

## Best Practices for Legal Reference

Public library staff are often the first stop for patrons with legal questions. While legal reference shares many traits with general reference work, it also includes unique challenges. This guide highlights key practices and strategies to help staff respond effectively, without crossing into legal advice.

### Core Practices

- Be approachable and patient
- Ask clarifying questions
- Focus on what you can do
- Provide resources, not advice
- Demonstrate how to use resources

**TIP: WITH LAW QUESTIONS, IN MOST INSTANCES, LIBRARY STAFF DO NOT ANSWER A QUESTION BUT RATHER RESPOND BY FINDING RESOURCES AND SHOWING THE PATRON HOW TO USE THEM.**

+ Recognizing Legal Questions
+ Ask Clarifying Questions
+ Manage Emotions (Theirs and Yours)
+ Set Boundaries and Limits
+ Provide Information, Not Advice
+ Rephrase the Question
+ Identify the Type of Help Needed
+ Know What You Can Access
+ Resources for Further Discovery

## Recognizing Legal Questions

Law-related questions are not always presented as a legal issue. Look for clues in how patrons describe their situations.

Are they using words that reference law and legal possibilities?

- *Allow* – Is it allowed for my landlord to enter my apartment when I’m not there?
- *Permit* – Do I need permission to take my child with me out of state?
- *Fair* – It’s not fair that my ex isn’t paying support.
- *Rights* – My mom is disabled and can’t drive. Does my brother have a right to use her car?

Is there mention of a conflict or an adversarial situation that needs resolution? While not all conflicts need to end up in court, conflicts are often an area in which information about law can be helpful. For illustrative purposes:

- A divorcing couple disagreeing about child support
- A neighbor's tree falls on your garage
- An auto shop charges more than originally agreed

Does the situation arise from a law-related process?

- It's not fair that my ex isn't paying support
  - Generally, child support has a foundation in a court proceeding. Ask if there is court-ordered child support or an agreement set up by the parties between themselves. Perhaps the patron needs information on getting a formal agreement.
- I'm the executor of my sister's will. Our brother's nephew is upset she didn't leave him anything. Can I give him some of the money in the estate?
  - A will is a legal document and probate of a will is a legal process. While there may not be a complete answer to the question, there may be information in law-related materials that could help the executor understand some options.

**TIP: EXPERIENCE BUILDS RECOGNITION. THE MORE YOU ENGAGE WITH LEGAL QUERIES, THE MORE EASILY YOU WILL IDENTIFY THEM.**

## Ask Clarifying Questions

Help identify the topic at issue and narrow the scope of the question by asking for more information.

### Where is this happening?

Many aspects of legal questions can only be effectively addressed by knowing the location of the action. The location affects jurisdiction, the authority of a court to hear a case.

- **Subject Matter Jurisdiction:** power over the type of the case, e.g., Circuit Court in Maryland hears divorce cases.
- **Personal Jurisdiction:** power to make decisions affecting the parties involved. This generally means the person or entity lives in the geographic location over which the court has jurisdiction. For example, a couple living in Carroll County MD file for divorce in Carroll County MD.
  - Illustration: Someone calls asking about getting their child support payments modified. You provide information from the Maryland Court Help and People's Law Library websites and point out the links to forms; you also provide the phone number for your county's Circuit Court Family Help Center. Then the caller tells you they live in Delaware and their divorce was done in that state. If you had asked right at the start where they lived, you would have been able to direct them immediately to Delaware assistance.
- See also in Frontlines – Foundations of Law: Location

### What is your goal? What are you trying to accomplish today?

Someone with a legal situation, whether simple or complex, may try to provide you with as many details about the overall situation as possible. Rather than helping you, this can drown you in the

flood of information. This is true whether you are familiar with legal reference or not. It can be helpful to stem the tide by focusing on one specific step for them to accomplish.

- Illustration: If someone is going through a complicated debt situation that includes a foreclosure, they may be focused on the overall loss of the property and not looking at the short-term goal of postponing the foreclosure sale or finding a temporary place to live. Asking about a goal for the day helps point them, and you, to a limited question you can address (contact the MD Court Help Center or HOPE to help with a court filing to postpone the sale, for example, or calling MD 2-1-1 for information about housing assistance.).

**What have you looked at / who have you talked to so far? Where did you hear about this information or situation?**

- Sometimes, when someone has been told or googled something, they may think they are using legal vocabulary properly or think a particular action is possible anywhere – but perhaps they are not – or the action is not possible in Maryland. Asking where they may have looked already can provide you with context for their question.
- The language of law can be challenging. It is often formal and structured, and still uses a lot of Latin (mandamus, certiorari, pendente lite). Words can also have different meanings depending on their context. [See: Foundations of Law: The Importance of Language] Finding out how their question developed can give you context to identify the broader topic, which then helps you connect them to resources.
  - Illustration: A patron asks for help getting pendente lite support. You don't recognize the words, so you ask who they have talked to. They respond, the family clinic at the local court. This tells you they are talking about a family law action. Now you have a topic to start your search.
- *See also in Frontlines – Foundations of Law: The Importance of Language*

**Are you planning to file or is there a case already filed in court? Do you know what court this is in?**

- Forms, procedures, and court assistance all depend on the court in which the action is taking place. If you know which court their situation is in, you have a much better chance of connecting your patron to helpful material.
  - Illustration: A patron asks for a voluntary petition. You ask if they have filed or are planning to file in court and, if they have, which court they are in. They tell you they are in bankruptcy court. Connecting a search for bankruptcy and voluntary petition gets you to the U.S. Courts page of forms, which includes the requested form.

**Do you have any paperwork? Would you mind if I looked at it?**

- You may be reluctant to ask this question, fearing it will give the impression that you can do more than you are permitted, or they will give you more information than you really wanted or needed. However, for people unfamiliar with law and legal processes, the wording used can be easily mispronounced or misunderstood. If they do have paperwork, often language is spelled out, making it far easier for you to locate helpful resources.
  - Illustration: A patron arrives in the library clutching a sheaf of papers and asking for a form for a mandible. This makes no sense to you. Seeing the sheaf of papers,

you ask if you may look. You see on the papers the word “mandamus” and, not recognizing the meaning yourself, turn to a legal dictionary to look up the term. Once you have a definition, you can point the person to helpful resources.

## Manage Emotions (Theirs and Yours)

Managing a legal reference question often includes managing the emotions that can accompany the question. These emotions can belong to the patron, the staff, or both.

Someone faced with a legal situation may be feeling a range of negative emotions, including anger, fear, and a lack of control. Their feelings may be similar to grief, as they are often facing a potential loss: loss of access to their child, loss of a home, employment, life stability. These negative emotions can limit the ability of the patron to absorb information.

Library staff facing the patron may also be feeling negative emotions, including fear, insecurity, and defensiveness. Their feelings may stem from discomfort in addressing a question about law. Staff may fear stepping over a line into advice or may find the language and procedures of law complex. These negative emotions can limit the ability of the staff to provide information.

Staff can learn to manage interaction emotions by focusing on:

- Creating a calm, supportive interaction
- Reassuring the patron, you are there to help them move forward
- Emphasizing what you can provide

**TIP: SHIFT FROM PROBLEM-SOLVING TO EMPOWERING PATRONS WITH TOOLS AND INFORMATION.**

## Set Boundaries and Limits

Establishing boundaries and setting limits protects both patrons and staff from service complications or unauthorized interpretation.

Boundary	Limit
A <i>boundary</i> marks a dividing line between two or more entities or concepts. This term can be used to reference non-quantifiable concepts like personal space or emotional investment.	A <i>limit</i> sets a maximum or minimum amount. This term is used for quantifiable concepts like cost, time, or volume.

Staff self-awareness is needed to understand boundary-setting. Boundaries – comfort level when dealing with emotions or personal space – can vary from one person to another. Some staff may be more comfortable than others working with a patron who shares highly personal details or crowds their space. Staff can learn to recognize and manage these areas of discomfort to maintain a healthy and productive interaction.

Staff also need to understand the limits on library services and be able to explain clearly:

- **Time** – how long you can spend with each patron
- **Assistance** – what kind of help you can provide (can find information, cannot provide interpretation or make a call on someone's behalf)
- **Explanations** – how deeply you can explain a process
- **Costs** – be clear about copy or printing fees

**TIP: PRACTICE GO-TO-PHRASES LIKE “I CAN HELP YOU FIND INFORMATION, BUT I CAN’T TELL YOU WHAT TO DO. A LAWYER COULD HELP WITH THAT.”**

## Provide Information, Not Advice

We all know we are not allowed to provide legal advice. This is the same for generalists and for law library staff.

Defining the line between information and advice can be challenging. Information is fact – and fact can be as simple as a procedural step. But if you are not a court employee or legal professional, telling someone what step to take in their action can be advice.

Legal Information	Legal Advice
<ul style="list-style-type: none"> <li>▪ Objective facts about law or procedure</li> <li>▪ Doesn't require personal details</li> <li>▪ Broadens options</li> <li>▪ Involves what, how, when, who</li> </ul>	<ul style="list-style-type: none"> <li>▪ Opinions about what someone should do</li> <li>▪ Depends on the specifics of a situation</li> <li>▪ Narrows options</li> <li>▪ Involves <i>should, can I, is it legal</i></li> </ul>

**TIP: CONSIDER THE DECISION-MAKING POWER. ARE YOU HOLDING IT? OR ARE YOU GIVING IT TO THE PATRON?**

Library staff can:	Library staff cannot:
<ul style="list-style-type: none"> <li>▪ Help find information sources that describe or talk about a law topic</li> <li>▪ Show someone how to use resources – demonstrate how an index works, show how to search a database</li> <li>▪ Refer someone to external help</li> </ul>	<ul style="list-style-type: none"> <li>▪ Say what a law means or how it might apply</li> <li>▪ Tell someone whether they can take a particular action</li> <li>▪ Suggest what form to use or what to write in one</li> <li>▪ Indicate that a court decision is relevant to someone's situation</li> <li>▪ Tell someone what will be the outcome of their court date</li> </ul>

## Rephrase the Question

Legal queries often come as requests for advice. Rephrasing and reframing the question can help clarify the topic and your role in assisting the patron.

Consider the query. What words are used by the patron? What assumptions might those words convey? What general subject is at the heart of the query? Then, rephrase the question back to the patron for confirmation, basing your language on the information at the heart of the query.

### REPHRASE EXAMPLE #1

QUERY: CAN I LEAVE MY CHILD HOME ALONE?

CONSIDER: “CAN” IMPLIES A REQUEST FOR AN OPINION; THE SUBJECT IS CHILD SUPERVISION

REPHRASE: I UNDERSTAND YOU ARE LOOKING FOR INFORMATION ABOUT CHILD SUPERVISION LAWS.

### REPHRASE EXAMPLE #2

QUERY: I ENDED A LEASE AND GOT MY SECURITY DEPOSIT BACK. NOW THE LANDLORD SAYS THERE IS DAMAGE AND I HAVE TO PAY THEM BACK FOR THE REPAIRS. CAN THEY MAKE ME DO THAT?

CONSIDER: “CAN” IMPLIES A REQUEST FOR AN OPINION; THE SUBJECT IS LANDLORD-TENANT, SPECIFICALLY SECURITY DEPOSITS

REPHRASE: I UNDERSTAND YOU ARE LOOKING FOR INFORMATION ABOUT SECURITY DEPOSIT RETURNS.

## Identify the Type of Help Needed

Most legal queries fall into several definable categories. Sometimes, what the patron asks for is not really what they need, and most queries involve more than one category. Breaking down the query into the category or categories can help guide your choice of resources to check and provide.

- **Information** – plain-language descriptive resources or guides  
Just about all questions related to law involve providing one or more sources of information. These resources describe an area of law and can help people move forward with their research.
- **Law** – the text of statutes, regulations, or court rules  
These resources are discussed more thoroughly in the Foundations of Law class.
- **Legal Assistance** – advice from a legal professional  
Often, the patron’s question will need some discussion about the application of law, language interpretation, and discussion about options. Note that if the question is about a

criminal law situation, they should be strongly encouraged to contact an attorney or the public defender's office.

- **Government Services** – help from government agencies (e.g., Social Security, Unemployment)  
This often means they need assistance understanding a process related to a government action, service, or benefit.
- **Forms** – fill-in or samples for a legal document or filing  
There is not a fill-in form for every legal action or document. In addition, determining appropriate forms can be considered legal advice. The Frontlines: Forms class provides a deeper look at this topic.

## Know What You Can Access

Your library may have access to law-related materials through your collection or local partners. Make sure you are familiar with these resources. Review these options regularly as subscriptions, collections, and relationships can change.

### What is in your collection?

Check your catalog for print or digital titles that address law or legal topics. Many general libraries hold some basic texts about law in reference collections. Larger branches of public systems may have the Maryland Code, or texts such as Maryland Family Law or the Maryland Law Encyclopedia. General collections may also include texts printed for the non-lawyer from publishers like Nolo, Sphinx, or the National Consumer Law Center. Maryland People's Law Library has a series of [General Legal Research Articles](#) that covers the basics of finding the law.

### What databases can you access?

Review your access to digital resources like Gale Legal Forms or Nolo Books via EBSCO. Keep track of your library subscriptions and what is provided through [Sailor Research Databases from the Maryland State Library Resource Center \(SLRC\)](#).

### Do you have any partner libraries?

Perhaps your system is part of a larger consortium through which you can access additional materials. Or perhaps there is a local community college with a paralegal or legal studies program for which the college library maintains a collection of law materials. Or there may be a law school library nearby with public hours. Connect with these partners and offer mutual support.

### What can you find on the internet?

There is a lot of information on the web – including reliable and useful resources about law. Carefully evaluate web content about law using the information provided in the Frontlines unit on Legal Information Sources.

**TIP: REVIEW YOUR RESOURCE ACCESS REGULARLY TO STAY CURRENT.**

**Legal Reference Skills Checklist**

- ☐ Listen actively and respectfully
- ☐ Stay calm and professional
- ☐ Rephrase when needed
- ☐ Acknowledge what you don't know
- ☐ Recognize boundaries and limits
- ☐ Define the patron's goal
- ☐ Clarify legal terms or processes
- ☐ Provide useful referrals

## Resources for Further Discovery

- [Self-Care for Librarians: The Necessity of Setting Boundaries, in Legal Ease: Self-Care for Library Staff \(AALL, 2018\)](#)