

Facilitating Access to Legal Information by Self-Represented Litigants: An Exploratory Case Study of the People's Law Library of Maryland

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Abstract. In recent years, through the development and implementation of programs specifically designed to assist self-represented litigants (SRLs), courts across the United States have demonstrated a renewed commitment to the principle of equal access to justice. The steady growth in the number of litigants representing themselves presents a challenge; courts, however, are increasingly relying upon technology to meet the needs of this growing population. This article offers an in-depth examination of the People's Law Library (PLL), a statewide legal information and self-help website maintained by the Maryland State Law Library that seeks to connect SRLs with a wide range of resources to help them better understand the legal issues relevant to their situation as well as the court processes and procedures that must be followed. Based upon data collected through interviews with PLL stakeholders and a review of documents related to the development and implementation of PLL, this case study is guided by two key research questions: 1) How does PLL facilitate self-represented litigants' access to legal information, and 2) What challenges has PLL faced in facilitating this access? The paper then offers several recommendations, based upon findings from this study, for using statewide legal information websites to facilitate improved access to legal information by SRLs in the United States.

Keywords: access to justice; self-represented litigants

1. Introduction

Descriptions of the American legal system often invoke the concept of "equal access to justice." For individuals who are represented by legal counsel in a court proceeding, there is often little reason to contemplate the possibility of being denied such access. A growing number of individuals acting on their own behalf in court, whether by choice or by circumstance, however, are realizing that "equal access to justice" is an aspiration, not a guarantee. Much has been written about the many ways in which the justice system currently fails self-represented litigants (SRLs), particularly those with limited financial means. And, by and large, legal scholars and practitioners generally agree that the courts cannot sit idly by as SRLs

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struggle to navigate a system that falls far short of their legitimate expectations.

In recent years, through the development and implementation of programs specifically designed to assist SRLs, courts across the country have turned a rhetorical commitment to access to justice into an action item. Despite these efforts, court programs are often unable to meet the pressing demands of SRLs. Courts, however, are increasingly bridging this gap through the use of technology to provide services to SRLs. In February 2013, John M. Greacen and William L. Jones, as part of the *Harvard Journal of Law & Technology Occasional Paper Series*, set forth a framework that addresses the challenges that SRLs face in obtaining access to justice, highlighting both the current delivery systems being employed to address each challenge and the roles that technology plays within each system.

Focusing on one element of Greacen and Jones' framework and utilizing case study methodology, this paper explores how the Maryland Judiciary opted to address one particular access challenge (providing SRLs with information concerning the law, the legal process, courtroom procedures, and appropriate forms) through the People's Law Library (PLL), a statewide legal information and self-help website maintained by the Maryland State Law Library (MSLL), an agency of the Maryland Judiciary. Based upon data collected through interviews with PLL stakeholders and a review of documents related to the development and implementation of PLL, this paper addresses two key research questions:

- How does PLL facilitate self-represented litigants' access to legal information¹, and
- What challenges has PLL faced in facilitating this access to legal information?

The paper then offers several recommendations, based upon findings from this study, for using statewide legal information websites to facilitate improved access to legal information by SRLs.

2. Literature Review

As identified by Greacen and Jones, court websites are one mechanism for addressing SRLs' need for "information concerning the law, the legal process, courtroom procedure and applicable forms" (10). To best understand how legal information websites maintained by state courts assist SRLs, we must examine both the phenomenon of self-representation

¹ Legal information provided through PLL includes "summaries of the law, links to primary and secondary legal sources and referrals for legal services."

and the courts' response to this phenomenon.²

2.1 SELF-REPRESENTED LITIGANTS

First codified by the Judiciary Act of 1789, the right to represent one's self in court proceedings is a defining characteristic of the American legal system (Swank 375). In recent years, however, the legal community has started to pay greater attention to SRLs for several key reasons. Described by Landsman (2009) as an "inexorably rising tide" (440), the number of SRLs has been increasing steadily since the turn of the century. As early as 2002, commentators were reporting an increase in the number of SRLs in certain areas, such as family law, landlord/tenant and small claims cases (Staudt and Hannaford 1018). Although this increase has been documented through studies conducted by individual court systems (Judicial Council of California; State of New Hampshire Judicial Branch; Maryland Judiciary) and nationwide surveys of judges (Zorza; Morris), there is limited empirical data on SRLs due to the absence of any nationwide tracking system and the deficient records kept by many states (VanWormer 989-90; Glater B1). Nevertheless, "[i]t is widely accepted that the number of [SRLs] has skyrocketed nationwide, especially in family law cases. Some reports estimate that 80 to 90 percent of family law cases involve at least one [SRL]" (Shepard 611). The situation in Maryland appears to be in line with this national trend – according to a 2009 report published by the statewide Access to Justice Commission, incidence of self-representation is particularly high in domestic relations cases, with 68% of such cases including at least one SRL at the time an answer was filed and approximately 40% including two or more SRLs (2).

In addition to an increase in the sheer number of SRLs appearing in court, this group of litigants appears to be becoming increasingly diverse (Flaherty 92; Greacen 25): "The usual picture of an [SRL] is that of an indigent person trying to self-represent because of extreme poverty. However, people with different economic status, training, and educational backgrounds choose to represent themselves. Thus, there is no stereotypical pro se researcher or information user" (Sims 6). The overall growth of SRLs and the increasing diversity seen within this population have been attributed to two main factors:

²For the purposes of this exploratory study, the author specifically focused on SRLs in the United States. Future research, however, will more closely examine the broader international context inasmuch as legal systems throughout the world are at various stages of developing and implementing programs for SRLs. Research conducted by Widdison and Smith, for example, offer different perspectives on legal information websites.

- **Cost:** Many SRLs lack the financial resources to hire an attorney yet are unable to obtain legal assistance from government and non-profit agencies that provide free civil legal services to qualifying individuals (Sims 7; Swank 378; Hannaford-Agor and Mott 172-73; Zorza 521). Funding for legal services organizations has been declining for years, limiting their ability to provide legal help to all who need it (Staudt “All the Wild Possibilities” 107-08; Legal Services Corporation 1-2; Morris 165). According to an often quoted statistic, the legal needs of four out of five poor people, as well as of three out of five members of the middle class, are not being met (Landsman 444).
- **“Do-It-Yourself” mentality:** Landsman asserts that the growing perception that lawyers are not always necessary to pursue a legal action can be traced to two related notions, namely that “the ‘Home Depot’ do-it-yourself method applies to a lot more than house repairs and that in the internet era, the ‘noble amateur’ can do just about anything as well as the expert” (445). As legal information is no longer confined to books to which laypeople often lack ready access, members of the public are increasingly embracing the notion that, by using the resources now available to them, they can make adequate preparations for their day in court (Kritzer 745-47; Hale-Janeke and Blackburn 67-68). In a similar vein, Hannaford-Agor and Mott suggest that some SRLs believe that their case is too simple to warrant hiring an attorney (173).

The unprecedented growth of SRLS presents a number of challenges for courts. Some courts must overcome a lingering perception of SRLs as “nuts”, “pests”, or an “increasing problem,” whose very presence creates havoc for the judicial system (Swank 384). Even in courts that take a more favorable view of SRLs, however, institutional barriers exist that “stem from the inherent complexity of the courts’ own procedures and administrative requirements” (Hannaford-Agor and Mott 166), including forms that are difficult to complete (due to inadequate instructions and excessive legal jargon) and formal rules of procedure governing court proceedings that may be incomprehensible to a layperson (Staudt and Hannaford 1018; Henderson 575-76; Staudt “Technology for Justice” 77; Shepard 614). The existence of these barriers leads to feelings of confusion as SRLs attempt to navigate the complex court system and later frustration when they feel as though the court is not treating them with dignity (Henderson 576; Rasch 1).

In order to overcome these institutional barriers, it is generally acknowledged that SRLs need to understand 1) the applicable laws so that they can accurately evaluate their situation (*i.e.*, determine if there is an

available legal remedy, if pursuing that remedy will actually resolve their problem, and if it is worth the effort to do so) [Staudt and Hannaford 1034]), and 2) the applicable procedures so that they know “[h]ow to bring an issue before the court; [h]ow the matter will be processed before the court; and [h]ow to comply with or enforce the court’s order.” (Hale-Janeke and Blackburn 68).

In offering this guidance on both substantive law and procedural matters, courts must balance a number of competing concerns. Judges, as well as all court staff, have a duty to remain impartial to litigants. Strict adherence to this duty, however, appears to conflict with a court’s duty to ensure equal access to justice (Goldschmidt 37). Failure to uphold the latter creates an even greater issue for courts to the extent that there is a relationship between the public’s trust and confidence in the court system and the manner in which courts treat SRLs (Staudt and Hannaford 1019). Consequently, judges may “assume a paternalistic attitude toward [SRLs]—abandoning adversarial neutrality in favor of a fatherly or motherly effort to do ‘what is best’ for all concerned” (Landsman 452). The decision by many courts to adopt a bifurcated approach to dealing with SRLs is evidence of the prevalence of such paternalism: “hard” procedural bars (*e.g.*, statutes of limitations, time for filing appeals) apply equally, regardless of whether a party has counsel, but the form and content of documents will be treated to a lower standard of review than those submitted by lawyers (*i.e.*, they will be construed as liberally as possible in favor of the SRL) (Albrecht *et al.* 44).

The importance of striking an appropriate balance between these competing duties comes into focus when we consider the impact that SRLs often have on the day-to-day operations of a court, including intake delays in the clerk’s office due to incomplete or indecipherable court documents, filing and service of process errors, protracted and/or rescheduled hearings, and discovery difficulties (Hannaford-Agor and Mott 165; Henderson 575-76, Greacen 28; Rasch 4). All of these issues stem from the reality that SRLs “are non-professionals in a professional system. They often do not know what is expected and force deviation from court routines designed for the efficient handling of cases” (Landsman 449).

2.2 RESPONSE OF COURTS TO SELF-REPRESENTED LITIGANTS

As SRLs began appearing in court proceedings in increasing numbers, and the various implications of this trend came to light, courts across the country began to develop and implement programs aimed at this group of litigants. At the heart of many of these programs is the provision of information and tools to help SRLs both to understand the issues involved in their cases and to navigate the court system (Goldschmidt 46; Shepard 612). Such programs generally are viewed as striking an acceptable

balance between a court's duty to provide all litigants with meaningful access to justice and its duty of impartiality because "[s]elf-help services, available to all and offered in the form of information, rather than advocacy for one side, are consistent with the neutral mission of the courts" (National Center for State Courts [*hereinafter* NCSC] 1). In other words, court-supported self-help programs provide legal information, rather than legal advice (Sims 13; VanWormer 1017; Cabral *et al.* 318). The difference, as explained by Cabral *et al.* can be summarized as follows:

The ABA standard describes legal information as general in nature rather than tailored to the particular facts of the recipient's situation [it] might include a description of forms that are appropriate to use in general situations or the kind of information that should be included [in] a statement of facts or a request for relief, but does not recommend particular facts a specific recipient should include....Legal advice, on the other hand, is strategic guidance tailored to the unique facts and circumstances of the recipients (318).

Self-help programs provide direct benefits to courts as well as to SRLs – as a visible sign of a court's commitment to the ideal of access to justice, they work to increase the public's trust in the court system, by demonstrating collaboration among the bench, the bar, and court staff (Goldschmidt 38; Greacen 25). Additionally, SRLs who are better informed should be better prepared to litigate their cases, leading to fewer filing and other procedural errors that wreak havoc in the clerk's office and in the courtroom (Flaherty 93; Albrecht *et al.* 16; Zorza 126).

The reach of traditional self-help services, such as the distribution of generic information and forms through the clerk's office or in-person SRL clinics, can be rather limited. With the Internet, however, a greater number of SRLs have the opportunity to gain access to a wider range of legal information resources (Flaherty 94; Henderson 582; NCSC 3). Accordingly, a growing number of courts have come to embrace the use of technology in providing self-help services (NCSC 3). The Legal Services Corporation (LSC), which has been providing funding for the delivery of legal services to the poor since 1974, paved the way for nationwide technology-based self-help services with the creation of the Technology Initiative Grant (TIG) program in 2000 (Cabral *et al.* 243; Morris 172; Owens 150). The primary purpose of this program is to expand the delivery of free legal information and legal services to SRLs (Staudt "Technology for Justice Customers" 72; Staudt "All the Wild Possibilities" 108), resulting in a network of statewide legal websites that spans the fifty states, the District of Columbia, and U.S. territories. These websites are part of a broader framework of initiatives to assist SRLs made possible

through TIG funding, including automated legal form and document preparation systems and online intake systems (Morris 173-74). In many cases, the websites themselves are becoming increasingly interactive, through the incorporation of tools, such as A2J Guided Interviews (which create forms based on the user's answers using HotDocs document assembly software), and remote assistance capabilities, such as instant messaging programs that put SRLs in contact with trained specialists (Cabral *et al.* 249). According to VanWormer, legal information websites should include, among other things: 1) an explicit endorsement from the jurisdiction, 2) access to court rules and forms, 3) a directory of free and low-cost legal service providers, 4) links to relevant substantive laws of the jurisdiction, and 5) general information on areas of substantive law most relevant to SRLs (1014).

The potential of self-help legal information websites to provide assistance to a greater number of SRLs is clear; however, barriers to access remain for certain members of this group. For various reasons, there is a percentage of the U.S. population that does not use the Internet (VanWormer 2007). According to the Pew Internet and American Life Project (Zickuhr and Smith 2), one in five Americans falls into this category and senior citizens, as well as individuals with limited English language proficiency, less than a high school education, and/or living in a household earning less than \$30,000/year, are the least likely users of the Internet. In addition, not all individuals who have access to the Internet possess the digital literacy skills needed to find, understand, and evaluate the information offered through these websites (Rasch 27; Cabral *et al.* 256).

3. Methodology

The research described in this paper is a pilot study that seeks to explore how one statewide legal information website - the People's Law Library of Maryland (PLL) – serves SRLs. A review of the literature reveals a number of reports that describe individual technology-based court programs to assist SRLs (Staudt "Technology for Justice Customers"; Shepard) or provide a broad overview of such programs across jurisdictions (Flaherty; Greacen). The existence of this body of literature underscores the need for additional published studies that can benefit other courts as they develop strategies to address the needs of a growing number of SRLs:

To be most effective, courts and organizations deploying access to justice technologies need to be able to build on and leverage [others'] experiences and best practices to design and implement their projects as state-of-the-art and integrated solutions, rather than reinventing the wheel and making avoidable mistakes. Beginning new projects from the strongest possible knowledge base prevents

organizations from going down technology paths that end up conflicting with or excluding other valuable options and avoids wasteful mid-course corrections (Cabral *et al.* 313).

This case study seeks to add to the existing knowledge base by offering an in-depth examination of a well-regarded program that can offer both best practices and lessons learned to others within the access to justice community.

PLL, one of the first of its kind to be developed, was chosen as the pilot case in part because of its longevity: PLL “was an early example of a statewide website for legal information and delivery of web-based legal services aimed directly at self-represented low-income customers of the justice system Its success offered validation for the LSC initiative to try to stimulate the creation of these platforms for justice innovation in every state.” (Staudt 74). Also contributing to the decision to focus on PLL is the fact that Maryland is the first state to organize and maintain its legal information website through the state law library (Court Information Office).

Data collection occurred through two primary mechanisms: documentation review and interviews (Yin 83). Documents reviewed include the written agreements pursuant to which MSLL assumed responsibility for PLL; minutes from meetings of PLL’s advisory board (the Content Advisory Committee); PLL documentation and guidance; and written materials produced by the Maryland Judiciary about PLL and other access to justice initiatives. Based upon discussions with MSLL staff, a decision was made to recruit interview subjects from two groups with in-depth knowledge of PLL: the Content Advisory Committee (CAC) and law librarians working in circuit court libraries in Maryland. Potential interview subjects were emailed in December 2012, and interviews were held in January/February 2013. Twelve semi-structured interviews (5 in person and 7 via the telephone) were conducted, ranging in length from 20 minutes to 90 minutes. The main questions asked of interview subjects in each group are listed in Appendix A.

Guiding this pilot study were two principal research questions: 1) How does PLL facilitate SRLs’ access to legal information? and 2) What challenges has PLL faced in facilitating this access to legal information? Documents and interview transcriptions were analyzed for themes that address these questions (Creswell, 2007), and this paper identifies and discusses several key themes that emerged from the data. After providing a description of PLL, this paper sets forth the key principles that guided the development and implementation of PLL and summarizes important issues currently impacting PLL’s ability to provide SRLs with legal information.

4. Description of the People's Law Library

Upon assuming responsibility for PLL, MSLL made certain key decisions that laid the foundation for the services that PLL now provides to SRLs in Maryland. Thus, before examining the current issues facing PLL, a brief history of PLL, as well as a description of the site, will be provided.

With funding from the Maryland Legal Services Corporation (MLSC) and the Open Society Institute (together with other grant sources), the Maryland Legal Assistance Network (MLAN), legal aid programs, community advocacy groups, and public interest attorneys developed the People's Law Library of Maryland (PLL) in 1996 (Memorandum of Understanding, 2007; Court Information Office, 2008). Responsibility for MLAN (including PLL) was transferred from MLSC to the Legal Aid Bureau (Legal Aid) on August 1, 2004. After funding for MLAN ceased in June 2007, Legal Aid continued to operate MLAN's projects, including PLL, on a voluntary basis. This situation proved untenable: "Legal Aid does not have the resources or expertise to maintain and develop the PLL website. PLL's mission to provide legal information and self-help advocacy tools to low and moderate-income Maryland residents, is more expansive than that of Legal Aid, which focuses on the needs of Maryland's low-income population" (*Memorandum of Understanding 2*).

Accordingly, pursuant to a *Memorandum of Understanding (MOU) Between Legal Aid Bureau and the Maryland State Law Library*, dated November 19, 2007, MSLL assumed responsibility for PLL's continued operation, with Legal Aid agreeing to update content in certain areas in which it has expertise (*e.g.*, housing and medical assistance). MSLL further agreed to "convene a 'stakeholder group' at regular intervals to provide guidance regarding the future development of PLL, including the scope and nature of its content." This group, later named the Content Advisory Committee (CAC), was a means to build upon existing partnerships with the various legal services providers throughout Maryland that had been contributing to PLL since its inception (Court Information Office, 2008).

At that time, MSLL undertook an extensive reorganization of the site that included the restructuring and updating of existing content, as well as the addition of new content. In the words of one CAC member, MSLL "took ... a barely usable, overly complex tool and made it into something that is sustainable and replicable and usable and maintainable." Under the guidance of the director of the MSLL, this reorganization was overseen by a website content coordinator (employed by the MSLL) with the assistance of the newly formed CAC (PLL Content Advisory Committee "Minutes for Peoples Law Library" [*hereinafter* "June 2008 Minutes"] 1). During the early stages of the site reorganization, the MSLL identified several critical issues on which to focus, including the establishment of criteria for

inclusion, with consideration given to both the breadth and depth of content; the need to maintain a neutral tone throughout PLL; and the development of a strategy for maintaining and updating the site (due to PLL's limited staff) ("June 2008 Minutes" 2-3).

PLL is organized around topic areas, namely, consumer issues (*e.g.*, contracts; debts); criminal; domestic violence; education; employment; family law; government benefits and services; health; housing; motor vehicles; senior citizens; wills/estates/probate; youth law; and, other legal issues (*e.g.*, immigration, personal injury). Within each topic area, issues of substantive law and procedure are both addressed. In addition to links to official judiciary forms, key information resources include:

- Links to applicable laws and relevant information available through other state, as well as federal, agencies;
- Research guides in a number of areas that explain how to access relevant electronic and print resources (*e.g.*, statutes, case law, court rules, regulations, treatises, and policy documents);
- Guidance regarding court processes and procedures;
- Interactive quizzes to aid individuals in the decision-making process;
- A legal services directory that provides a listing of free and low cost legal services providers; and
- A list of other resources of possible interest to SRLs, including information on how to find representation, as well as links to self-help services, mediation services; and non-legal assistance/community services.

5. Findings

The foregoing description of PLL demonstrates that this statewide legal information website connects SRLs with a wide range of resources to help them better understand the legal issues relevant to their situation as well as the court processes and procedures that must be followed. This description of *what* PLL is doing, however, is ultimately less important than an understanding of *how* they are doing it. It is for this reason that the interviews with PLL stakeholders involved in the development and implementation of the site (two MSLL staff members, seven CAC members, and three circuit court law librarians), guided by the research questions posed earlier in this paper, explored various topics, including: 1) their role vis-à-vis PLL, 2) their use of PLL, 3) their observations about how PLL helps SRLs, and 4) their suggestions for improvement of the site itself as well as the administration of the program

How does PLL facilitate SRLs' access to legal information?

The question of “how?” does not lend itself to an easy answer but, through interviews with PLL stakeholders, several principles that guided the development and implementation of the site came to light. These principles, when examined together, form the basis for one framework for the delivery of legal information through a comprehensive site like PLL.

PLL, first and foremost, must be understood within the context of the expansive network of programs that the Maryland Judiciary has developed for SRLs. The access to justice community in Maryland is committed to the creation of “innovative legal practices, court processes and services to enhance the ability of all persons, including the self-represented, to use the courts or solve a legal problem.” (Maryland Access to Justice Commission v). In particular, PLL has benefited greatly from its interaction with the statewide Access to Justice Commission, founded in 2008 by Chief Judge Robert M. Bell of the Maryland Court of Appeals. As one CAC member who works within the state court system explained,

we cross-pollinate a lot ... we try to make sure that we are making new resources available through PLL and that, if PLL has something new that I can offer, that we're letting the public know through other vehicles and that providers are connected You know, we wouldn't work on something for SRLs and not let PLL know or not let PLL tap into that and make the most of it.

PLL is one of a number of programs committed to serving SRLs in Maryland, and this “cross-pollination” enables it to draw upon the knowledge and resources of others as it strives to meet the information needs of its target audience.

Furthermore, by virtue of being part of the state's A2J network of programs, PLL has been able to carve out a particular niche, as reflected in its clearly defined mission: “*to provide self-represented litigants in Maryland state courts information about the law, including summaries of the law, links to primary and secondary legal sources and referrals for legal services.*” Information relevant to SRLs in Maryland state courts is a broad universe, and in the words of one CAC member, “it's a really good starting point for lots of people who have lots of different litigation needs.” The parameters of this universe, however, are well-defined. Based upon a review of numerous data sources (*e.g.*, Administrative Office of the Courts records, PLL usage statistics, and reference question statistics from Maryland libraries), civil topics that relate closely to case types that are commonly handled by SRLs – such as family law, employment, contracts, and small claims matters -- are given priority. Priority is also given to the inclusion of resources that address an urgent need (*e.g.*, foreclosure). Maryland criminal and regulatory law, as well as federal law, are deemed to

be of secondary importance. Topics of a non-legal nature may be included if they provide a “foundation or context for legal information or to enhance the understanding of government and charitable services available to Marylanders with legal needs” but are only to be given cursory treatment (PLL Content Advisory Committee “Maryland Peoples Law Library: Guidelines for Content” [hereinafter “PLL Content Guidelines”] 3).

The practical implication of this focus, however, is that PLL cannot “be all things to all people.” As described by one MSLL staff member,

the fact that we have the mission to serve [SRLs] in Maryland state civil cases ... really does focus our attention a great deal on the content that we need to do. Like, we need to do stuff with Maryland same sex marriage. We don't need to do federal fiscal cliff tax stuff, you know, that's the link to the IRS.

There is an ongoing discussion regarding the need to include federal law as well as non-legal information but, ultimately, PLL stakeholders appear to recognize the need to focus on the stated mission: “Do something well and do it right. And that's what the site is doing. It's focusing on this population and it's doing it well, as best as it can.”

In furtherance of its clearly defined mission, PLL relies on a number of key players who bring their knowledge of SRLs, the court system, and information resources to this highly collaborative venture.

1. Maryland State Law Library

Johnson advocated for court-supported programs for SRLs to include the state law library due to the fact that they already provide services to SRLs (21). The Maryland Judiciary did more than merely include MSLL, choosing instead to transfer direct responsibility for the state's legal information website to the state law library. Since the transition, MSLL has viewed PLL as an extension of its existing services to the general public (Court Information Office). One CAC member described MSLL and PLL as a

good match because law librarians and librarians in general are experts in dissemination of information and in managing large bodies of information and thinking about how people will use it and thinking about how it needs to be organized [L]ibrarians have had to become experts in technology. I think it marries the functions of the law library with the need that the state had.

In addition to MSLL staff's expertise in the dissemination, organization, and management of information, they have provided ongoing support to PLL:

We do know that some, many states are stretched very thin and they have an overworked paralegal trying to upload things on a part-time basis and they don't have the infrastructure or the

resources that we do. They don't have the [website content coordinator], they don't have the extended library staff that can take things on where they need to [And] when there are substantive law questions that [PLL] does get ... we forward ... those to the reference desk at the library so that we treat everything like it's the reference inquiry it's intended to be.

Through the transfer of responsibility to the MSLL, both tangible and intangible resources are therefore available to further PLL's mission.

2. The Content Advisory Committee (CAC)

From its inception, the CAC has included representatives from both the bench and bar – individuals from MLSC grantee organizations, representatives from the Maryland State Bar Association, clinical law school faculty, and several departments within the Judiciary. Because of its composition, the CAC is able to function as a conduit between the MSLL and the broader legal community, by offering “advice about what kinds of content [they're] seeing from the perspective of providers and what [their] clients generally need.” By drawing upon each member's knowledge and expertise, the CAC performs several key functions that guide the way in which PLL provides SRLs with access to legal information:

- **Content Review:** The entire site is reviewed on an annual basis, with CAC members often checking over information in their respective areas of expertise to ensure that it is both up-to-date and accurate. CAC members often approach this task with an eye toward whether the SRLs that they work with on a daily basis would be able to understand PLL material. As one committee member observed, “I'm taking the viewpoint that I'm going to look at the webpage from the client's standpoint. I'm not a lawyer myself And so I don't practice law [and] I know what questions clients are asking and I have a lot of the same questions I want the average elementary school person really, you know, to be able to read and understand what the sentence said.”
- **Brainstorming:** The CAC annual meeting was described as a time when committee members “grappl[e] with how do we make this information accessible to as many people as possible.” The committee was praised for its collegial environment, where members feel comfortable sharing suggestions for improvement, including the addition of new content.

PLL is not a static website, due in part to the way in which it incorporates the perspectives of individuals who work on behalf of SRLs in their “day jobs,” as well as those who work on access to justice issues at the policy

level. As CAC members' understanding of what information SRLs need and how best to present this information evolves, so does PLL.

3. Circuit Court Law Librarians

Law librarians who work in circuit court libraries deal with SRLs on a daily basis, functioning as intermediaries who help them find, evaluate and use legal information (Hale-Janeke and Blackburn 81; NCSC 6). Due to this intermediary role, circuit court law librarians in Maryland have become instrumental in introducing PLL to the SRLs who walk through their doors or call into their libraries. Each of the librarians interviewed indicated that they routinely pointed SRLs to PLL, either by directly guiding them through the site or by giving them the PLL brochure produced by the MSLL. In addition, while circuit court law librarians do not sit on the CAC, they contribute to the maintenance of the site in different ways. They generally remain in regular contact with the MSLL regarding PLL (e.g., informing them of broken links, making suggestions for new content), and several librarians have even become involved in updating the site.

The way in which the various PLL stakeholders – MSLL staff members, CAC members, circuit court law librarians – work together highlights the fact that it is not enough to design a self-help legal information website, sit back, and hope that SRLs will find it. As explained by one MSLL employee, “[W]e’re pretty happy to have people come to the site through ... our outreach with librarians [a]nd other legal professionals – we have a pretty good relationship with other non-profits in the state and they are always, well at least they say, they are always referencing or referring people to PLL.” The extent to which a site like PLL is able to reach its intended audience depends largely on whether the individuals involved in its development and implementation understand what legal information SRLs are looking for and how to render this information accessible to the greatest number of SRLs possible. The interviews revealed that PLL stakeholders remain committed to enhancing their collective understanding of these issues.

PLL’s framework for delivering legal information to SRLs thus can be summarized as follows: situate the program with an existing network of access to justice initiatives; carve out a niche within this framework through adherence to a carefully defined mission; and bring together a diverse range of stakeholders who understand both the intended audience of the site and the program’s mission.

What challenges does PLL face in facilitating SRLs’ access to legal information?

Through interviews with PLL stakeholders, four main categories of

challenges emerged, relating to the nature of law, project administration, outreach, and technological advancements.

1. The Nature Of Law

The subject matter of PLL – legal information – presents challenges for two distinct reasons: the legal system and the laws that comprise it are characterized by both complexity and fluidity. With respect to the complicated nature of law, as one CAC member aptly noted, “[p]eople don’t know what they don’t know.” This lack of knowledge extends to both substantive law (“people really don’t understand what their rights and obligations are”) and procedure (SRLs are looking for guidance “regarding what types of pleadings they need to file” and “for information about how to access the courts”). SRLs are often confused about the court system, struggling to figure out how to begin to navigate it. Part of this confusion is due to the inherent complexity of a system governed by often byzantine rules and procedures, and part to the average SRL’s difficulty in deciphering legalese: “[S]ometimes court matters – whether it be criminal or civil – are somewhat simple but the wording that’s used by the court is ... just so large and vague.”

Much attention is paid to the need for SRLs to be given better access to court forms, which generally serve as litigants’ entry into the court system. Even if they are able to successfully file their pleading or response, however, their understanding (or lack thereof) of what comes next is perhaps even more crucial their success:

[W]here the stakes are highest is when you get into that courtroom or when you’re presenting evidence and testimony, or when you’re advocating on behalf of yourself and telling your story. Most people feel confident in being able to tell their own story but they don’t recognize that you have to do it in a way that’s very, very constrained because of the rules of evidence, because of the need to eliminate bias and to eliminate unreliable information in the courtroom.

All of this presents a challenge for PLL to the extent that it must present complex legal information in a way that is likely to be understood by the typical SRL. VanWormer (2007) observes that “most comprehensive pro se-oriented websites are designed for the edification of lawyers and the judicial community, not for pro se litigants themselves.” (p. 1008). PLL strives to be different, as reflected by its content development guidelines. Intended to be an “easy to read resource” that assumes minimal experience on the part of the reader, each PLL article is to clearly explain one topic at a 6th grade reading level, by employing “meaningful headings and subheadings”, short sentences, common words, active voice, bulleted lists, graphics, and neutral language (Maryland State Law Library 2). While

several interviewees believed that PLL had attained its goal of creating an “easy to read resource”, others expressed concern that some of PLL’s content was not presented as clearly as it could be:

- “I was thinking that sometimes [PLL] seems a little above some people, especially the pages that ... were like big, big narratives.”
- “I think it’s a little intimidating”
- “The layout is a little off-putting because it’s a bit busy And, I think that makes it more difficult There are a lot of acronyms, a lot of terms of art, a lot of ... names of statutes It can be off-putting for people. Instead of having the, you know, Healthcare Affordability Act, 42 U.S.C. [etc.], they might say “The new Healthcare Act.” It’s not as legally correct, but for the public, who’s supposed to be using it, it would be a lot less scary.”
- “If you’re not familiar with [the] topic at all, it’s too much to, um, what’s the word ... like a sponge? Too much to soak in, you know all at once. A reader may feel inundated on certain pages.

It should be noted, however, that even those who expressed such concerns also indicated that, in recent years, PLL has been steadily making progress in this area.

In addition to the complexity of the law, its inherent fluidity also presents a challenge. As described by one CAC member, “making sure the content is kept up to date ... is hard because the laws change every year if not more frequently. And there’s so much content that just keeping up with, you know, new legislative developments and things like that is a really daunting task.” Updating PLL, therefore, is not just a matter of routine maintenance (*e.g.*, verifying that links are functioning) but rather requires careful monitoring of a wide range of legal subject areas for both legislative and case law developments. It is a labor-intensive task made more difficult by the fact that there are a limited number of individuals available to work on it. Per the PLL Content Guidelines, content is to be updated at least annually and information pertaining to new legislation enacted by the Maryland General Assembly is to be up on the site by the time that new laws take effect, generally October 1st. The guidelines also call for PLL staff to monitor news events and legal developments by regularly reading *The Maryland Daily Record* and *Amicus Curiarum* (a publication that tracks major appellate decisions rendered by the Maryland courts). One CAC member, however, questioned whether PLL content did, in fact, timely reflect changes resulting from case law.

2. Project Administration

As mentioned in the preceding section, the challenges associated with updating the site are compounded by the fact that a very small group of individuals is involved in the day-to-day operation of PLL. PLL stakeholders recognize the need to re-engage CAC members, as well as to reach out the broader community of legal services providers. Although the CAC was praised for its collegial environment and members' commitment to addressing access to justice issues, there is some recognition that, over the years, the level of involvement of CAC members has started to wane. Among the possible factors contributing to this diminished involvement are: 1) the limited authority of the CAC (members are informed about what is going in with the site but are charged with limited decision-making regarding the use or design of PLL), 2) the longevity of PLL ("people are somewhat less concerned about its sustainability or survival, so I think their express interest has dropped off over time"); and 3) scheduling and other constraints that limit CAC members' availability ("[p]eople are stretched really thin, you know, both personally and financially and, you know, it's tough right now to find the time, find the energy, find the money to do things"). The last factor, in particular, applies equally to recruiting individuals within the legal community at large to assist with PLL. As one interviewee commented, "[t]he legal community, in general is very, very warm about [PLL] but they don't have the time to help."

3. Outreach

During interviews with PLL stakeholders, two groups within the SRL population were identified as being particularly "hard to reach." The first of these groups is SRLs with limited Internet access. As noted in the literature review, notwithstanding a recent increase in the diversity of SRLs, cost is often the primary reason why an individual represents himself in court. Limited income can also translate into limited Internet access:

In spite of the vast array of technology available, not every SRL has access to a computer or knows how to use it. Not every SRL lives close to a public law library or can afford to travel to one. Not every SRL has a home (Hale-Janeke and Blackburn 82).

Limited Internet access, in turn, translates into limited access to PLL and all of the resources that it has to offer SRLs. As one CAC member described, "[M]any of our clients don't have access to computers because they're homeless due to domestic violence . . . not everybody who needs this information [available through PLL] is able to access it if they can't access a computer."

The second group that appears to be somewhat out of the current reach of PLL is SRLs with Limited English Proficiency (LEP). As

articulated by one interviewee, “[W]e’re talking about legal immigrants who need assistance and they need assistance in the language that they can understand and so as much as you want to provide assistance, you’re going to have to do it in other languages.” Among the CAC members interviewed, there was widespread support for exploring the issue of providing more PLL content in languages other than English:

- “[T]hey should definitely tackle language access ... there is not a state I know of that has solved this.”
- “I’m curious to see how the non-English content plays out, in terms of how to keep expanding, whether it’s to just, you know, developing more content for a specific language, or taking the same content and making it available in as many languages as possible.”

Providing PLL content in different languages, however, presents its own set of challenges. Anecdotal evidence from the interviews confirms a significant amount of diversity among non-English speaking SRLs (e.g., Spanish, Russian, Chinese, Korean, and French), thereby raising the question of how to select the languages into which PLL content is translated. Moreover, PLL has a limited budget for translation (estimated to be approximately ten thousand dollars per year) and so the MSLL must be strategic when making decisions in this area: “[W]hen we start translating pages, we need to think about pages that are going to be relatively static and then translate it so that we’re not spending money on translations every year. Or, we’re spending different translation resources for either different pages, new pages, or different languages.” That these two groups should be able to benefit from the legal information available through PLL is undisputed; the question of how to effectively reach them, however, remains an open one.

Technological Advancements

Information technology advancements, within the legal system as well as within the world at large, impact the content offered by legal information websites and the way in which this content is presented. PLL stakeholders identified two such advancements as having the potential to usher in changes for PLL:

1. Electronic filing (E-filing)

Currently, the Maryland Judiciary is developing an integrated case management/e-filing system (MDEC) and it is anticipated that this system will be piloted in Anne Arundel County in the first quarter of 2014 (Maryland Judiciary 1). While it currently appears that e-filing will not be mandatory for SRLs, consideration must still be given as to how -- if at all-- PLL will address the issue of e-filing. Suggestions offered by

interviewees ranged from some integration between PLL and MDEC to PLL addressing e-filing in a limited fashion through the provision of “information on how to e-file [and] on what the rules are going to be about e-filing.”

2. Mobile Devices

In light of statistics that demonstrate that an increasing number of Americans are accessing the Internet via their mobile phones (Zickuhr and Smith 14-21), it is becoming increasingly important to consider the ease with which one’s website can be accessed via smartphones and other mobile devices. When asked about issues that PLL will need to address in the near future, several interviewees touched upon the issue of making PLL responsive to mobile devices and other screen sizes. Currently, PLL’s content is primarily text-based, which could present a challenge for SRLs accessing the site via mobile devices because “[r]eading and comprehending content on a mobile device is twice as difficult as it is on a desktop computer” (Cabral *et al.* 273).

6. Recommendations

Interviews with PLL stakeholders yielded a number of suggestions for enhancing the provision of legal information to SRLs through the site. Although these recommendations were specifically focused on PLL, the issues they address are not unique and will likely bear some similarity to those faced by other courts and law libraries in their efforts to provide meaningful services to SRLs:

- **Provide basic information about legal actions and the court system to help those individuals with no prior experience.** As described by one circuit court law librarian in the current study, not every SRL understands the different elements of a pleading (*e.g.*, caption, request for relief) or the different actors in a typical court proceeding (*e.g.*, plaintiff, defendant, judge, clerk’s office).
- **Review information provided to SRLs with an eye toward assessing its readability.** The inclusion of outlines and graphics, for instance, may be helpful to SRLs who may feel overwhelmed by lengthy passages of text.
- **Seek out ways to increase the involvement of the legal community at large.** By way of example, PLL is currently looking to transition from a “loose coalition of volunteers” to a “more formal volunteer process” with the help of the Pro Bono Resource Center, the statewide coordinator of volunteer legal services in Maryland. Through this new system, time devoted

to working on PLL will count toward an attorney's yearly target of 50 pro bono hours.

- **Gather data about how SRLs are using the service and whether it is meeting their legal information needs.** Per usage statistics provided on the site, “[e]ach month, PLL receives over 250,000 page views, 80,000 visits, and 1.3 million hits.” There is also evidence of increasing usage year over year; however, an important question -- and one that this study leaves unanswered -- is the extent to which SRLs actually can use the legal information provided through PLL and similar programs to evaluate their situation and/or to navigate the legal system. More specifically, PLL (and other statewide legal information websites) would benefit from gathering data that addresses the following questions:
 - Are users litigants at the time they visit the site? If not, do they file a case or take other legal action after visiting the site?
 - Is the information on the site “user-friendly”?
 - Do users feel better prepared to address their legal issues after reviewing information on the site?
 - Are there other types of legal information that the site could provide that would be of assistance to SRLs?

7. Directions for Future Research and Conclusion

In a relatively short period of time, many states have gone from offering few, if any, resources to SRLs to developing an array of programs specifically for this population. The need for these programs is pressing as ever: “[N]obody believes that the phenomenon of the self-represented is any danger of fading away. Our only challenge is how we answer the question that should guide all of us: How do we provide equal access to justice to all who come to our courthouse?” (Shepard 617).

Ultimately, this is not a question that can be answered by one study; however, the collective work of researchers and practitioners in a variety of disciplines -- including law, public policy, and information studies -- can lead to workable solutions. This case study offers an in-depth exploration of just one of the solutions adopted by the Maryland Judiciary in its efforts to better serve the SRLs who walk through the doors of its courthouses. Although Maryland, in transferring responsibility for PLL to the MSLL, has adopted a somehow novel approach, the issues that it faces (*e.g.*, accessibility, keeping pace with developments in law and technology) are not unique. Due to administrative and organizational differences, as well as varying levels of resources, there will always be differences in the ways

court systems choose to provide services to SRLs. The existence of these differences, however, should not deter courts from taking advantage of any opportunity to learn from one another's experiences.

In light of this proliferation of court programs to serve SRLs, we can now focus less on persuading skeptics of the need for these programs and more on evaluating the different service delivery models being implemented. A number of commentators have suggested that evaluations of self-help services should focus on the outcomes achieved by SRLs who use these services, rather than customer satisfaction alone (Cantrell 1583; Selbin *et al.* 55; Smith and Stratford 180). While an assessment of outcomes is important with respect to legal information websites, it is incumbent upon us to first take a step back and learn more about how SRLs use these sites. Within the United States, as the network of statewide legal information websites continues to grow more robust, the time is ripe to study the extent to which these sites are providing the legal information that SRLs need. Such future research should strive to include the perspectives of SRLs so that we can gain a more nuanced understanding of not only the kinds of legal information they need but also of the most effective ways to present this information to them. With this understanding, it will then be possible to develop a legal information literacy framework for SRLs that can then be used to guide the development, implementation, and refinement of statewide legal information websites and other programs for SRLs, with the ultimate goal of ensuring that this group of litigants receives the assistance to which they are entitled.

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Appendix A: Interview Questions

CAC Members
• Describe your role as a member of the CAC
• How would you describe your experience serving on the CAC?
• What do you think is the primary role of the CAC?
• To what extent do you think the CAC is successful in fulfilling this role?
• Have you visited the PLL lately? <ul style="list-style-type: none"> ○ If so, for what reason? ○ If so, please describe the experience(s)?
• In what ways do you think that the PLL is of value to self-represented litigants?
• In what ways do you think the PLL could be improved?
• How do you think the CAC can contribute to improving the PLL?

MSLL Staff Members
• Describe your involvement with the PLL
• What are the goals of the PLL? Have these goals evolved over time?
• Who is the intended audience for the PLL?
• How often is information updated?
• Who is involved in updating content?
• What are the greatest challenges involved in maintaining PLL?
• What can you tell me about usage of the PLL (e.g., Who is visiting the site? What information are they looking at)?
• What more would you like to know about usage of the site?
• Do you receive feedback from users? If so, what kinds of comments have you received?
• Do you work with other government agencies or community organizations to promote self-represented litigants' use of the PLL? If so, please describe these efforts/initiatives.
• In what ways do you think the PLL provides assistance to self-represented litigants?
• In what ways do you think the PLL could be improved?

• How has the legal community responded to the PLL?
• Are there other individuals/organizations that you would like to see become involved with the PLL?
• What challenges have arisen in connection with the PLL? How have you addressed these challenges?
• What changes are on the horizon for the PLL?

Circuit Court Librarians
• Do you think the PLL helps to meet the legal information needs of self-represented litigants? Why or why not?
• In what ways do you use the PLL when helping self-represented litigants?
• What other resources do you typically use when helping self-represented litigants?
• Are there specific information needs of self-represented litigants that you've identified that the PLL does not address?
• What features/sections of the PLL do you use the most? Why?
• What feedback about the PLL have you heard from self-represented litigants?
• Are you in communication with the state law library about the PLL?
• What improvements/additions/modifications would you like to see with respect to the PLL?
• Looking toward the future, what issues do you think will arise with respect to serving self-represented litigants? What role do you envision the PLL playing in addressing these issues?