient and making life generally more rewarding.”

Two years after documenting the decline in social connectedness and positing the investment of social capital as a means of rebuilding community, Putnam published *Better Together: Restoring the American Community*. The 12 chapters, including one on the Chicago Public Library and one on the city of Portland, describe initiatives that specific groups and organizations have undertaken to reconnect their communities.

Social Capital in Action

Public law librarians can draw inspiration and ideas from national, state, and local initiatives when they plan for programs that increase the public law library's visibility and *social value* to its communities.

A key example of the national trend of responsiveness to the needs of self-represented litigants is the high-profile Self-Represented Litigation Network. Its librarian members are already established leaders in their own local or regional networks. They are poised to have significant influence on the local and statewide planning processes spawned in the courts as access to justice ideas take hold. It is, after all, the officers of the courts—members of the exclusive judicial establishment—whose perceptions will need to shift to allow this social network to give legitimacy to the idea of the law library as a trusted affiliation necessary for the fairness and efficient functioning of the court.

Public law librarians looking for their own ideas to be validated can go to the Web site of the National Center for State Courts (www.ncsc.org) to review the variety of bellwether initiatives currently being sponsored and moved into the mainstream by this influential organization.

Another such organization, www.selfhelpsupport.org, defines itself as a “network for practitioners of self-help programs as well as an online clearinghouse of information relating to self-representation.” With membership comes access to a vast library of ideas in the form of articles, tools and resources, collaborative project descriptions, grant opportunities, and much more. A public law library of any size can find here new ways to think about and articulate proposals to their court-based colleagues to increase their credibility as an integral link in the chain of access to justice.

The fall 2005 issue of *California Courts Review* includes “Lawyerless but not Alone: Self Help Centers Build Better Communities,” by Kathleen E. O’Leary, associate justice in California’s fourth appellate district. O’Leary summarizes the

current general awareness in the courts that “improved assistance to self represented litigants improved the efficiency and effectiveness of the court process.” In a section of the article headed “The Entire Community Benefits,” she adds: “[W]hen courts work well for cases involving self-represented litigants, significant benefits are produced for the community as a whole.” She goes on to list law enforcement and the litigants’ employers as members of this network of groups that reap benefits (or capital) from successful litigation outcomes. Another author might have gone further and included social services, teachers, and families as among the beneficiaries of a more cooperative judicial network.

It is important to emphasize that a vested member of the exclusive world of the court wrote this article to communicate support for court-based self-help centers. A sidebar to the article, “Helping the Self-Help Centers,” lists the ways that California’s Judicial Council facilitates the growth of the court-based resources through grants and Web resources that are in place or will be in place to help the self represented. But despite the insight and open-mindedness in this article to enjoining partnerships with other groups that result in better accommodation of the self-represented, public law libraries are not mentioned in the article, nor are they listed in the sidebar of resources.

That is the glass ceiling for public law librarians looking to establish a place at the table where the real work of building access to justice is done. In the literature coming from the courts, an acknowledgement of the economic, intellectual, or organizational value of the public law library as a partner and ally in this movement, let alone a trusted member of a social network, is rare.

But, successful collaboration depends a lot on good timing. This article, and others like it, coming out of the court’s own introspection about its role in access to justice is another indication that this is the perfect time—maybe the most critical time—for public law librarians to take matters into their own hands to make themselves more visible and credible as partners in this movement. Librarians must find ways to be ready for any opportunity to display, even assert, their readiness for the challenge by increasing their networks’ recognition of their social capital.

Sacramento’s Law Librarians Respond to the Challenge

As Goulding writes, “Social capital is a social resource which is created through formal and informal relationships between the people of a community.” This year new

initiatives of the Sacramento County Public Law Library serve as examples of the work being done by public law libraries around the country to increase affiliation and trust among the library, the courts and judges, the legal community, and the self-represented litigants.

“A Legal Prescription” is the heading on a referral slip the library staff designed and produced. Library Assistant Natalie Head came up with the idea for these slips, manufactured as pads and meant to be reminiscent of a doctor’s prescription to a patient. The public services team had been searching for a tangible way to spur court staff to refer the dozens of people who come to them each day in need of information to the law library.

Under the heading, “A Legal Prescription,” is the statement, “Ask the reference librarian to show you materials on...” On the reverse is a map to the library pinpointing its position on the downtown grid. The library distributes the pads to some of the managers of the court’s public services units who have agreed to make them available to the clerks at the counters. As appropriate, the court staff member uses the blank space to write down what he or she suggests that person ask the reference librarian for help finding and using in the law library.

This written record of the essential conversation that takes place between the court staff and the citizen mitigates the chronic and serious problem of the citizen’s inability to absorb, understand, and remember what the court staff recommends to them in the time between leaving the courthouse and approaching the reference desk for help in his or her research. It saves a significant amount of redundant questioning by the librarian and allows for smoother and more trusting transition into specific research areas.

This modest slip of paper serves also to represent the real and practical advantages to working together as a social unit. The court staff and the reference librarians become more human and welcoming by this act of taking the time to enjoy the customers as equal partners and the bearers of communication between one service and the other. The prescription invites the bearers into a circle of trust among themselves, the court, and the law library.

A brief meeting with the staff of a state lawmaker revealed that lawmakers get many questions from their constituents that involve legal problems. “A Legal Prescription” has spread to offices of some local lawmakers and agencies, producing and reaping social capital for the larger network in which the law library functions in Sacramento.

Continuing Education. This past year, three classes created by Assistant Director Kelly Browne and Public Services Librarian Mareth Wilson for the court staff received a permanent position on the roster of continuing education classes offered annually to all support staff in the superior courts. "There Oughta be a Law" covers finding statutes. "I Think one of the Parties' Names was Johnson" introduces case finding. A forms class demonstrates the many types of forms that litigants may need to locate and how the library goes about facilitating this search. The classes increase the library's visibility and communicate to court staff the vast resources of the library and also the level of work that the law librarians do. Attendees invariably express appreciation for receiving this enhanced context in which to look at the work they do every day at their public stations.

"See You in Court." When Sacramento's Civil Self-Help Center opened in 2006, the law librarians invited the center staff to lunch at the library. At this gathering, the librarians proposed a collaborative presentation, and the idea for "See You in Court" was voiced. A couple of incredibly busy years ensued for both organizations before the whole thing came together. During that time, the prescription pads kept the relationship between the two offices vital and collaborative. Put another way, from the social capital definitions, the

pads provided the glue that held this society together.

On Law Day this year, the Self-Help Center's supervising attorney and Law Librarian Kate Fitz debuted the presentation for self-represented litigants. The library hopes that the popular success of this program and the increased recognition within the court establishment of the library's commitment to a leadership agenda will lend legitimacy to, and an expectation of, a continuing partnership.

Training Programs. Sacramento's library has a vital and progressive training program due mainly to the combined efforts of Director Coral Henning and Training Coordinator Nora Quartuccio. This year National Library Week's theme at the library was Health, Senior Advocacy, and the Law. Speakers from the Department of Justice, county agencies, and both the health care and legal communities came together to provide classes and discussions open to the public. The week benefited the community and showcased the law library as an information commons, an equalizer, and a gathering place for groups with shared values.

"Lawyers in the Library." Librarian Mareth Wilson led the public services team in drawing up a proposal for a "Lawyers in

the Library" program, including the rationale and operational details. The team believes this program, as it develops and expands, will build social capital through connecting economically disadvantaged people with 20 minutes of special attention from an attorney. And, there will be an overlapping mutual benefit to the library. The program, through the interaction it will elicit between the volunteer attorneys and the reference librarians, who are the experts in their own fields, will further elevate the legal community's opinion of the credibility of the legal research services we provide.

In these initiatives, both large and small, Sacramento's public services staff and librarians have continued to build our reputation. We are not only involved in work that benefits the various communities in which we operate, but we also create and manage that work and serve as an inspiration to others in the network of groups whose missions serve the same objective—access to legal information and access to justice. We are reframing our public image to match what we have always known to be our value, as agents and producers of social capital. ■

Mareth Wilson (mwilson@saclaw.org) is public services librarian at Sacramento County Public Law Library.

To see examples of Sacramento County Public Law Library's initiatives to increase social capital, visit www.aallnet.org/products/pub_sp0807.asp.

Resources for Social Capital

A selection of print and Internet sources for those who are interested in learning more about social capital and how it is being built by academic and civic organizations and by libraries around the country.

Web Resources

AALL Mission statement and Strategic Directions
www.aall.org/about/strategic_plan.asp#mission

Better Together
www.bettertogether.org

Bowling Alone
www.bowlingalone.org

Organization for Economic Co-operation and Development (OECD)
www.oecd.org

What is Social Capital?
www.oecd.org/dataoecd/36/6/37966934.pdf

Saguaro Seminar: Civic Engagement in America
www.hks.harvard.edu/saguaro/index.htm

World Bank
<http://tinyurl.com/5xdycy>

Print Resources

Goulding, Anne. "Libraries and Social Capital." *Journal of Librarianship and Information Science*, 36(1) 2004, 3-6.

Kranich, Nancy. "Libraries Create Social Capital: A Unique, if Fleeting, Opportunity to Carve Out a New Library Mission." *Library Journal*, 126(19) 2001, 40-41.
www.libraryjournal.com/article/CA180511.html

McCabe, Ronald B. *Civic Librarianship: Renewing the Social Mission of the Public Library*. Lanham, MD: Scarecrow Press, 2001.

Putnam, Robert D., and Lewis Feldstein. *Better Together: Restoring the American Community*. New York: Simon and Schuster, 2003.

Putnam, Robert D. *Bowling Alone: The Collapse and Revival of American Community*. New York: Simon and Schuster, 2000.

Wise, Virginia J., and Frederick Schauer. "Legal Information as Social Capital." *Law Library Journal*, 99(2) 2007, 267-283.