

Testimony of Anne R. Bernardo
Before the Assembly Committee on Judiciary
and the Assembly Budget Subcommittee No. 5 on Public Safety
February 25, 2020

An Informational Hearing on
“How Can California Improve Access to Justice for Unrepresented Litigants?”
Panel 2: Existing Programs to Help Unrepresented Litigants

Good morning Chairman Stone, Chairwoman Weber, committee members. Thank you for inviting me here today.

Your county law libraries are the pioneers of self-help legal services. We serve on the frontline of access to justice. Created by Act 129 years ago, County Law Libraries are public libraries and our mission remains the same today: to provide free access to legal materials to all persons. County law libraries are often the best and only option for those looking for legal information.

In Tulare County, over 20,000 people used our library’s services last year and that number grows each year. Every day law libraries help in matters of justice: custody disputes, evictions, legal forms. But our bread and butter are the range of questions from people - many referred to us from self-help centers - questions about expungements, property, how to start a business, immigration, discrimination, administrative hearings, bankruptcy, veterans’ rights, end-of-life planning. The list goes on.

People know libraries as safe, friendly places where everybody can go for help. County law libraries are the same, we’re all about personal assistance. We help everyone, litigants and non-litigants alike, no legal subject outside our scope of service, no restrictions by income level. Because so many people have never handled a legal matter on their own, our librarians are trained to listen carefully to their story to reach the legal question they need help with. We help the grandmother asking how to transfer her home to the grandkids, the new dad wanting to understand how paid family leave works, and when there’s a natural disaster, the local law libraries help victims with their questions about FEMA assistance, insurance, small business funding, and more. We also refer people to other agencies who can assist them.

California's law libraries saw over half a million people in-person last year. Most libraries keep legal self-help books and practice guides in print, and as people have grown comfortable with technology, libraries have added more public computers and free wifi. We provide free access to expensive online legal databases like Westlaw and Lexis, and the popular plain-English self-help e-books from Nolo Press. Some libraries have grown beyond their four walls to have branch libraries and partnerships with other agencies. Our libraries staff the statewide "Ask a Law Librarian" which is a free online service providing live chat with a librarian. Some libraries have become vibrant, active legal educational centers which my colleague will talk about in the next panel.

I do want to dispel 3 myths about law libraries:

One - County law libraries are just for attorneys. False. In Tulare County over 80% of those we help in our library are non-attorneys. With the gap in access to justice ever-widening, all our libraries are seeing more and more people having to handle their own legal affairs.

Myth 2 – Everything is on the internet. No. Legal practice guides and sample forms are expensive copyrighted material the legal publishers don't give away for free on the internet. But they're available in the law library. And our skilled professionals can connect people with reliable online resources and practice guides together. The librarian helps people get on and stay on track. On my desk is a coffee mug from the Library of Congress that says, "Librarian, The Original Search Engine." Law librarians are the face of legal information.

Myth 3 – The County law library is a county department. Not true. The County law library is an independent public agency governed by a local board of trustees. Upwards of 90% of the library's funding comes from a very small portion of its superior court civil filing fee, and because the library is so dependent on paid filing fees, the level of services varies between counties. If there were dependable funding for county law libraries, then the services I've talked about would become available across counties.

In closing, your county law libraries are working hard to meet the changing needs of our communities, but some things will always stay the same. Law

libraries will always be a place where every person is welcome, where the freedom to learn about one's legal rights will always be protected, and where the pursuit of the rule of law will always be respected. It is an honor for us to serve our communities.

Thank you again for this opportunity, I look forward to your questions.