

2021 OLA Virtual Conference

April 20-23, 2021

"Zen and the Art of Legal Reference: Answering the Question Without Answering the Question"

Handout

GOLDEN RULES OF LEGAL REFERENCE SERVICE

Serving Public Library Patrons with *Legal Problem Questions*

GOLDEN RULE 1: DO NO HARM.

GOLDEN RULE 2: Library patrons do not have legal questions; they have legal problems that you cannot solve. You can, however, respond and provide useful referrals.

GOLDEN RULE 3: If you read only what is written in the statutes, the cases, and the constitutions you will be absolutely wrong about what the law is.

THINGS YOU SHOULD SAY AND REPEAT AS NEEDED

1. I am not a law librarian.
2. I am not a lawyer.
3. I know nothing about the law, its practice, or its procedure.
4. If you want legal advice, you will need to speak to a lawyer.
5. Paralegals are not able to advise you on the law, on what legal options you have, or on how to fill out or draft a form that may affect your legal rights and responsibilities. Only a lawyer can do those things.

SHORT LIST OF ACCEPTABLE REFERRALS

- [County law libraries](#), law school libraries, and legal clinics
- [Oregon Law Help Legal Aid Directory](#) (alphabetized directory of offices statewide, or use map under "Find Legal Offices Near You" in right-hand menu to find local numbers)
- Legal research blogs (e.g. [Oregon Legal Research blog](#) sidebar links)
- Federal, state, and local government, social service agencies, and nonprofits (and [211 Info](#))
- [Oregon Judicial Department](#)
- [State of Oregon Law Library](#) (503-986-5640)
- [Oregon State Bar \(OSB\) Public Information](#) and [Lawyer Referral Service](#) (503-684-3763 or 800-452-7636)
- [State of Oregon government offices, administrative](#) and [legislative](#)
- **Caveat emptor:** If referring patrons to non-official websites that compile laws/forms, remember unofficial documents may not be complete, current, or accepted by courts.

A FEW THINGS YOU NEVER SAY TO PATRONS WITH LEGAL PROBLEMS

- “Let me look for the law.” [Say, “I’ll show you how to research the law.”]
- “I might be able to refer you.” [You WILL refer, to a lawyer, a law library, etc.]
- “I can’t help you.” [You can help; you just don’t have the authority to provide legal advice.]
- “I’m going to search the statute [handbook, case, etc.] and find an answer for you.”
- “I’m not finding the answer; let me keep searching.” [Please refer!]

WHY NOT SAY THESE THINGS?

- Please don’t ever say that you’ll “look for the law.” You won’t find it. Golden Rules #1 and #3.
- “I’m going to search these [laws, legal research guide, handbook, etc.]” Recognize the patron needs to do his/her own reading and research. You may provide assistance by demonstrating how to consider keywords and use an index or other finding aid. You might also silently scan the materials to look for other links, resources, or search methods, but never say you will do the reading to look for an answer to their question. Golden Rules #1 and 3.
- “I’m not finding the answer in the [handbook, brochure, website, etc.]” You won’t find answers to your patron’s legal problems. Patrons may find what they believe are answers to their problems, but this is an impossible task for non-attorneys so don’t give them the impression you are looking for anything other than a helpful resource or authoritative referral.
- “My educated guess is that this statute means xxx.” Never say this in response to a question about whether or not a particular law applies to the patron’s situation. Librarians are not lawyers, and should not have ‘educated guesses’ regarding what the law is. Even a lawyer wouldn’t say this about a statute without doing further research.
- Forms: Few fill-in-the-blank legal forms exist. When they do, it is seldom a matter of just filling in a form for many reasons [Golden Rule #1]. Remember the “legal forms pyramid” or the recommended order (starting at #1) for helping patrons search for legal forms:
 1. Local court-sanctioned form
 2. Statewide court-sanctioned form
 3. Sample form from state-specific legal practice book
 4. Sample form from current legal education course book
 5. Attorneys only: sample form from attorney colleague
 6. Fill-in-the-blank form at legal stationer’s store
 7. Sample form in subject- or procedure- specific forms book or treatise
 8. Sample form in legal forms compilation source (print or online)
- Oregon now has statewide forms for Small Claims Court actions. Also the Oregon State Bar Referral and Information Service can make a referral to a Small Claims Court Coach (a wise choice since many small claims cases involve opposing parties who’ve retained counsel).