



Don't Panic! It's only the law...
Resources for Patron Legal Queries





Hi everyone! My name is Halle Cox and I'm the Director of the Kane County Law Library & Self Help Legal Center. I'm here with my colleague and fellow librarian Ellen Schmid. Our hope is that by the end of this webinar you'll be more comfortable and confident interacting with patrons who have legal inquiries.

The slide features a large orange vertical bar on the left with the word "Topics" in white. To its right is a list of seven topics, each preceded by a number. In the bottom right corner, there is a logo for Kane County Law Library, which includes a stylized scale of justice icon and the text "Kane County LAW LIBRARY Self Help Legal Center".

Topics

1. Introduction
2. Illinois Supreme Court
3. Referrals
4. Legal Information vs Legal Advice
5. Print and Online Resources
6. eFiling
7. Questions and Contact Information

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Here is a brief listing of the topics we'll be covering today. We welcome any and all questions, so please submit them to our moderator. We want to make this webinar as helpful and as pertinent to your real world inquiries as possible.

1.
Introduction
pro se / self-represented litigants

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First, I'd like to talk briefly about the patrons themselves who are seeking out legal assistance.

Pro se / Self-represented litigant

Litigants or parties representing themselves in court without the assistance of an attorney are known as *pro se* or self-represented litigants.

"Pro se" is Latin for "in one's own behalf."

How many are there?

Statistics are only now starting to be captured

Administrative Office of the Illinois Courts reported that both the plaintiff and defendant were self-represented in over 38,000 cases in 2017 (statewide average 14%)

Most frequently in Order of Protection (45%) and Dissolution/Family cases (17%)

Why are there so many?

- Cost
- Distrust and/or unrealistic expectations of the system
- Control over own destiny

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In the legal arena, people who are representing themselves without an attorney are often referred to as “*pro se*” litigants. We will get into this a little more later, but currently there is a cultural shift away from legal terminology, so you will see more and more of those who represent themselves being referred to as “Self-Represented Litigants” or SRL’s for short. Pro se and self-represented litigant are being used interchangeably so please know they are the same thing.

How many self-represented litigants are there?

Surprisingly, this is an incredibly difficult number to pinpoint – many cases begin with attorneys and end *pro se* as well as vice versa. Also, there are shifting thoughts on how best to count self-represented litigant statistics – whether by case or by individual. Regardless of the method, it is abundantly clear that more and more people are representing themselves in legal matters, most commonly in domestic and family law issues.

Why are there so many people representing themselves?

The obvious answer is that many cannot afford to pay the high cost of hiring an attorney. What is not so obvious, is that many others choose not to use an attorney for other reasons: because they do not feel the cost is worth what they are trying to

accomplish or more commonly they have a distrust of the legal system or unrealistic expectations of outcomes. Many of this grouping have worked with attorneys and were unsatisfied with the services so have chosen to represent themselves or are representing themselves because attorneys have refused to continue to work with them based on their unrealistic expectations. This is where we come in....



Before we get into the nuts and bolts of the best resources for self-represented litigants, I think it is important to make note that the Illinois Supreme Court has recognized the growing distrust by the populous of the legal system and in turn the vast numbers of people who are representing themselves in legal matters.

Access to Justice Initiative

IL Sup. Ct Rule 10-100
 "to promote, facilitate, and enhance equal access to justice with an emphasis on access to the Illinois civil courts and administrative agencies for all people, particularly the poor and vulnerable"

- Moving away from legalese / legal terminology
- Standardized forms
- Self-Represented Litigant Coordinators
- Illinois JusticeCorps

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In 2012, the Illinois Supreme Court Commission on Access to Justice was established to address the needs of the growing self-represented litigant population. The purpose of the commission is to promote, facilitate and enhance equal access to justice.

Moving Away from Legal Terminology:

One of the first initiatives was to move away from legalese towards plain language. Legalese creates a barrier to access to the court system for laymen, making even relatively simple legal matters and documents onerous to those who are not familiar with legal terminology.

Standardized forms:

One of the steps in moving toward equal access is to develop forms that the average person not familiar with the legal system can understand and complete successfully. To fulfill this goal, the Commission created forms sub-committees comprised of law librarians, circuit clerks, legal aid attorneys, and judges who routinely work with the public and charged them with creating such forms within an already established plain language style guide. Once designed, the forms go through a rigorous bout of user testing and public comment before being finalized and made available. ALL counties and circuits within the State of Illinois have to accept these forms. Prior to this, each

county and / or circuit was left to design their own forms which created a lot of confusion for those people with legal matters in multiple counties.

Self-Represented Litigant Coordinators:

Another goal of the Commission is to create best practices throughout the state and reduce duplication of effort among the courts regarding resources for self-represented litigants. To help accomplish this, the Commission appointed in each circuit a Self-Represented Litigant Coordinator to establish a statewide network. To support the development of resources and programs to assist self-represented litigants, the Commission awards grant monies within the network. As the appointed Self-Represented Litigant Coordinator for Kane County, I was able to secure \$10,000 in funding to develop resources to assist the public.

Illinois JusticeCorps:

Illinois JusticeCorps is an AmeriCorp program administered through a grant to the Illinois Bar Foundation and Administrative Office of the Illinois Courts.

Full or part time Fellows “serve as guides to make the courts more welcoming and less intimidating to people who are navigating the complex and daunting civil legal system” Kane County has been lucky enough to be awarded such a Fellow this year.



3. Referrals

Free or low cost options
How to find an attorney



One of the first things we do at the Kane County Law Library & Self Help Legal Center is try to connect people with an attorney, whether that be through a legal aid agency, a local limited scope program, or a bar association.

Free or low cost options and how to find an attorney

It is always in a persons best interest to consult with an attorney either on their own or through a legal aid agency or legal aid program.

Legal aid agencies

- Administer Justice
- Prairie State Legal Services
- Land of Lincoln Legal Assistance Foundation, Inc.
- IL Armed Forces Legal Aid Network

Programs

- Lawyer in the Library *appointment only*
- Divorce & Parentage Form Help *Walk-in Service*
- Lawyer in the Lobby
- Ask a Lawyer

Law Libraries

Finding an attorney

- Bar Associations
- Friends
- [Attorney Registration and Disciplinary Commission](#)

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One of the things I like to share with people when they ask if they have to have an attorney, is that no, they don't but it may be in their best interest for them to at least consult with one. I can cobble together my own plumbing fix, but it probably won't meet code, it will probably be temporary, and more often than not it may cause bigger problems down the line because I didn't do something correctly. Having or consulting with an attorney is not required, but it more often than not saves time and money in the long run.

Legal aid agencies:

If you can get someone to use legal aid/referral service, do.

One thing that is not intuitive is that almost all legal aid agencies only assist people with civil matters. This is based on their federal funding guidelines.

Also, potential clients have to meet poverty guidelines : most often 125% the federal poverty level , which equates to roughly \$25,000 annual income for a family of three. These agencies are often drastically underfunded and understaffed but faced with a high volume of clientele so there may be long wait times before a telephone call is returned or a person may be assisted.

Also, attorneys cannot take a case if the other side is already being seen by the legal aid

agency or firm. This is considered a conflict of interest. Unfortunately this leaves the second party with very little recourse but to find a private attorney who will take the case at no cost, or to litigate the case themselves.

As for people with criminal or traffic cases who are seeking assistance, their best bet is to call private criminal attorneys and see if the attorney will work with them on a payment plan or sliding fee scale. Public Defenders are generally not assigned to a case unless there is possible jail sentence involved.

Some of legal aid agencies in Illinois include:

Administer Justice: Legal Aid agency serving primarily Kane and DuPage counties. Though faith based, the only qualifying conditions are financial.

Prairie State Legal Services / Land of Lincoln are the two legal aid agencies that cover the state of IL

IL Armed Forces Legal Aid Network: new network for veterans

There are also programs run by different agencies to assist self-represented litigants. The ones mentioned here are Kane County specific but your county may have similar programs

The Lawyer in the Library program is by appointment only and the patron must meet financial qualifications. It is a scheduled one on one 45 min. meeting with an attorney. The attorney will not represent the person, but give them guidance and perform document review.

Divorce & Parentage Form Help is a walk in service held between 11am and noon on Thursday mornings. In this program family law attorneys donate their time to answer quick family law questions for the general public.

Lawyer in the Lobby is a program of the Kane County Bar Association that we assist with. It is a walk-in service at the civil courthouse on Friday mornings. It is designed to assist people who are representing themselves in court that morning.

Ask a Lawyer is also a program of the Kane County Bar Association. In this program, people may call in to a phone bank of volunteering attorneys on the second Saturday of the month between 9am and noon to discuss their legal issues.

Law Libraries: {ELLEN}Need I say more. Most law libraries in the state have their own website pointing to information for self-represented litigants. We are using our own

website today to show the types of information you may be able to find and if you are in Kane County, please refer patrons to us and to our site or feel free to link to it. We update it constantly and feel we have an accurate representation of answers and resources to address the types of questions we are most often asked by patrons, whether they are pro se or in the legal profession.

Finding an attorney: [Stay on our webpage]

We cannot recommend attorneys as we need to remain neutral, but we can give guidance on how to find one. Local Bar Associations almost always have lawyer referral lists. Check out their websites.

We also always tell people to ask their friends and family what attorneys they've used and if they liked them or not. Even if the attorney practices a different area of law, they will often make a referral to a more appropriate attorney.

[HOTLINK] One of our favorite resources is the Attorney Registration and Disciplinary Commission (ARDC) website. Every attorney who wants to practice in the state of Illinois is required to register with the Commission. This commission is the professional oversight for attorneys, making sure that they adhere to attorney rules of conduct. Through the website you can verify an attorneys contact information, that they are licensed to practice in the State of IL, if there have been any complaints lodged against them, and if so the outcomes of those complaints. Too, if someone wants to lodge a complaint against an attorney, guide them to this website as there is link to file a request for investigation.

4.
Legal information vs
legal advice

When a patron wants to conduct their
own research

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If finding an attorney is not an option for someone, or if they want to conduct their own legal research to be a better informed legal consumer, don't panic!!

**Safe Harbor
Policy
Guide**

Legal information is...
General factual information about the law or legal process intended to help a court patron navigate the court system

Legal advice is...
Guidance regarding a court patron's legal rights and obligations in light of their unique facts and circumstances

The Golden Rule of legal advice is...
Do not say to one party what you would not say to another

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If you stopped into the Kane County Law Library & Self Help Legal Center on any given day, what you will hear us say over and over again is “I am not an attorney, I am a librarian. Though I cannot help you with your specific case, I can guide you to resources that will help you learn more about the legal process”

There is a lot of misunderstanding and confusion over what actually IS legal advice versus legal information. Unfortunately, this uncertainty leads to most staff erring on the side of caution, creating more of a dilemma and a sense of alienation for the self-represented litigants.

As noted on the slide: [read slide]

To help clarify this confusion, and to ensure that Self-Represented Litigants are getting as much support as legally possible, the Illinois Supreme Court Access to Justice Commission created a Safe Harbor Policy defining what is considered legal advice versus what is legal information and the lengths and limits to which forward facing staff may go to assist self-represented litigants.

In furtherance of this policy, a guide was developed for quick reference by front line

staff, including sample scenarios and scripts. This is an excellent resource and guide for anyone who deals with addressing legal questions by the public. We have provided links to these documents and others that will be available after this presentation.

This guide includes a quick reference chart of “I can” versus “I cannot” scenarios for front line staff. For instance, I CAN explain how to find laws that a patron could use in their case, but I CAN NOT tell a patron which laws they should rely on for their case.

One of the main rules of thumb is that if it is a procedural question, one in which you would answer the same regardless of who was in front of you, you are safe to assist. If it is a question specific to the particulars of their case, that is legal advice, and you may then mention that they would need to consult an attorney, conduct further research, or take their best guess.



5.
Print and
online resources

Print is browsable
Online is isolated but robust



Self-Represented Litigants are no different than the average library patron when it comes to using print versus online resources. Some patrons are very uncomfortable navigating and searching online resources while others insist that is all they will use.

Core Legal Collection for Non-Law Libraries

Why use print for self-represented litigants?
Squash vs quash

Core legal titles:

- Illinois Compiled Statutes – Bar Edition
- Black's Law Dictionary*
- Nolo
- Illinois Institute for Continuing Legal Education
- Prince's Dictionary of Legal Abbreviations*
- Law Library business cards

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Why use print?

I personally like to initially use print resources with self-represented litigants. Searching indices and tables of contents allows the patron to become a more familiar with legal terms and phrases that may be applicable to their case. I can't tell you how many times people have wanted to do research on SQUASHING a warrant. That is a vegetable not a legal term. They need to QUASH the warrant. If they had used Squashed as an online search term, chances are they would not have had much success.

Locating information in print also allows the layperson to see how their legal issue fits into the bigger legal picture and how they may need to consider other things around their topic and how other laws may play into or effect what they are trying to do.

In terms of actual print holdings for non-law libraries, there are a few I would highly recommend keeping around, but there really is no reason to duplicate what may already be available at your local law library (county or university). As you are probably aware, like medical materials, legal materials are highly specialized, are horribly expensive, and change constantly. Let the local law library act as your go to source for the majority of your legal collection. Reach out and establish a relationship with your local law librarians – it is great partnership. I happen to substitute in at several of the

local public library reference desks and I can't tell you how often I see my law library regulars also using the public library. We often refer people to their local public libraries if they still need resources beyond our open hours or if they need access to resources closer to their home.

Illinois Compiled Statutes are all the laws of the state of Illinois. I would bet money every one of you already have this on your shelves. Though the information is available online, it is not nearly as user friendly as the print version. I would also hazard that you all already have a copy or two of Blacks Law Dictionary. Another indispensable resource when working with self-represented litigants who often ask for definitions of legal terms.

Nolo is a publisher that specializes in print legal materials for laypeople. These resources are written in plain English, usually have sample documents, and have tons of tips and hints for those doing their own legal work. Their publications are very popular and you can't go wrong having them on your shelves.

The Illinois Institute for Continuing Legal Education, or IICLE's as they are often referred to, are great quick one stop shopping on specific areas of the law. They are Illinois specific, written by attorneys, and include the law, explanations of the law, sample documents and references to other pertinent materials. Though initially designed for attorneys, we have found them to be extraordinarily helpful for the layperson as well.

Prince's Dictionary of Legal Abbreviations is a resource of which few are aware, but for those unfamiliar with legal research and abbreviations it can prove invaluable.

And last but certainly not least, always keep a stash of pamphlets and/or business cards from your local courthouse or law library and pass them out with abandon and call us at whim! Your patrons are our patrons and we are more than happy to help in any way we can!

**Robust
online legal
resources**

- [ILAO](#) [Illinois Legal Aid Online]
also available in Spanish
- [Standardized state court forms](#)
- [Circuit Clerks Office](#)
- [IL Attorney General's Office](#)
- [Guardianship and Advocacy Commission](#)
- [GoogleScholar](#)
- State court websites
- [Illinois General Assembly](#)
- [LII Cornell](#) [Legal Information Institute]

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As Halle said there are many good reasons to use text when helping patrons with legal questions. However, online resources are not only robust but often more current. Just remember, as with any website, watch who created the website and the date on which it was last updated. Legal information is like medical information. It changes rapidly. You also want to make sure people are looking at Illinois law – and not applying laws from other states. A few weeks ago a patron came in with divorce paperwork they had prepared themselves. The only problem is the person picked online legal paperwork from a company in Texas. The judge would not accept it and the patron was out of the money they paid for the forms and had to start over from scratch.

What they should have used is what we consider to be the granddaddy of all online resources in the state of Illinois.
ILAO or Illinois Legal Aid Online

This is a non-profit that partners with the Illinois Supreme Court on Access to Justice and the Administrative Office of the Illinois Courts.

It is an EXCELLENT resource and one we are comfortable recommending. It is maintained by Illinois attorneys and is a resource you can trust for the most up-to-date

information on Illinois law and forms. There are also lots of videos and pathways to help a self-represented litigant from start to finish with a legal problem.

ILAO takes people from beginning to end of the process. It is very strong in family, landlord/tenant, expungements and small claims and is often one of the first places we refer people. The website and forms can also be translated into Spanish which is incredibly helpful for many.

Standardized State Court Forms:

These fillable forms with helpful instructions can be used as stand-alones or as part of a larger legal process. The forms are written in plain language and are created as part of the Illinois Supreme Court Access to Justice initiative and MUST be accepted by all Illinois courts if they are filled out correctly. Prior to their creation, each county / circuit created their own which could be very confusing for people with legal issues in multiple counties.

Circuit Clerks Office:

Circuit clerks offices are great resources for local court forms, local procedures, and fee schedules. You may be able to look up local court cases online as many times patrons are not sure when their next court case is or what courtroom they need to be in. The circuit clerk's website is where you would direct them to find this type of information.

IL Attorney General's Office:

This is a fabulous resource for consumer protection issues. We often refer people to this website for lemon law issues (inferior products or products sold that did not meet the stated standards). It is also a good resource for anyone having a problem with identity theft.

IL Guardianship and Advocacy Commission:

We often get requests for power of attorney, living will and guardianship forms. Aside from the statutory forms actually found within the body of the law, the Illinois Guardianship and Advocacy Commission has many of these forms available on their website. These types of forms are also called Advance Directives – which is how they will be found in this website.

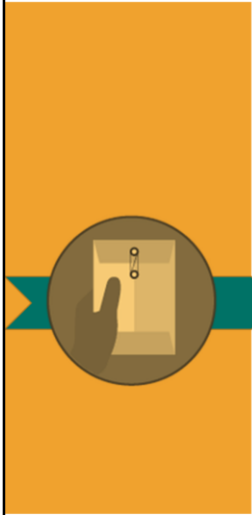
GoogleScholar: Google's legal search engine. It weeds out all the extraneous hits you would get with a general Google search. This is a great resource for the layman wanting to do general research. You can search by legal citation, party names, or topic [terry v. ohio, 392 us 1, search and seizure]

State Court websites: great resource if people ask for laws outside of Illinois

And if people want online access to the laws of Illinois and any pending legislation, that all may be found on the Illinois General Assembly website.

LII Cornell:

This is a good website for federal laws, codes and research as well as research in other states. We often refer laymen to this site as it is easily navigable.



6. eFiling

Submitting completed paperwork to the
Circuit Clerk electronically



Submitting completed paperwork to the Circuit Clerk electronically

Effective January 1, 2018 the Illinois Supreme Court has mandated electronic filing of all court documents for civil cases in the Circuit Court.

Approved eFile vendors
Odyssey eFile Illinois

Pro Se registering for the first time need

- Credit card, debit card or eCheck
- Remote access to their email address
- Valid street address

Equipment needed

- Public access computer
- Scanner
- Chrome browser/variety of browsers
- Recommend deleting files

eFiling exemptions form

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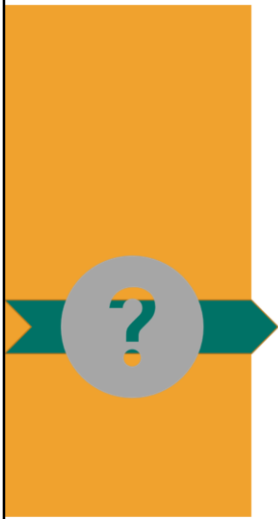
On January 1st of this year, the Illinois Supreme Court mandated that all civil cases in the **Illinois Supreme, Appellate and Circuit Courts**, with the exception of wills will be filed using an online e-filing system. What this means is that Instead of filing paper forms with the court, you need to send your documents from a computer. And what types of cases are civil? A civil case is any case which is not a misdemeanor or criminal case. Examples of civil cases are divorces, family matters such as child support or allocation of parental responsibility, small claims and landlord tenant.

When the supreme court made this ruling, our computer use statistics in the law library went up triple digits. If you work in a public library, you can compare this scenario with the eBook downloading revolution. Our self-represented litigants were surprised to find they now had an extra layer to navigate once they prepared their court documents. If in the past, they delivered their court documents to the circuit clerk’s office they now need to first turn their paperwork into pdfs along with creating an account with a third party vendor in order to communicate to the courts about their case.

Here is a list of approved eFile vendors in the state of Illinois. The one we recommend in our county is Odyssey eFileIL because it is free to use and you can see there are a few other free ones. The other products listed have extra bells and whistles attached to them and are intended for attorneys to use.

This is what Odyssey eFile Illinois looks like. People must create an account to register first and the things to remember to tell them about this is that before they begin, they must have a credit card, debit card or eCheck with them (even if there isn't fee associated with their filing they still need to keep one on file with the vendor. They will also need an email account they log into remotely as well as a street address. Letting people know these things up front can save a lot of time for them down the road if they don't have the right things with them to complete the process.

If you have public access computers in your library and scanners for public use, there is a chance you will have patrons who need to eFile their documents for a court case. I know we send our law library patrons to local public libraries to use their equipment when we are closing. Other things you may need to know about eFiling is that the browser someone is using could be problematic. For example, we can't use Internet Explorer here at the Law Library. Odyssey eFileIL only works with a Chrome browser here at the library but I have heard attorneys say they can only use eFileIL with Internet Explorer. So if the patron is having difficulty with the software (usually you get the spinning wheel that it won't load) recommend they try switching browsers. Also, recommend the patron dump their scans off of the Public access computer when they are finished to protect their privacy.



7. Questions

We are here to help, even after this presentation



Contact Information

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8:30am-4:30pm Mon, Tue, Th, Fri | 8:30am-8pm Wed

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8:30am-4:30pm Mon, Tue, Th, Fri | 8:30am-8pm Wed

The screenshot shows the website for Kane County Law Library & Self Help Legal Center. The header includes the organization's name, logo, and contact information: 630-406-7126, kclawlibrary.org, and the address 37W777 IL Route 38, St. Charles, IL 60175. A search bar is also present. The main navigation menu includes: HOME, ABOUT, SERVICES, LEGAL FORMS, CATALOG, LEGAL RESOURCES, SOCIAL PAGES, QUICK LINKS, and DON EDWARDS. Below the menu are three service icons: 'I AM REPRESENTING MYSELF', 'I AM A LEGAL PROFESSIONAL', and 'I WANT TO...'. A notice states: 'e filing is now mandatory for civil cases in Illinois as of Jan. 1, 2018'. A central banner features the text 'We help people find answers & are open to all!' with a photo of three staff members. The footer provides location details (Kane County Judicial Center, 37W777 IL Route 38, St. Charles, IL 60175) and hours: Monday, Tuesday, Thursday, Friday, 8:30 AM - 4:30 PM; Wednesday, 8:30 AM - 6:00 PM (Closed on Wednesdays); and Lunch. It also includes an accessibility icon and the text 'Kane County Judicial Center Accessibility Accommodations'.