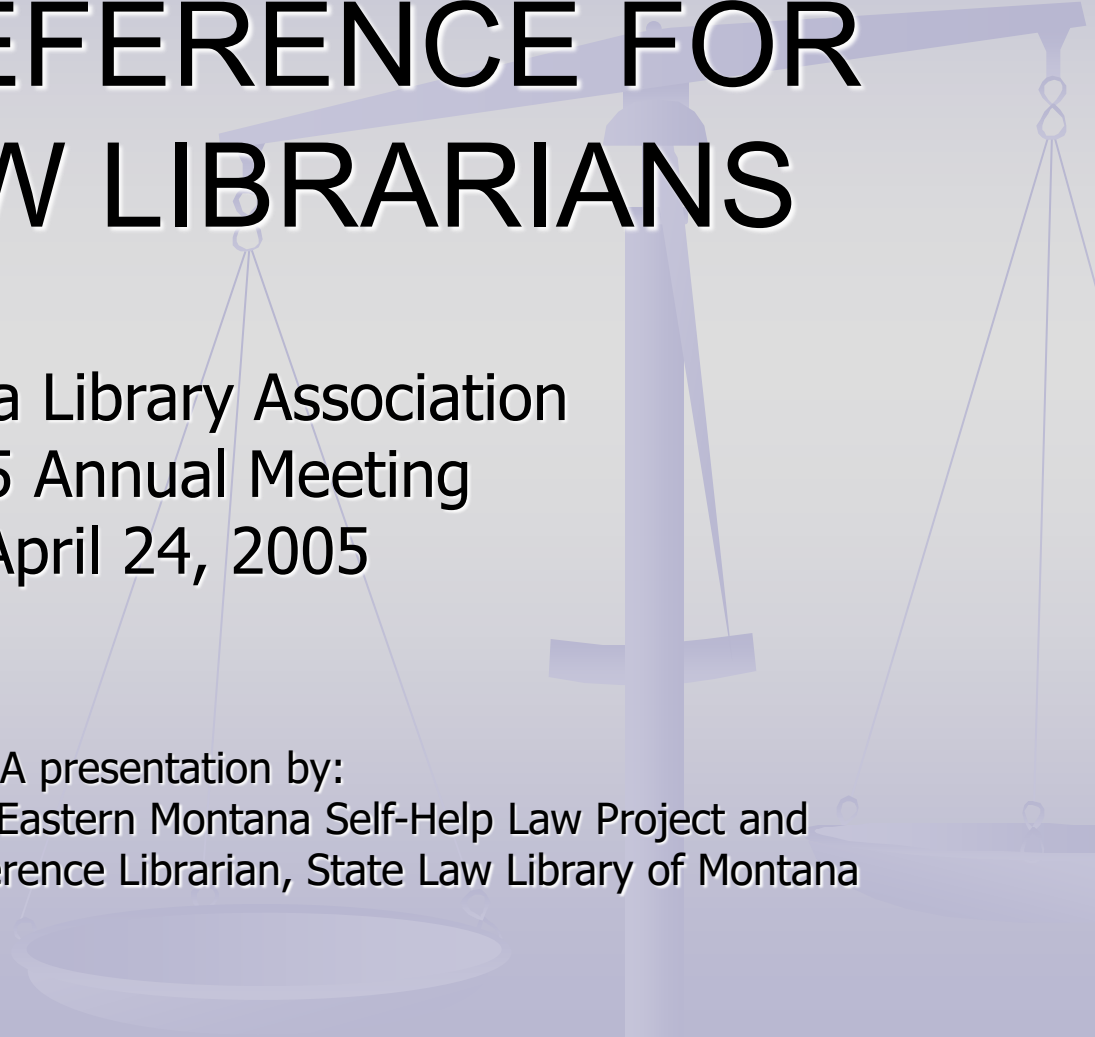


LEGAL REFERENCE FOR NON-LAW LIBRARIANS

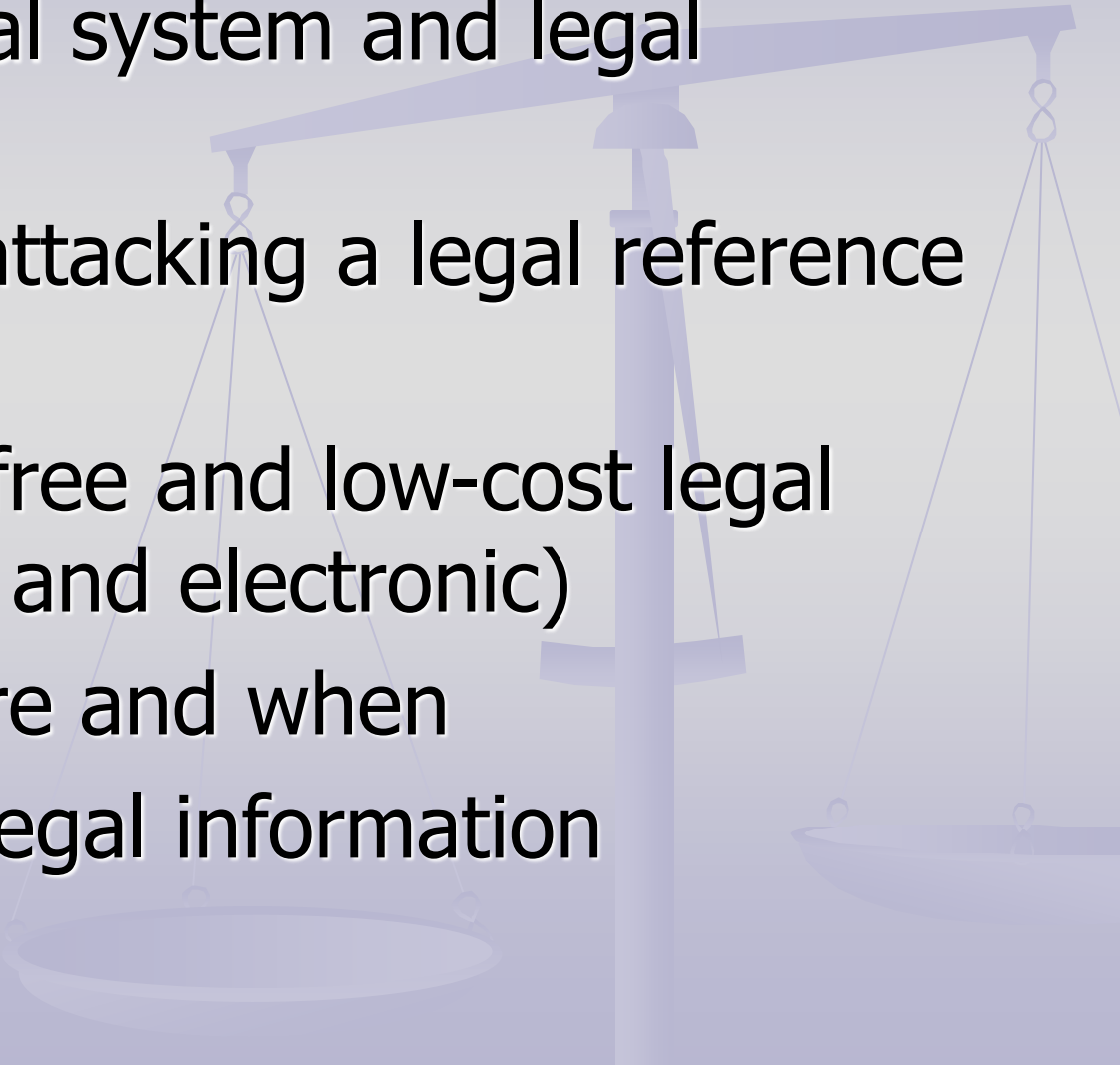
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Montana Library Association
2005 Annual Meeting
April 24, 2005

A presentation by:

Tara Veazey, Director of Eastern Montana Self-Help Law Project and
Tammy A. Hinderman, Reference Librarian, State Law Library of Montana

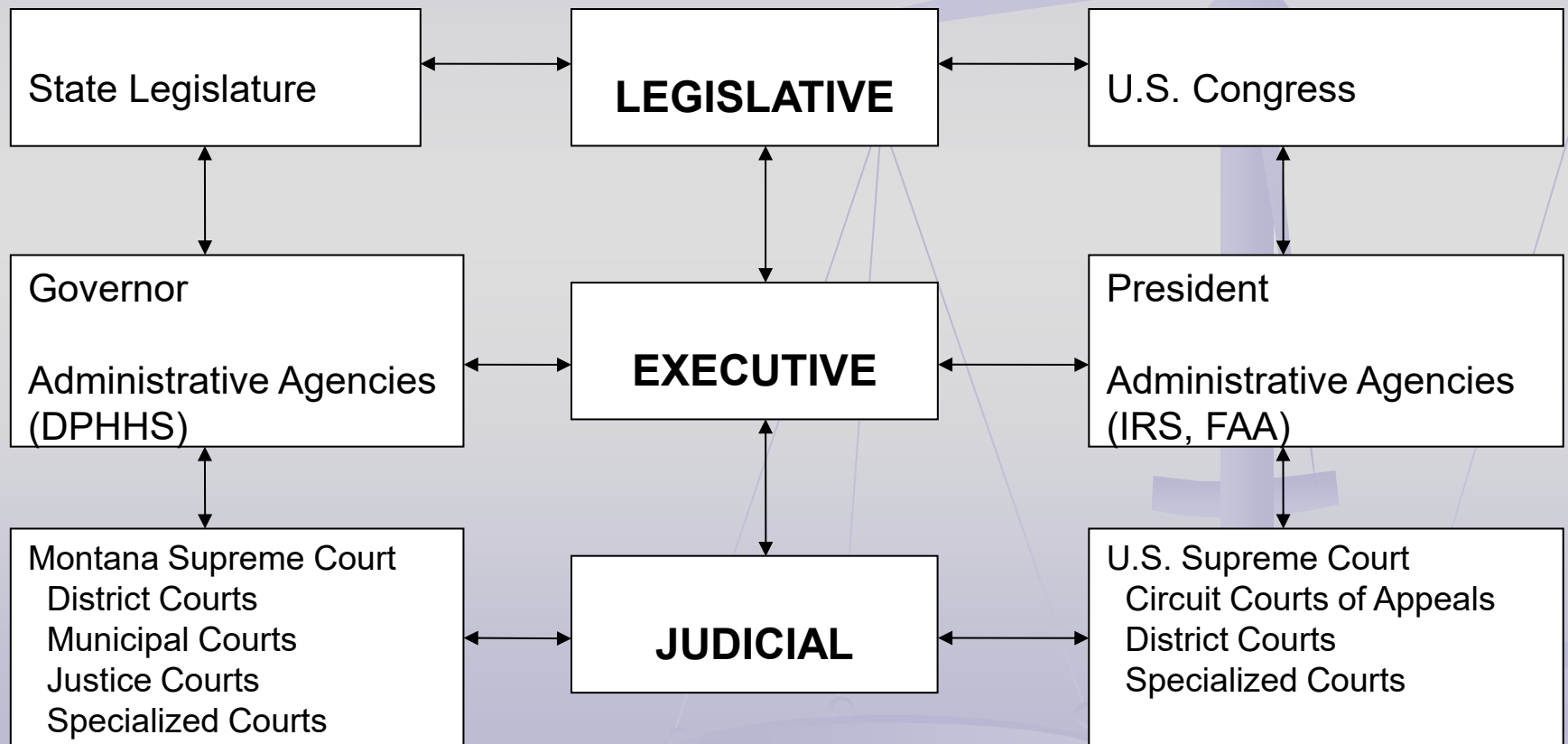
Where We're Headed

- Overview of legal system and legal resources
 - Framework for attacking a legal reference question
 - Introduction to free and low-cost legal resources (print and electronic)
 - Referrals – where and when
 - Legal advice v. legal information
- 

The Legal System

STATE

FEDERAL



What Resources Do They Create?

STATE

Statutes: Montana Code Annotated (M.C.A.)

Rules: Administrative Rules of Montana (A.R.M.)

Opinions: Montana Reports (Mont., P.3d, MT)

Rules: Montana Rules of Civil Procedure (MRCP)

Forms: not really

LEGISLATIVE

EXECUTIVE

JUDICIAL

FEDERAL

Statutes: United States Code (U.S.C.)

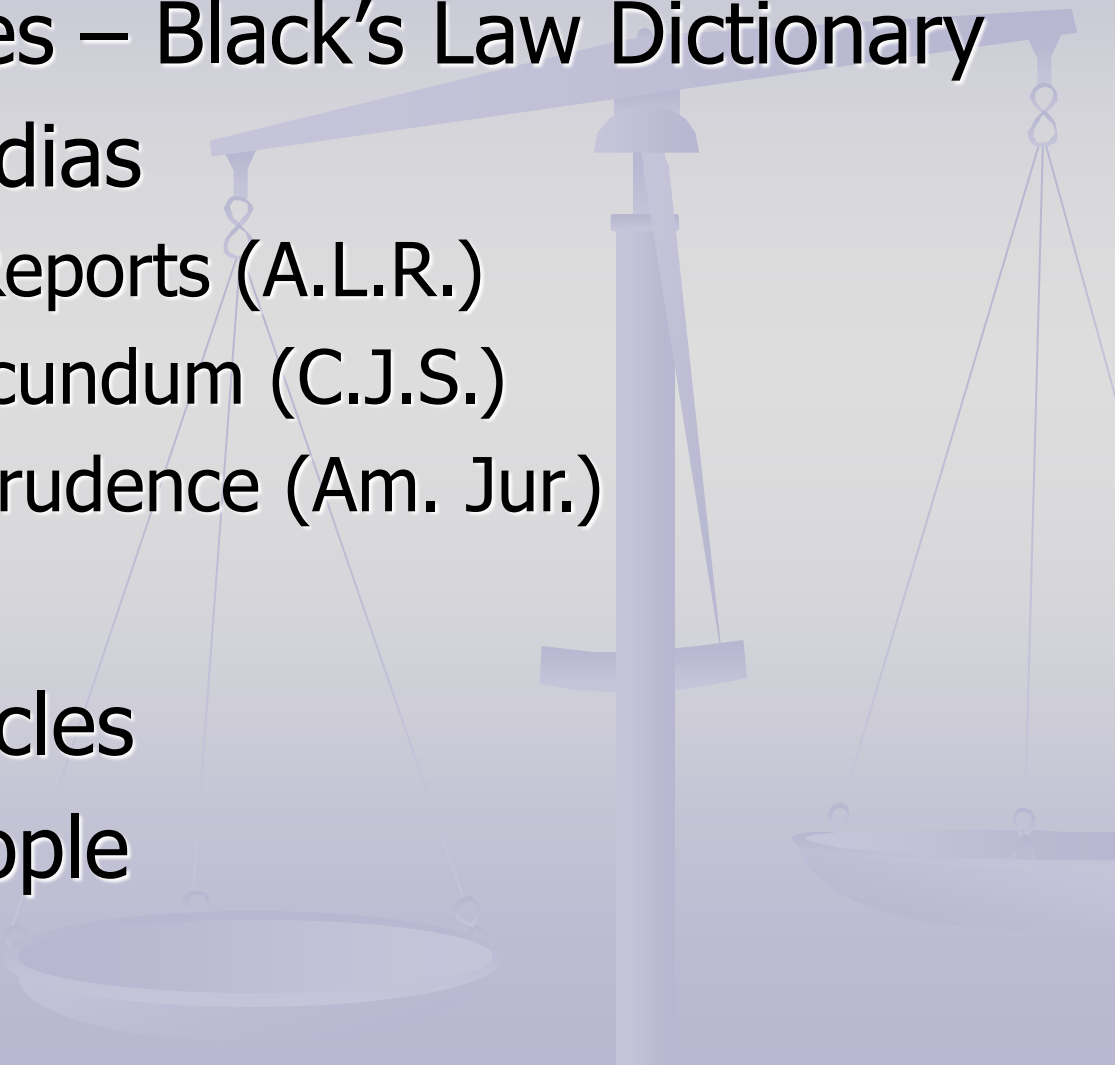
Rules: Code of Federal Regulations (C.F.R.)

Opinions: United States Reports (U.S.), Federal Reports (F.3d), Federal Supplement (F. Supp.)

Rules: Federal Rules of Civil Procedure (FRCP)

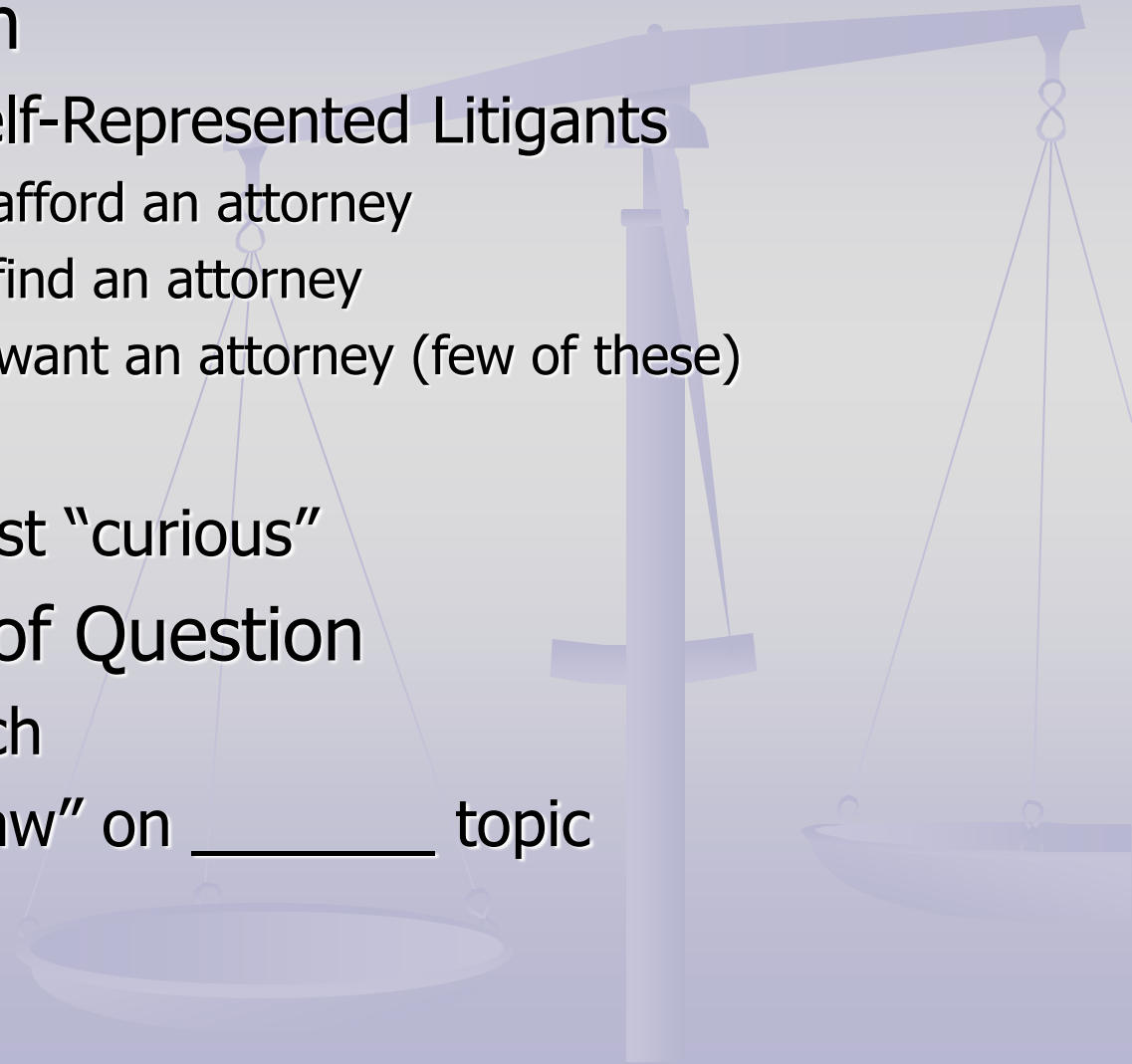
Forms: Bankruptcy

Secondary Sources

- Legal Dictionaries – Black's Law Dictionary
 - Legal Encyclopedias
 - American Law Reports (A.L.R.)
 - Corpus Juris Secundum (C.J.S.)
 - American Jurisprudence (Am. Jur.)
 - Treatises
 - Law Review Articles
 - Books for laypeople
- 

Attacking a Legal Reference Question

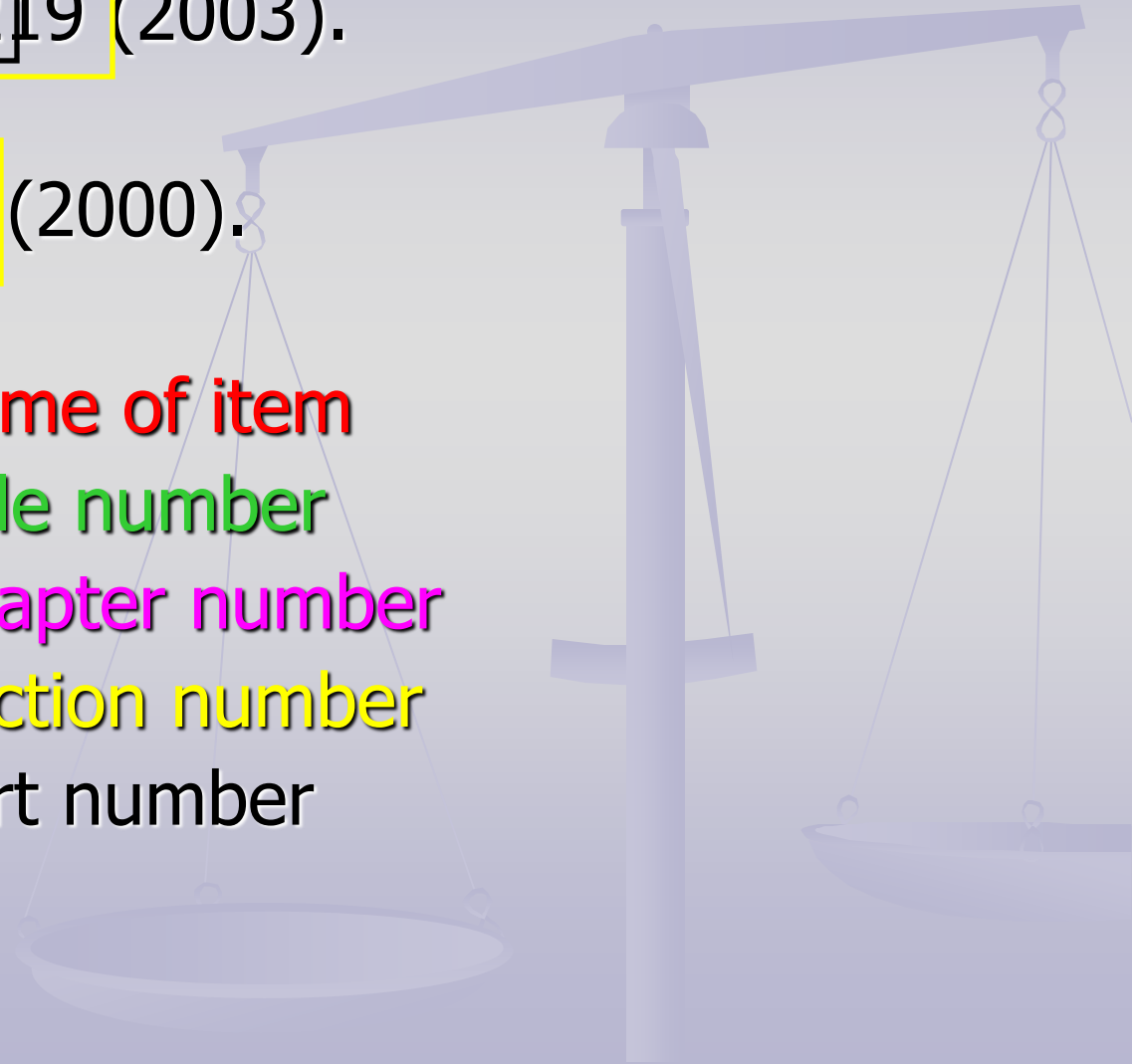
- Identify the Patron
 - Pro Se litigants/Self-Represented Litigants
 - People who can't afford an attorney
 - People who can't find an attorney
 - People who don't want an attorney (few of these)
 - Students/faculty
 - People who are just "curious"
- Identify the Type of Question
 - Known Item Search
 - Looking for "the law" on _____ topic



Known Item Search: Deciphering a Legal Citation -- Codes

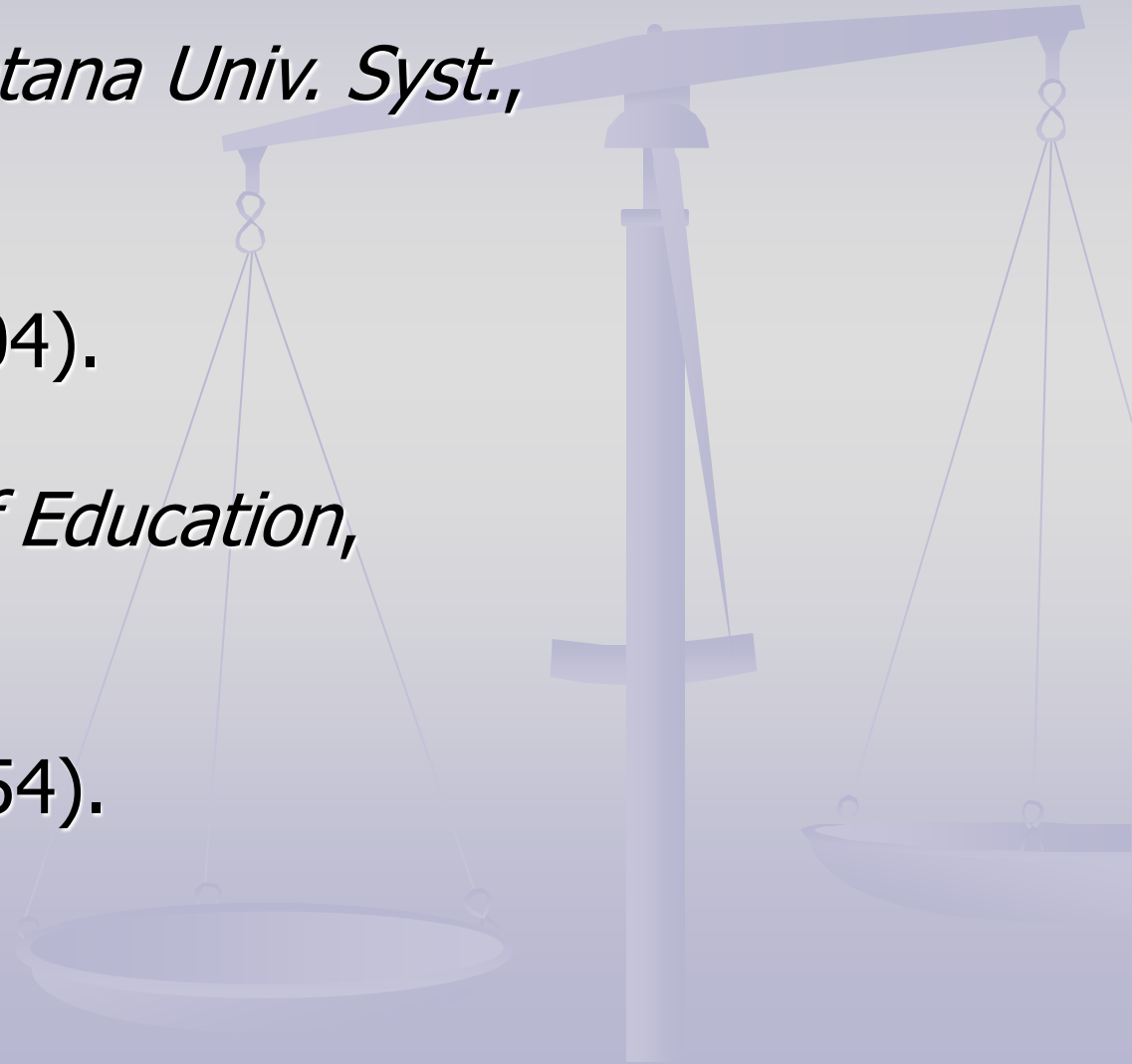
- M.C.A. 40 – 4 – 219 (2003).
- 42 U.S.C. 2000a (2000).

Red:	Name of item
Green:	Title number
Purple:	Chapter number
Yellow:	Section number
Black:	Part number

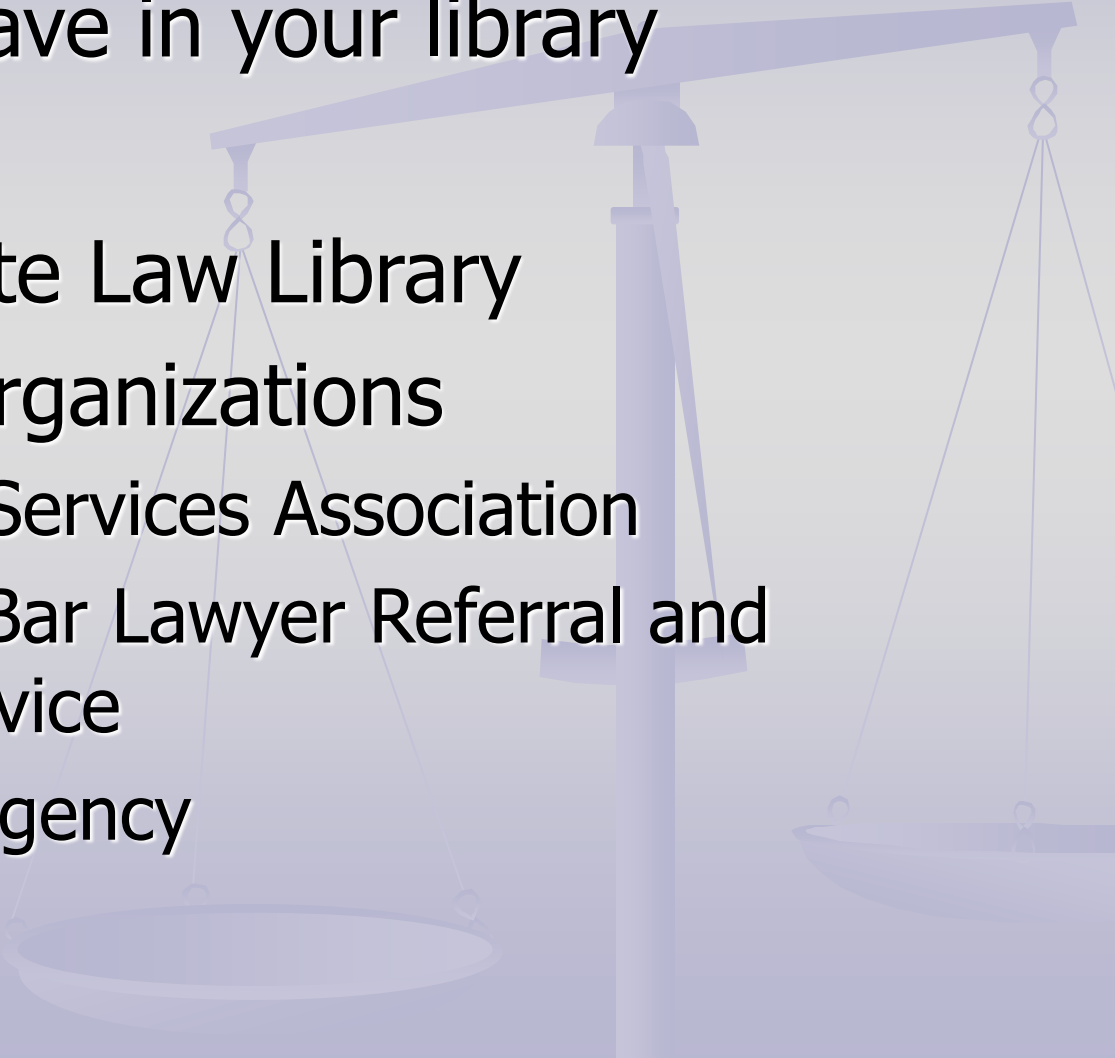


Known Item Search: Deciphering a Legal Citation -- Cases

- *Snetsinger v. Montana Univ. Syst.*,
325 Mont. 148,
104 P.3d 445,
2004 MT 390 (2004).
- *Brown v. Board of Education*,
347 U.S. 483,
74 S. Ct. 686,
98 L. Ed. 873 (1954).



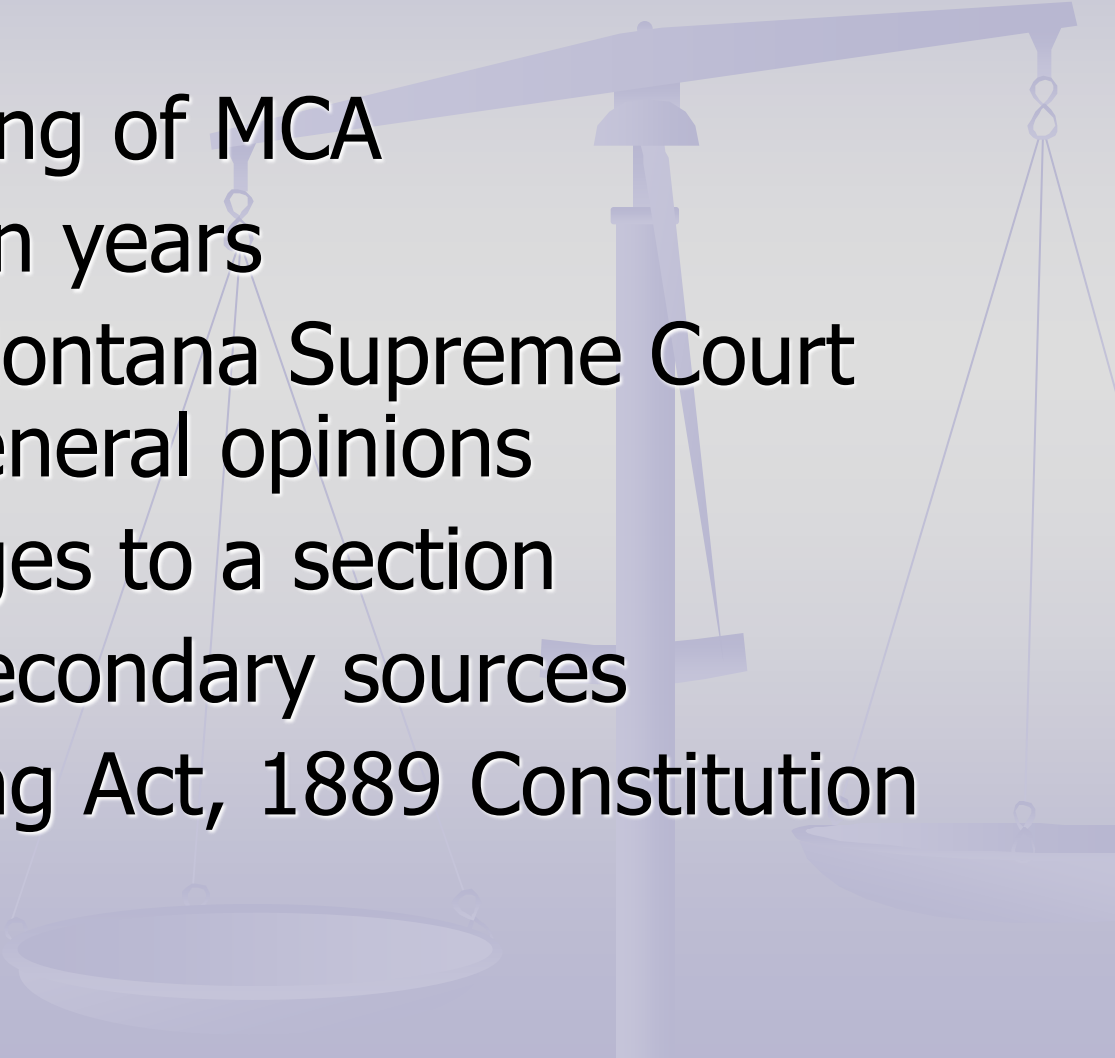
Legal Reference Framework

- Use what you have in your library
 - Use the Web
 - Refer to the State Law Library
 - Refer to other organizations
 - Montana Legal Services Association
 - Montana State Bar Lawyer Referral and Information Service
 - Governmental agency
- 

Using What You Have (or might want to get): MCA in print

- Published after each legislative session (odd years)
 - Includes Montana Constitution
 - Arranged by topic
 - Index
 - Words and Phrases
 - Popular Names Table
- 

Using What You Have (or might want to get): Annotations to MCA

- Follows formatting of MCA
 - Updated on even years
 - Summaries of Montana Supreme Court and Attorney General opinions
 - History of changes to a section
 - References to secondary sources
 - Includes Enabling Act, 1889 Constitution
- 

Using What You Have (or might want to get): Books for Laypeople

- Nolo Press books, www.nolo.com
- Oceana's Legal Almanac Series: Law for the Layperson, www.oceanlaw.com
- Brochures from government agencies, nonprofit groups
 - Office on Aging, Legal Guide
 - MONTPIRG, Tenant-Landlord Guide
- "How and When to Be Your Own Lawyer" by Robert W. Schachner

Using the Web:

www.MontanaLawHelp.org

- Credible, reliable, easy to understand legal information for the public
- Local listings of legal aid offices
- Information about local community resources
- Directory of local courts
- Coming soon: Automated family law forms

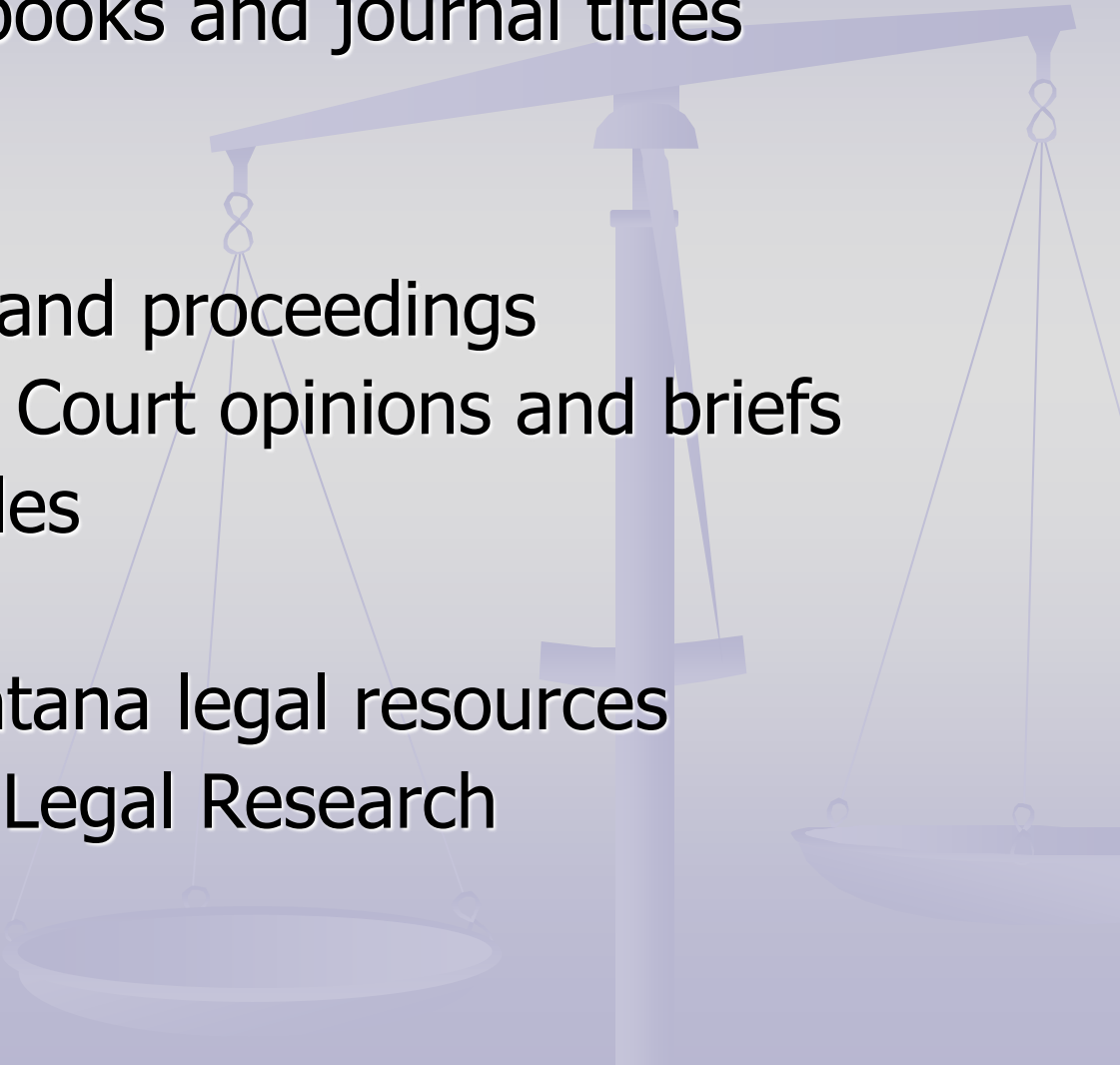
Topics Covered by www.MontanaLawHelp.org

- Families and Kids
- Public Benefits
- Consumer
- Housing
- Disability
- Native American Issues
- Employment
- Health
- Senior



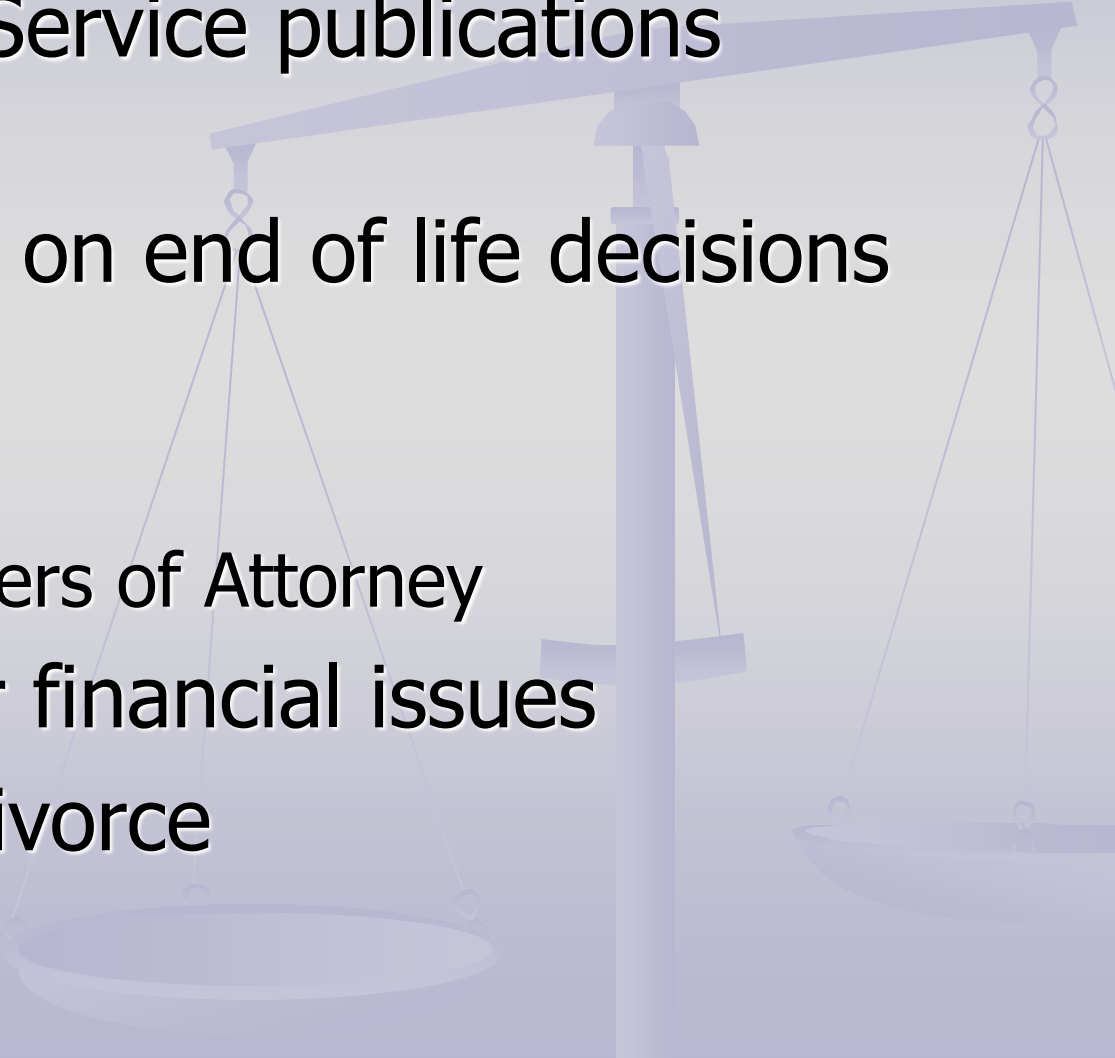
Using the Web:

www.lawlibrary.state.mt.us

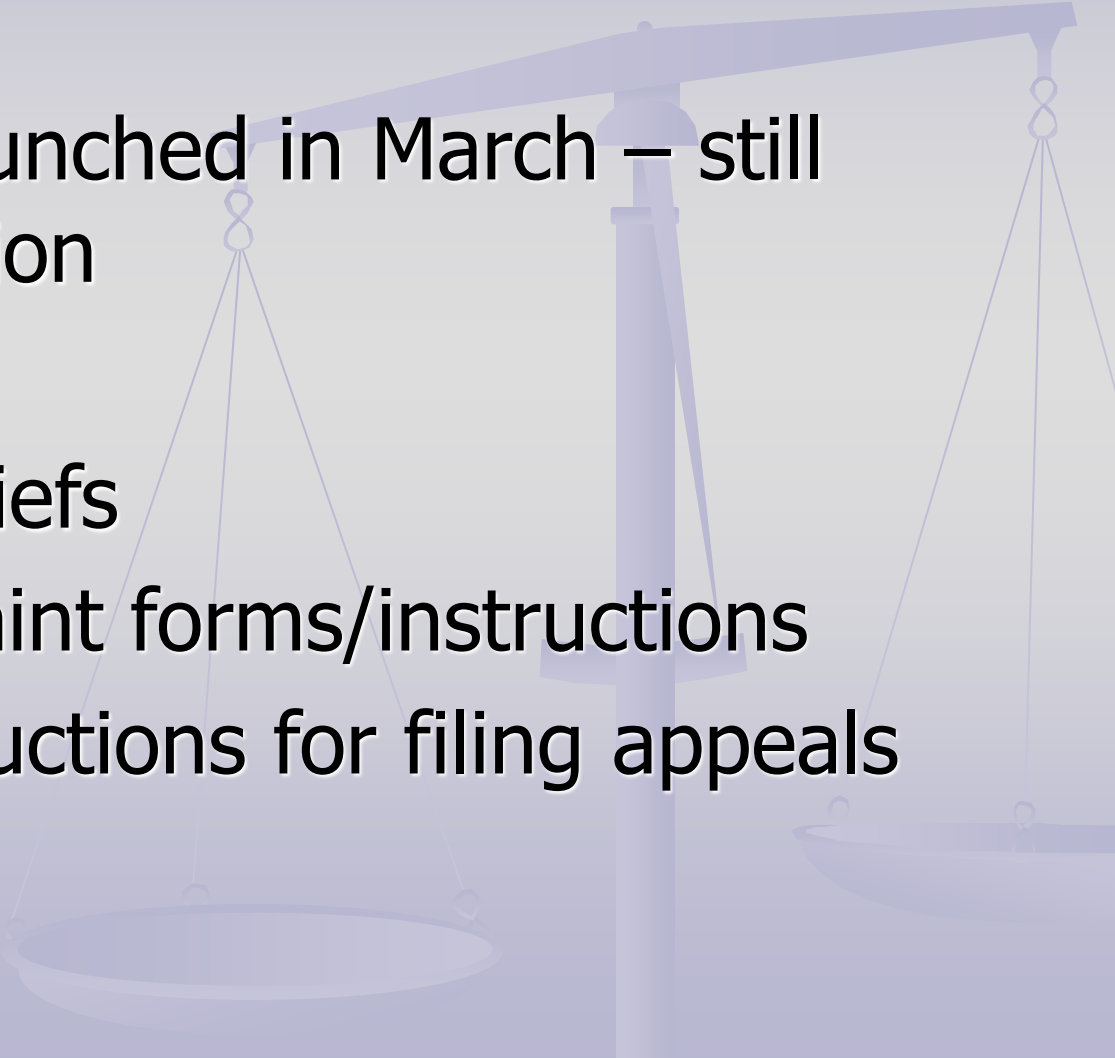
- Online catalog of books and journal titles
 - MCA
 - ARM
 - 1972 Constitution and proceedings
 - Montana Supreme Court opinions and briefs
 - Montana Court Rules
 - Forms
 - Links to other Montana legal resources
 - Guide to Montana Legal Research
- 

Using the Web:

<http://www.montana.edu/wwwpb/pubs/>

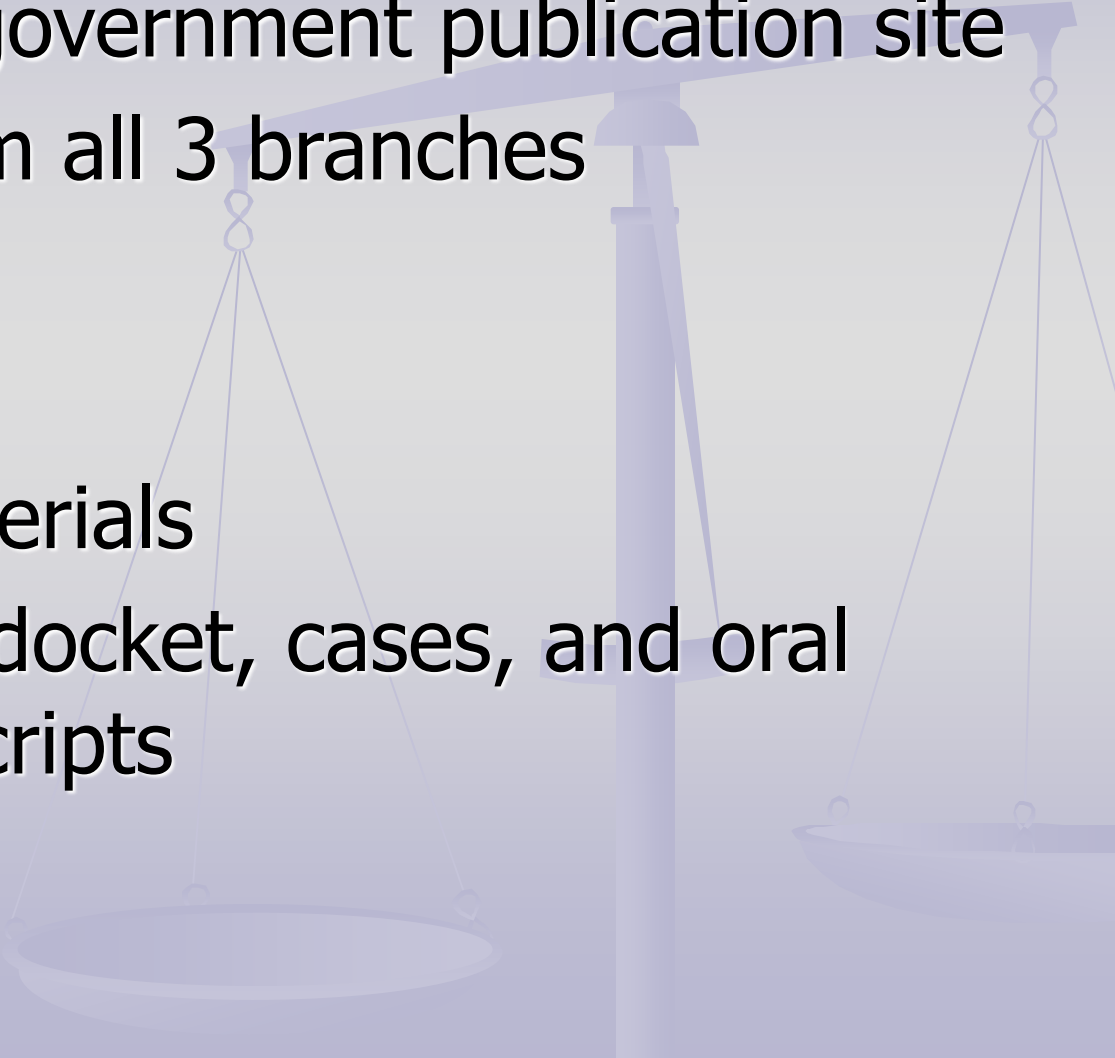
- MSU Extension Service publications catalog
 - Great brochures on end of life decisions
 - Probate
 - Wills
 - Living wills/Powers of Attorney
 - Credit and other financial issues
 - Parenting and divorce
- 

Using the Web: www.courts.mt.gov

- Just (quietly) launched in March – still under construction
 - Court Rules
 - Opinions and briefs
 - Attorney complaint forms/instructions
 - Forms and instructions for filing appeals
- 

Using the Web:

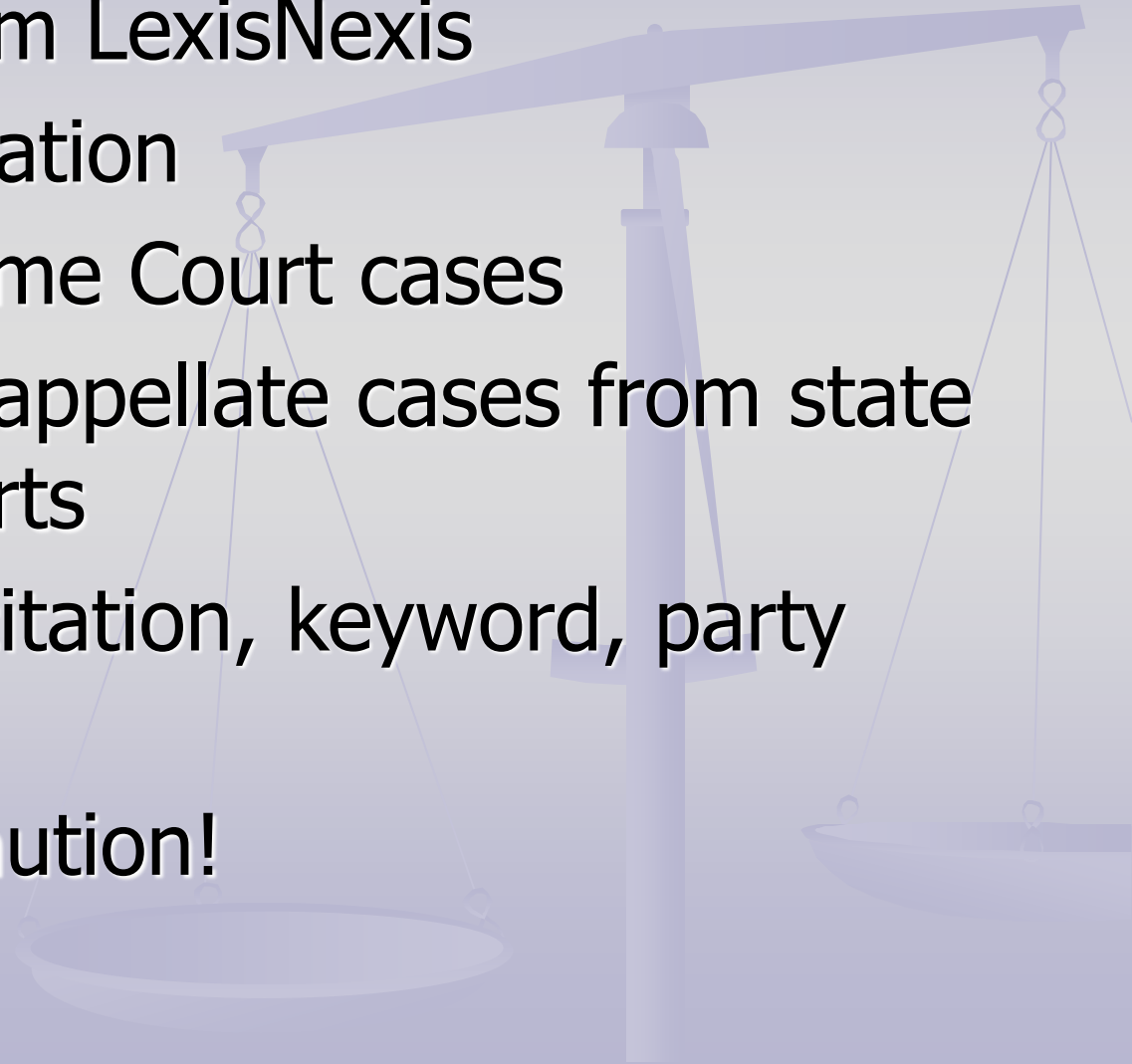
www.GPOAccess.gov

- Official federal government publication site
 - Information from all 3 branches
 - U.S.C.
 - C.F.R.
 - Presidential materials
 - Supreme Court docket, cases, and oral argument transcripts
- 
- A faint, light blue background image of a balance scale is visible on the right side of the slide. The scale has two pans hanging from a central beam, and its base is a thick vertical column. The image is semi-transparent and serves as a decorative element.

Using the Web:

www.LexisOne.com

- Free service from LexisNexis
- Requires registration
- “All” U.S. Supreme Court cases
- Past 5 years of appellate cases from state and federal courts
- Searchable by citation, keyword, party name
- Free forms – Caution!



Using the Web:

www.Findlaw.com

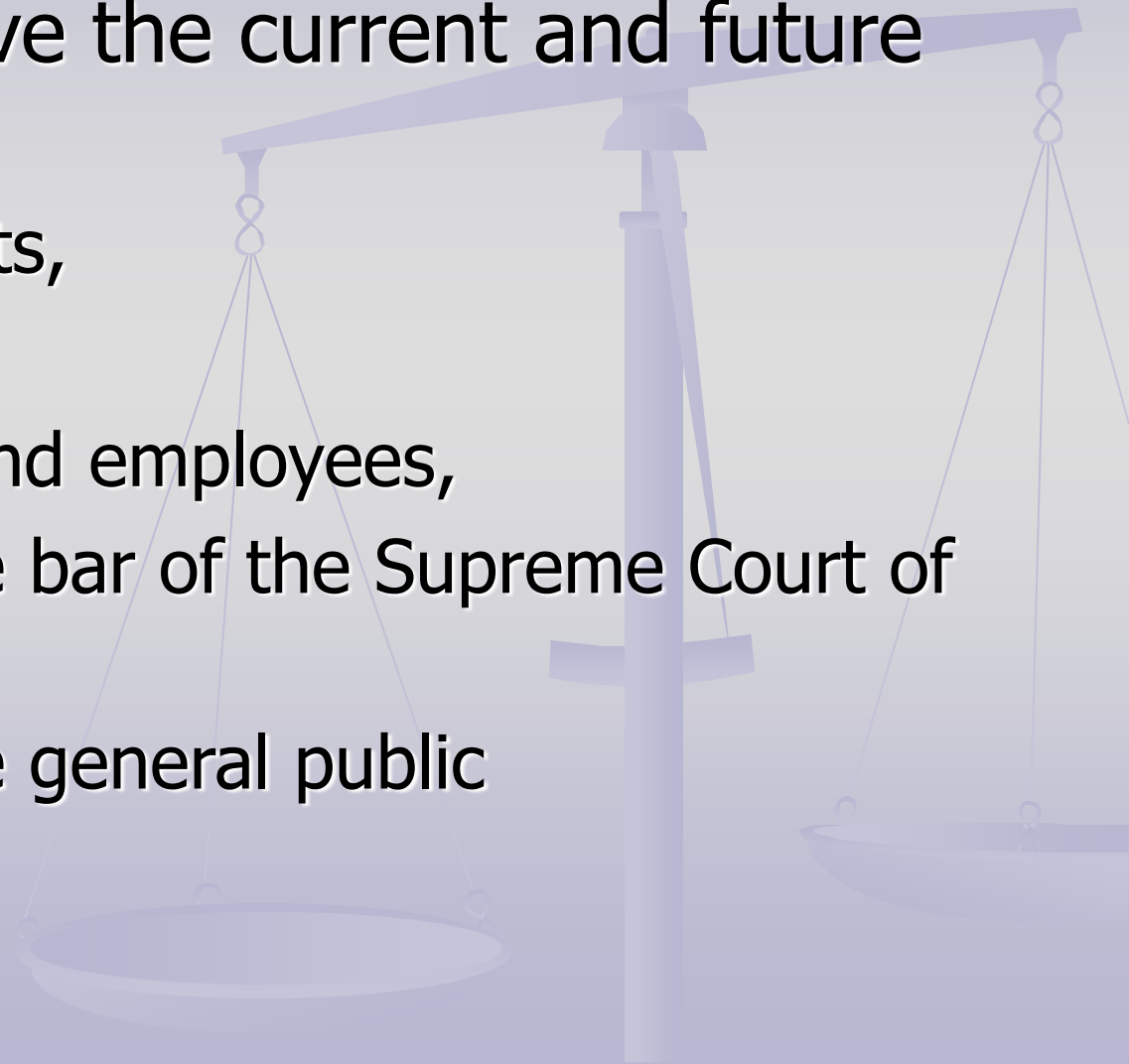
- Free service from Thomson West publishing company
- General brochures on legal topics – not Montana specific
- Links to cases and statutes for federal and state government
 - Coverage varies widely, often not current

Using the Web: Other options

- William J. Jameson Law Library, University of Montana School of Law,
www.umt.edu/law/library/library.htm
- Nolo's website, www.nolo.com
- Cornell's Legal Information Institute,
www.law.cornell.edu
- Government agency websites
 - www.ftc.gov
 - www.ssa.gov
- Nonprofit/public interest group websites
- Other law library websites

Refer to State Law Library

- Mission: to serve the current and future needs of
 - Montana's courts,
 - Legislature,
 - State officers and employees,
 - Members of the bar of the Supreme Court of Montana, and
 - Members of the general public



Refer to State Law Library (cont.)

- Collection includes:
 - Strong emphasis on Montana materials
 - Statutes and reported decisions of 50 states and federal government
 - Federal administrative materials
 - Selective U.S. Government Depository Library
 - Depository for reports from State Justice Institute
 - Over 500 law journals
 - Over 135,000 items in all
 - Computer databases: online Shepards, Westlaw, RIA Tax Coordinator, digitized journals/indices

Refer to State Law Library (cont.)

- Provide Reference services to all except incarcerated individuals

- In person
- By mail

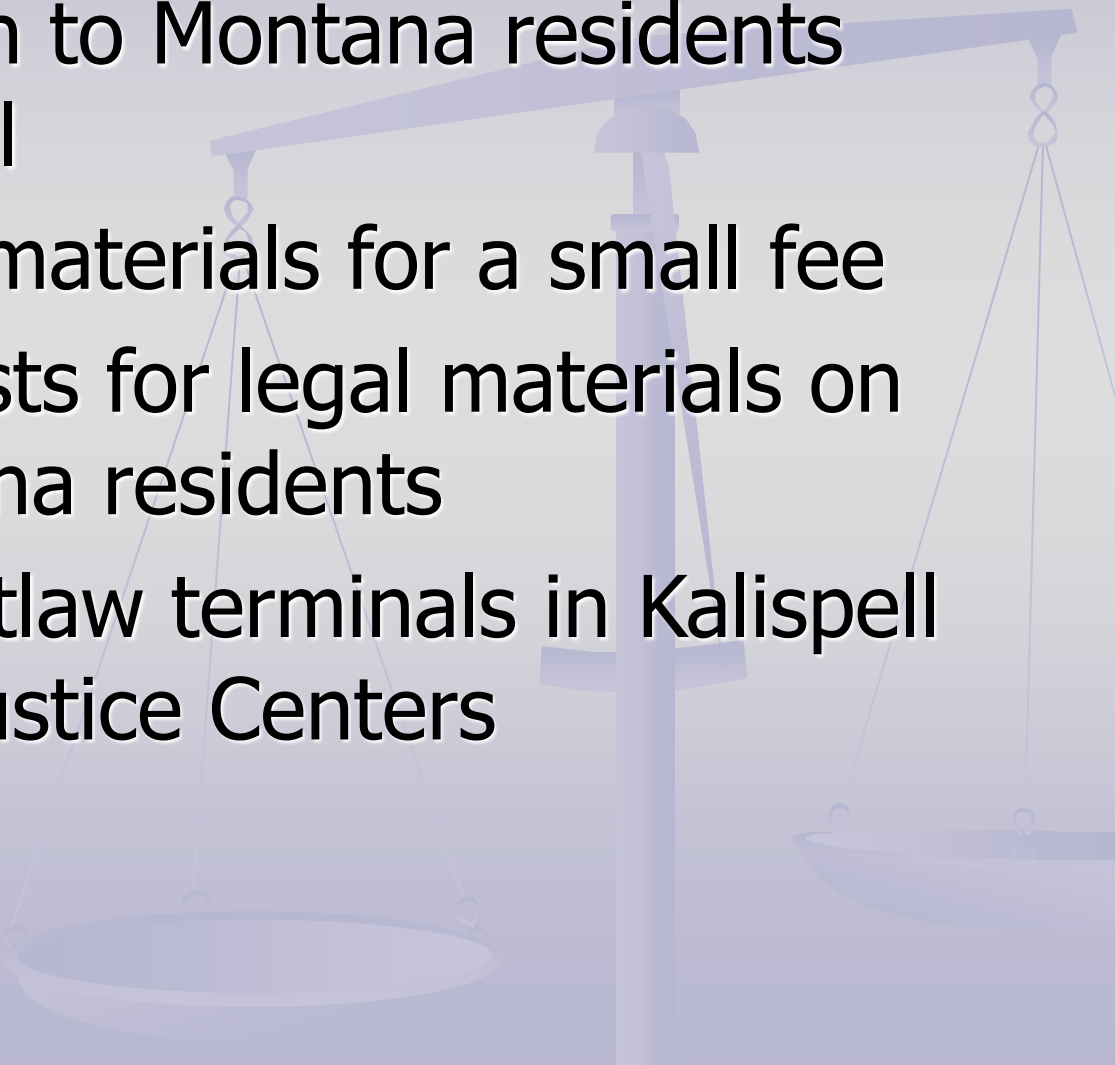
215 N. Sanders St.
P.O. Box 203004
Helena, MT 59620

- By telephone
406-444-3636 or 406-444-3660

- By e-mail

mtlawlibrary@mt.gov OR "Ask A Librarian" link

Refer to State Law Library (cont.)

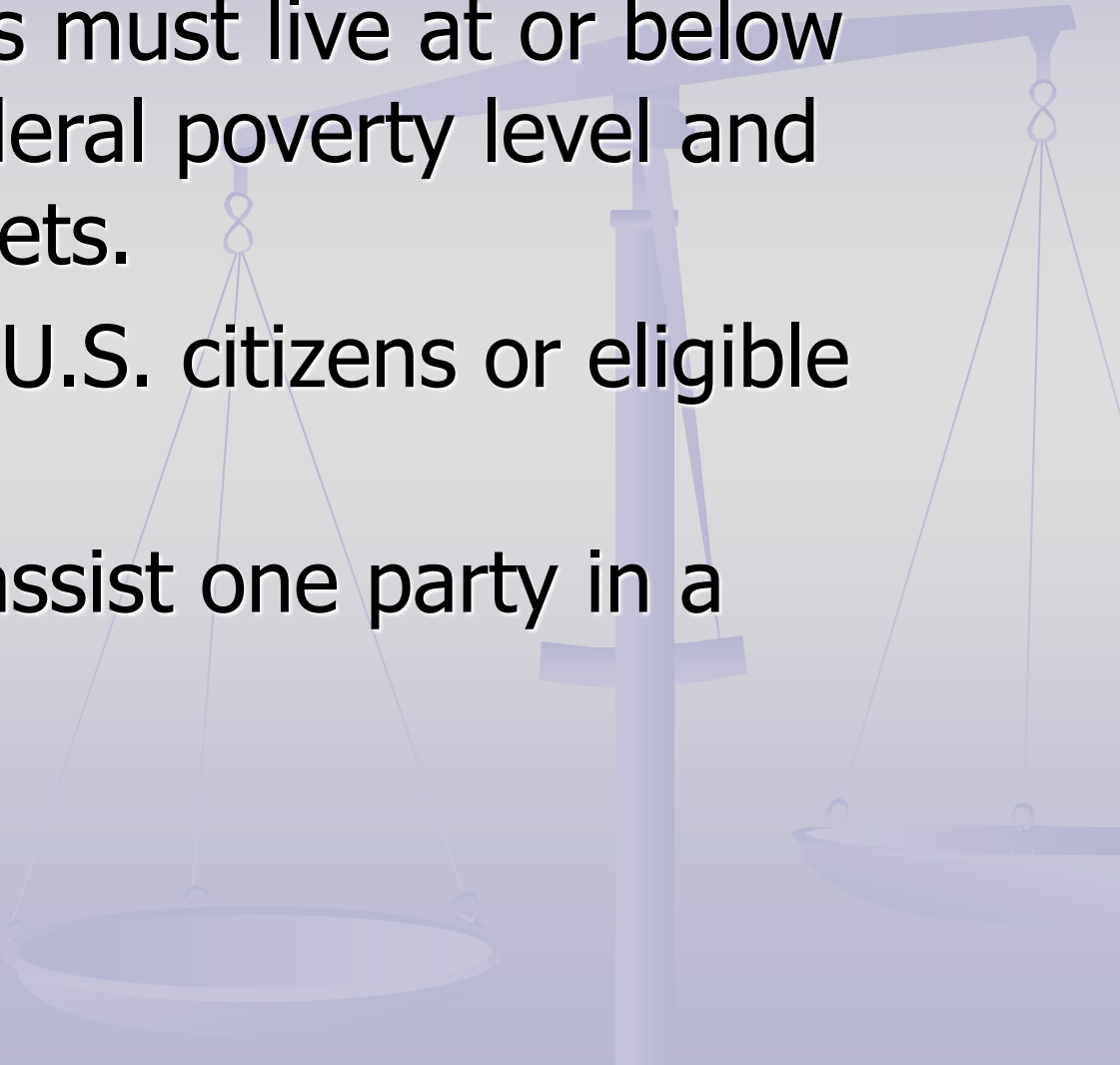
- Direct circulation to Montana residents through the mail
 - Copy and send materials for a small fee
 - Make ILL requests for legal materials on behalf of Montana residents
 - Free public Westlaw terminals in Kalispell and Bozeman Justice Centers
- 

Refer to Another Organization: Montana Legal Services Association (MLSA)

- MLSA is a federally and privately funded program that provides free legal assistance in civil cases to low-income people
- 6 offices (Billings, Butte, Cut Bank, Helena, Missoula, Poplar)
- 10 attorneys providing direct representation statewide
- Approx. 175,000 - 297,000 Montanans eligible for service

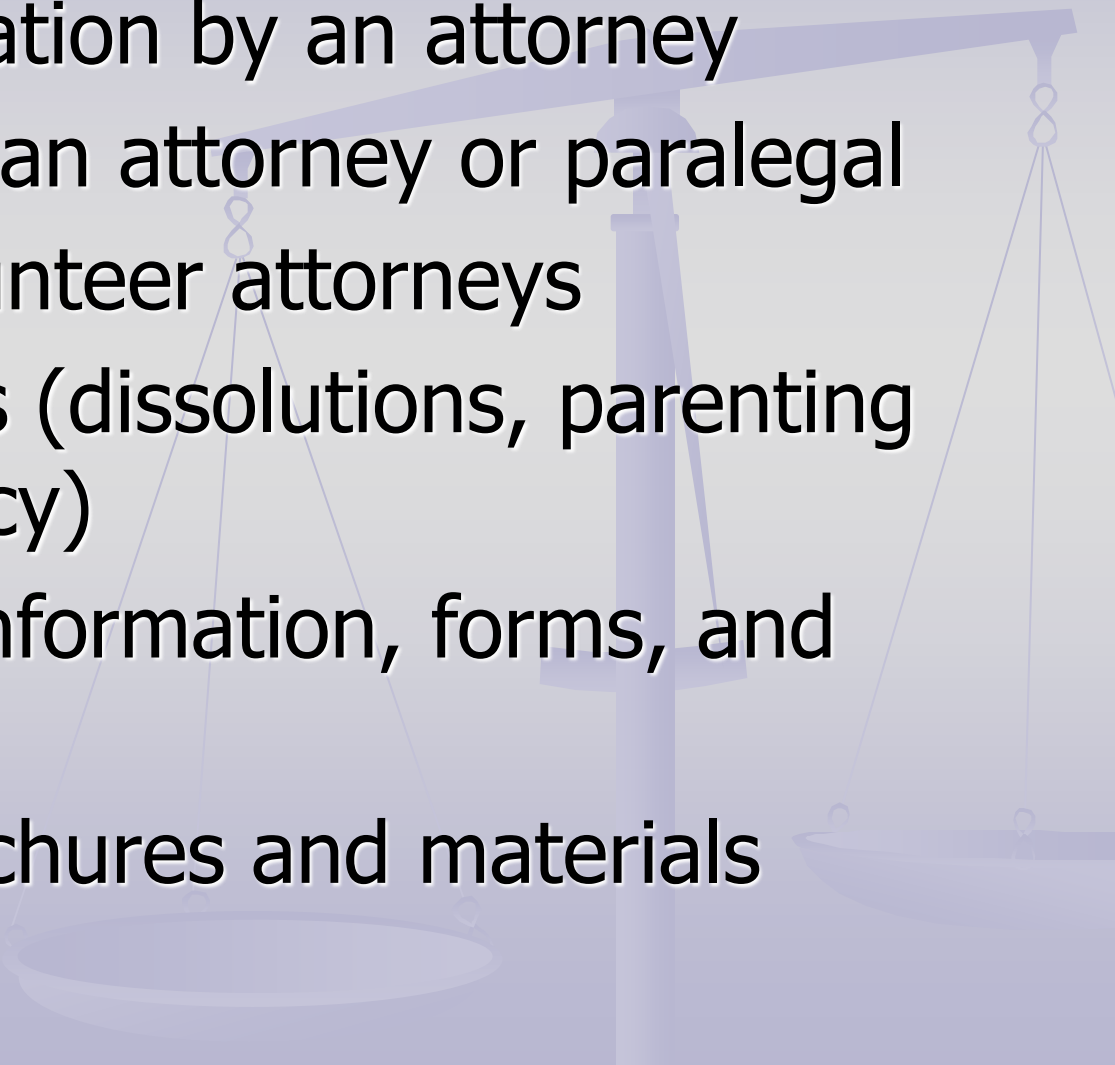
MLSA:

Who Qualifies?

- Generally, clients must live at or below 125% of the federal poverty level and have limited assets.
 - Clients must be U.S. citizens or eligible aliens.
 - MLSA can only assist one party in a contested case.
- 

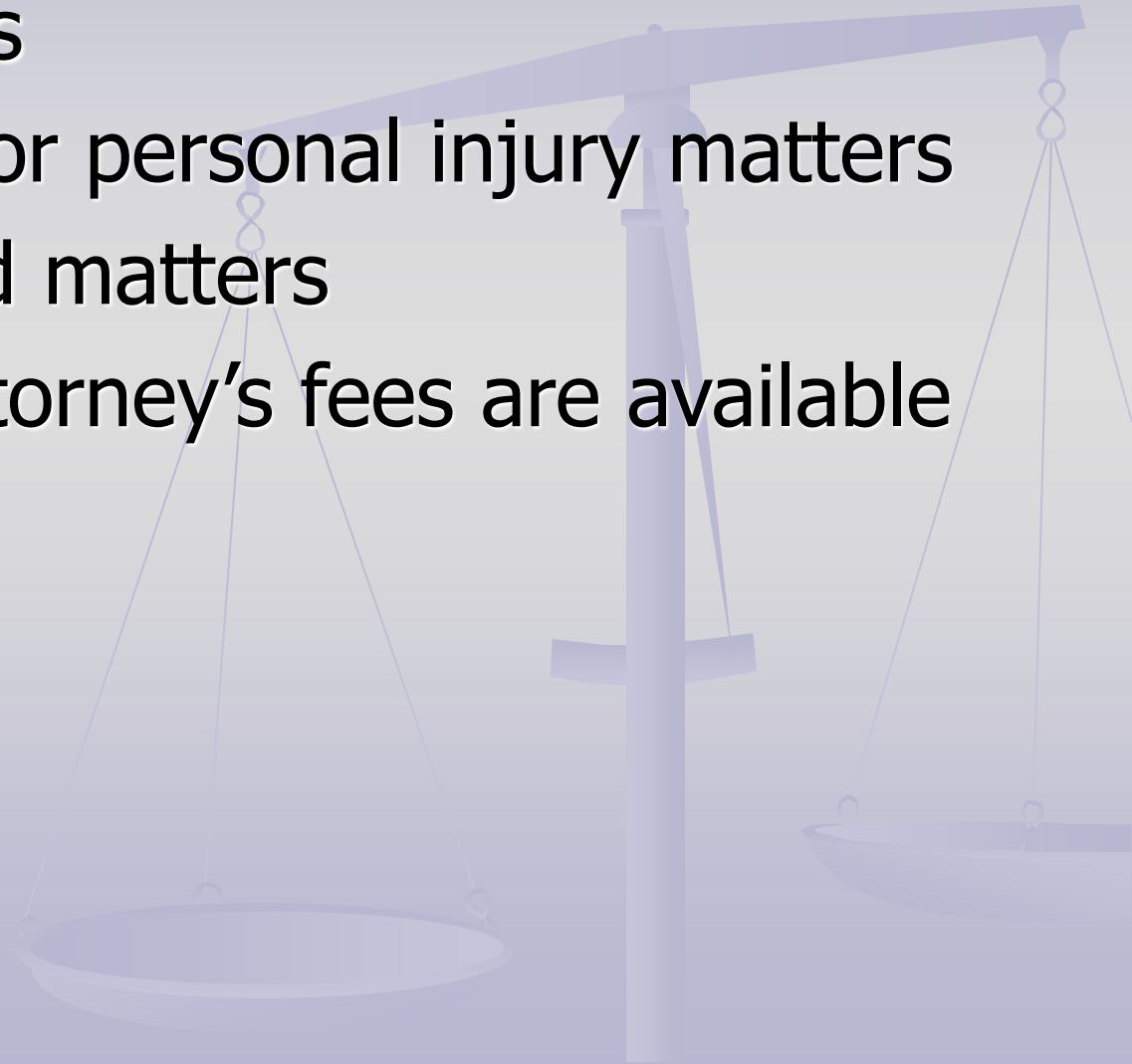
MLSA:

Types of Legal Assistance Offered

- Legal representation by an attorney
 - Legal advice by an attorney or paralegal
 - Referrals to volunteer attorneys
 - Self-help classes (dissolutions, parenting plans, bankruptcy)
 - Self-help legal information, forms, and advice
 - Educational brochures and materials
- 

What MLSA Can't Do

- Criminal matters
- Auto accidents or personal injury matters
- Business related matters
- Cases where attorney's fees are available
- Class actions



MLSA:

Hotline Numbers

- No matter where an applicant lives in the state, she may access MLSA by calling one of the three hotline numbers:

800-999-4941

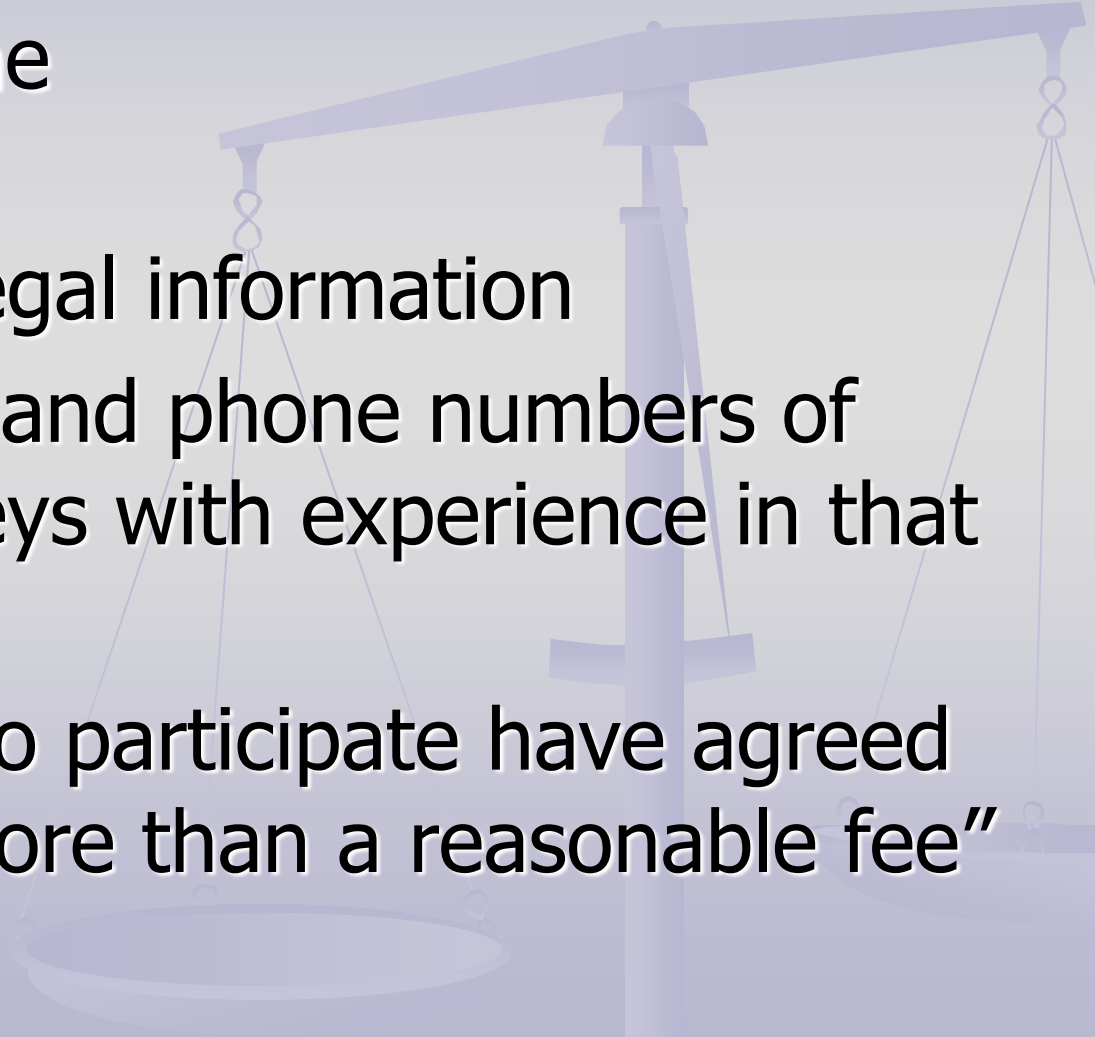
800-666-6899

800-926-3144

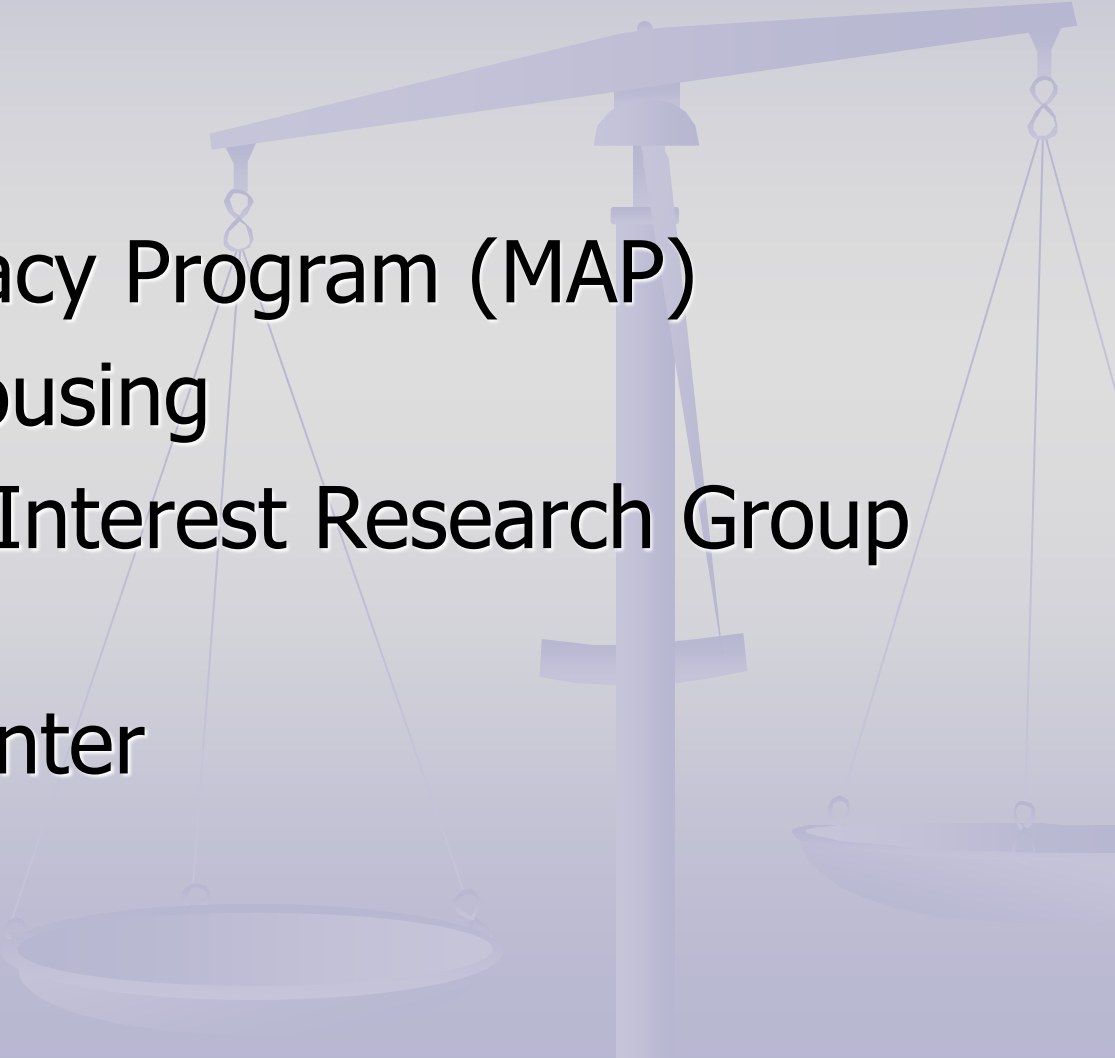
MLSA Brochures

- All MLSA community legal education brochures and/or a brochure order form may be downloaded at www.mtlsa.org.
- 35 brochure topics, including:
 - Bankruptcy
 - Dependent Exemptions
 - Dissolution of Marriage
 - Food Stamps
 - Innocent Spouse Relief
 - Orders of Protection
 - Security Deposits

Refer to Another Organization: Montana State Bar Lawyer Referral and Information Service

- Telephone hotline
 - 406-449-6577
 - Provides basic legal information
 - Provides names and phone numbers of Montana attorneys with experience in that area of law
 - All attorneys who participate have agreed to charge “no more than a reasonable fee”
- 

Refer to Another Organization: Nonprofit Organizations

- ACLU
 - Montana Advocacy Program (MAP)
 - Montana Fair Housing
 - Montana Public Interest Research Group (MontPIRG)
 - People's Law Center
- 

Refer to Another Organization: Governmental Agencies

- Office on Aging
 - Offices of Public Assistance
 - Consumer Protection Office
 - Auditor's Office
 - Human Rights Bureau
 - Office of Disciplinary Counsel
 - Judicial Standards Commission
 - Child Support Enforcement Division
- 
- A faint, light blue background image of a balance scale is visible on the right side of the slide. The scale is tilted, with the right pan being higher than the left pan. The image is semi-transparent and serves as a decorative element.

Final Thoughts:

Legal Advice v. Legal Information

- M.C.A. 37-67-201: “Any person who shall . . . engage in the business and duties and perform such acts, matters, and things as are usually done or performed by an attorney at law in the practice of his profession . . . shall be deemed practicing law.”

So, what acts, matters, and things does an attorney usually do in the practice of his profession?

- Not defined in M.C.A.
- *Pulse v. North Am. Land Title Co. of Montana*, 707 P.2d 1105 (Mont. 1985):

“What constitutes the practice of law is not easily defined. . . . ‘The line between what is and what is not the practice of law cannot be drawn with precision. Lawyers should be the first to recognize that between the two there is a region wherein much of what lawyers do every day in their practice may also be done by others without wrongful invasion of the lawyer's field.’”

Help from Abroad . . .

■ **WASHINGTON COURT RULES, GR 24:**

"The practice of law is the application of legal principles and judgment with regard to the circumstances or objectives of another entity or person(s) which require the knowledge and skill of a person trained in the law."

Specific examples:

- Giving advice to others as to their legal rights or the legal rights or responsibilities of others for money.
 - Selection, drafting, or completion of legal documents or agreements which affect another's legal rights.
 - Representation of another in a court or an administrative adjudicative proceeding.
 - Negotiation of another's legal rights or responsibilities.
-
- ***"General Information: Nothing in this rule shall affect the ability of a person or entity to provide information of a general nature about the law and legal procedures to members of the public."***

Should You Be Worried?

- Quick Answer: ***Probably Not***
 - Some advice on legal advice:
 - Don't try to interpret statutes/language in cases
 - Don't tell someone what to put on a form
 - Don't tell someone they have a great/awful case, or that they will/will not win
 - Don't guess – if you don't know the answer to a question, give the patron the resources/referral to find the answer and leave it at that
- 