

Another Bridge across the Access to Justice Gap: LII's Virtual Reference Desk

Rutgers University has made this article freely available. Please share how this access benefits you.
Your story matters. <https://rucore.libraries.rutgers.edu/rutgers-lib/52315/story/>

This work is an **ACCEPTED MANUSCRIPT (AM)**

This is the author's manuscript for a work that has been accepted for publication. Changes resulting from the publishing process, such as copyediting, final layout, and pagination, may not be reflected in this document. The publisher takes permanent responsibility for the work. Content and layout follow publisher's submission requirements.

Citation for this version and the definitive version are shown below.

Citation to Publisher Schneider, Charlotte D. (2017). Another Bridge across the Access to Justice Gap: LII's Virtual Reference Desk. *Legal Reference Services Quarterly* 36(2), 85-102. <http://dx.doi.org/10.1080/0270319X.2017.1359062>.

Citation to this Version: Schneider, Charlotte D. (2017). Another Bridge across the Access to Justice Gap: LII's Virtual Reference Desk. *Legal Reference Services Quarterly* 36(2), 85-102. Retrieved from [doi:10.7282/T3SF2ZM4](https://doi.org/10.7282/T3SF2ZM4).

Terms of Use: Copyright for scholarly resources published in RUcore is retained by the copyright holder. By virtue of its appearance in this open access medium, you are free to use this resource, with proper attribution, in educational and other non-commercial settings. Other uses, such as reproduction or republication, may require the permission of the copyright holder.

Article begins on next page

Another Bridge across the Access to Justice Gap

LII's Virtual Reference Desk

Charlotte D. Schneider

Abstract

The Legal Information Institute (LII) has been at the forefront of access to justice for 25 years as the first organization to publish online the United States Code. More than just publishing the law online, the LII has been leader in helping people find and understand the law since 1992, through innovative technologies they've created or employed for use with their collections, and through partnerships with other like-minded organizations, groups, and individuals. Two decades later, the LII was inspired to help more people trying to find and understand the law. This summer will mark the third anniversary of the LII's virtual Reference Desk.

Another Bridge across the Access to Justice Gap

LII's Virtual Reference Desk

Charlotte D. Schneider¹

Introduction	2
Access to Justice means Access to Legal Information	3
<i>Unbundled Legal Services</i>	3
<i>Access to Legal Information</i>	4
LII and Access to Legal Information	5
LII's Virtual Reference Desk	6
<i>Concerns</i>	7
<i>Choice of platform</i>	8
A Reference Desk like any other	10
<i>Virtual reference interview</i>	10
<i>Patrons Who Need Lawyers</i>	11
<i>Patrons Who Need Information</i>	11
<i>Patrons Who Offer Feedback</i>	12
Reference Desk Statistics	13
<i>Reference Desk Visitors</i>	13
<i>Reference Desk Registrations</i>	14
<i>Reference Desk Posts</i>	15
Next steps for the Reference Desk	16
Appendix	18

Introduction

The Legal Information Institute (LII) is viewed as a trustworthy source of information. For 25 years, the LII has made legal information easier to find and understand for everyone. Starting with publishing the United States Code online, the LII made U.S. federal statutes globally accessible. Not only did they publish the federal statutes online, they made statutory research easier by using hypertext links for cross referencing the statutes. Once more government information came online, the LII linked statutes' source information to public laws and bill information available from the, then, Government Printing Office's online repository, Thomas. And that's just the beginning of their contributions to access to justice by creating and expanding on access to information.

¹ Rutgers Law Library, Rutgers Law School, Rutgers University-Camden, Camden, New Jersey

Without detailing the breadth of the LII's online collections, the LII made law more accessible yet by creating resources that better help to explain their primary collections. Since 2004, the LII has been publishing Supreme Court Previews to help make upcoming oral arguments easier to understand. These Previews give each issue context by summarizing merit and amicus arguments on both sides of the issues. The LII also maintains Wex, a legal encyclopedia and dictionary. Wex provides all users with both brief and in-depth summaries of terms, laws, and landmark opinions. These collections all link within and to one another.

With all that the LII does publish, it would be impossible for them to publish everything. Now that the government is publishing more on its own, the LII need not publish everything. Likewise, it would hardly be practicable for the LII to even link to everything. However, not all government information is created equal in that there is no standard for what and how government information should be published online directly from the source. Some agencies and jurisdictions are more helpful than others where information is not buried and is easily findable and accessible.

Finding the right information takes a certain degree of knowledge and information literacy. The average internet user might not know how to determine the difference between primary and secondary legal information, let alone what of that information is reliable. More, even savvy internet users may not be so knowledgeable with respect to civics and the branches of government enough to know the relationship between statutes, regulations, and the various kinds of opinions. Even with a basic understanding, being able to find this relevant information is necessary to ensure access to justice. An inability to find and access this kind of legal information is a gap in access to justice. The LII's Reference Desk is one more bridge across that gap.

Access to Justice means Access to Legal Information

Access to justice is not a new concept. In 2014, the American Association of Law Libraries' (AALL) Special Committee on Access to Justice studied the role played by law libraries in access to justice and published a report of the findings.² The report states that the definition of access to justice is "open to interpretation."³ However, access to justice can be categorically defined to include "affordable legal services; readily available legal information and forms; the unbundling of legal services."⁴ This list is in no way close to exhaustive, but merely representative for the purposes of this article and of the role played by law libraries and law librarians in furtherance of access to justice.

Unbundled Legal Services

To better understand the role played by law libraries and law librarians, it is important to understand the growing demand for unbundled legal services. Traditionally, access to justice meant access to an attorney. That is, retaining the services of an attorney would provide for the

²*Law Libraries and Access to Justice*,

<http://www.aallnet.org/mm/Publications/products/atjwhitepaper.pdf> (accessed May 23, 2017)

³ *Id.* at 4.

⁴ *Id.* at 5.

client access to representation, information, advice, and more. Access to justice means more than access to lawyers because it also means access to legal information and legal advice.⁵ Unbundling legal services simply means that each one of these services should be available a la carte. In other words, this means that legal information, including legal forms and legal advice, are available without establishing a formal attorney-client relationship.

Furthermore, each of these services should be affordable to and accessible by all. There should be no major monetary or literacy barriers to the necessary or relevant legal information. Legal information should be available and understandable without retaining an attorney. Unbundling legal services allows for greater access to legal information, ultimately closing the gap in access to justice.

Access to Legal Information

Access to legal information means access to the law, and access to an understanding of the law. Access to the law means access to “primary sources of law, such as legislation, case law and treaties”⁶ and access to an understanding of the law means access to various types of secondary sources that explain and interpret the law. This is because even finding relevant primary law information may not be enough to ensure access to justice. “Direct access to information and legal documents is a good thing, but information alone, especially legal information, is never a complete substitute for understanding and interpretation.”⁷ To this end, affordable access to justice includes free access to both primary and secondary materials.

To promote access to justice, more and more legal information is being made available online. Included in the legal information available online are primary law, explanations of the law, question and answer services, legal advice, document assistance, and do-it-yourself (DIY) services.⁸ Much of this legal information can be found online in the form of “web sites [and] blogs [and] forums.”⁹ With so much legal information online, and no regulation in who may publish, it may be difficult for the casual researcher to know where to begin. Someone looking for legal information may experience information overload and may not know how to sort through, or even think about, what’s (reliable) relevant and current, let alone authoritative or official, in the event of a self-represented litigant. Just because legal information may be more readily available online does not necessarily mean that it is easier to find.

There are other limitations to legal information available online. For instance, not all legal information is readily available or even available for free. While most primary law is available online for free, finding the right information may still rely on knowing what to look for or where to look. Even when the relevant primary law is located, the legal information that provides an interpretation to help understand the law may not be so readily or freely available. Many sites require membership and might require fees to be able to access any explanatory

⁵ Again, this list is not nearly exhaustive but illustrative for the purposes of this article.

⁶ Declaration of Free Access to Law Movement <http://www.fatlm.org/declaration/> (accessed on May 23, 2017).

⁷ Kara Noel, *The Unbundling of Legal Services and its Implications for Law Librarianship*, 34 Legal Ref. Services Q. 245, 251 (2015).

⁸ *Id.* at 252.

⁹ *Id.* at 248

information. To that end, Free Access to Law Movement efforts remain at the forefront of access to justice. These efforts resulted in the availability of more legal information online. The efforts also resulted in greater accessibility of the legal information because relevant information easier to find and understand. The LII's virtual Reference Desk is merely one of these efforts.

LII and Access to Legal Information

The Free Access to Law Movement (FALM) is an organization that promotes and supports efforts that provide access to legal information. It is a by-product of access to justice. As recently as 2012, the movement declared that "Maximising [sic] access to this information promotes justice and the rule of law,"¹⁰ and this organization promotes providing free access to primary and secondary materials online. Free access to legal information is necessary for access to justice, which is why so many of the FALM organizations collaborate with law libraries and law librarians. The LII is one such organization.

The LII is "a small research, engineering, and editorial group... that believes everyone should be able to read and understand the laws that govern them, without cost."¹¹ The LII was the first to publish law online for free. They began by publishing primary law in 1992, and later started providing access to secondary information.¹² It is often the first place to where people turn when they need a law or an explanation of the law. Particularly, when doing an online search for a piece of legal information, the LII site is among the first results.

For 25 years, the LII has steadfastly maintained its mission of providing free access to the law, "creating materials that help people understand the law, and exploring new technologies that make it easier for people to find the law."¹³ The LII keeps finding new ways to make it easier for people to find legal information. By providing access to information, the LII continues promoting access to justice.

¹⁰ Free Access to Law Movement, *Declaration on Free Access to Law*, <http://www.fatlm.org/declaration/> (accessed May 25, 2017)

¹¹ Legal Information Institute, Who We Are, https://www.law.cornell.edu/lii/about/who_we_are (accessed May 25, 2017); What We Do, https://www.law.cornell.edu/lii/about/what_we_do (accessed May 25, 2017).

¹² See LII Announce Blog, *We Partner with Nolo Press* (Sept. 10, 2010), <https://blog.law.cornell.edu/blog/2010/09/10/we-partner-with-nolo-press/> (accessed May 31, 2017)(explaining Wex); see also LII Announce Blog, *Get Your Expertise in Front of 25 Million Users* (August 21, 2014), <https://blog.law.cornell.edu/blog/2014/08/21/get-your-expertise-in-front-of-25-million-users/> (accessed May 31, 2017)("Begun almost twenty years ago as a series of "About" pages covering major topical areas of law, [Wex](#) has grown to more than 5,000 entries ranging from simple definitions of legal terms to in-depth treatments of important topics.").

¹³ LII homepage, <https://www.law.cornell.edu/> (accessed May 31, 2017).

LII's Virtual Reference Desk

LII is a go-to resource for legal information. The namesake has been used by more than two-dozen like organizations around the world.¹⁴ Other non-profit and commercial organizations followed and began publishing freely accessible primary law online. These organizations publish statutes, regulations, local laws and ordinances, court opinions and various other legal information from nearly all appellate courts on both federal and state levels. Some have made archival materials available for research.

Once the information became available online, organizations like the LII started creating technologies that made finding the law easier. For instance, the LII has streamlined research between statutes and regulations. The LII publishes the Parallel Table of Authorities, which connects statutes with the regulations authorized by the statute. To take this effort further, regulations within the Code of Federal Regulations also link back to the U.S. Code collection. This is how users research, so the LII made it easier to do so.

Another way that the LII makes legal research easier is by creating ways to help people understand the law. For example, the tax code is expansive legislation, and the IRS is one of the better organizations at publishing information online. To help people understand tax law, the LII developed an IRS Private Letter Rulings feature. The LII has now incorporated links to IRS Private Letter Rulings that help to explain certain sections of the tax code. These explanations help people to understand relevant portions of tax law by way of how that language was applied or interpreted; the LII has made them more accessible by incorporating links to the source material on their site.

Despite advancements in connecting primary law information with secondary and other explanatory information, there remain the people who cannot find the law, and those who cannot understand the law. Even the availability and accessibility of legal information does not mean that legal research is easier. That is, there still exists a gap in access to legal information. And that brought to light a question of whether people who visited the LII website found what they sought because the LII does not have everything and cannot link to everything. Further, if LII site visitors found the appropriate primary law, the follow-up question addressed whether those visitors understood the legal information.

With so much information online, and in so many different places, and with varying degrees of reliability, access to information is not guaranteed. Information is not necessarily easier to find, or even that a casual user in search of legal information would know where to begin, or where to go next. The LII thought about who these users should really be talking to; the answer was law librarians. The LII consulted law librarians to discuss patrons and their information-seeking behavior and research processes, and how librarians would assist users of their website navigate the universe of available information online.

From those conversations, the LII team and law librarian consultants decided that a national, global online legal Reference Desk might fill this gap in access to information. Public law libraries that have email or chat services have been and continue providing this service.¹⁵

¹⁴ See WorldLII footer, <http://www.worldlii.org/> (accessed May 31, 2017).

¹⁵ See generally, Mary Pinard Johnson, *Increasing the Availability of Legal Information to All People: The Changing Role for Public Law Libraries*, Vol. AALL Spectrum 18 (2011)(Detailing the

However, a limitation in this service that has been available through public law libraries is that many people seeking legal information do not know that it exists. This becomes an access issue, and those libraries might not be able to advertise their services on a national scale. Likewise, search engines do not necessarily index the availability of such services, and so a general internet search may not yield the results that include law libraries open to the public and law libraries with online services.

Since the LII site is one that results high in search results, and the name is one that has been a trustworthy source of both primary and secondary legal information, it seemed logical that their services expand to include a global Reference Desk. Like with any other Reference Desk, LII users who visit the Virtual Reference Desk can ask any range of questions from help finding a law to help finding resources to better assist them in being able to understand the law.

While a virtual Reference Desk seemed like the answer, there were naturally some concerns. Previously, the LII had mostly interacted with its users in a passive way by simply making available information; one of the concerns was about the new degree of interaction. The concern was that more interaction would run the risk of inviting more than the usual number of questions. This notion was somewhat based on the daily number of visitors to the LII site. Moreover, the fact that a legal reference service was considered generated reservations about liability. There was a lot left to speculation about a higher degree, and possibly frequency, in interactions with users than previously-provided services.

Concerns

Initially, there were two main concerns about creating and maintaining a virtual Reference Desk. Both concerns were about the types of questions that the Reference Desk would be likely to receive. The first concern was about providing legal advice, and where the line was between such and merely assisting users in finding legal information. The second, and much larger concern, was that the Reference Desk would turn into a bug reporting system, including technical or content issues discovered while researching or browsing.

When the idea for the Reference Desk first came about, it was an idea borne of collaborative conversations with the some of the LII's law librarian friends. During the initial conversations about the viability of a project like this, the expertise of the law librarian consultants allayed any concerns about giving legal advice. Law librarians who assist public patrons are familiar with this concern.¹⁶ During these discussions, it was agreed that volunteer

operations of the Sacramento Civil Self-Help Center, located at the Sacramento County Public Law Library. The Center is staffed by law librarians who offer reference assistance and other services, like workshops to better educate self-represented parties on the civil litigation process. *See also, Law Students resolve questions for residents, nonprofits, <http://news.cornell.edu/stories/2016/11/law-students-resolve-questions-residents-nonprofits>* (Explaining how the Cornell Law Library's Legal Research Clinic is offering research services and advice to the local community. The Clinic has reached out to the LII to partner with the Reference Desk.).

¹⁶ *See generally, Paul D. Healey, Pro Se Users, Reference Liability, and the Unauthorized Practice of Law: Twenty-Five Selected Readings* (bibliography), 94 Law Lib. J. 1 (2002)(Healey includes

law librarians would staff the Reference Desk; with that level of expertise comes the experience of knowing how not to cross that line and how to educate patrons about online legal research.¹⁷

The second concern about the Reference Desk being used to report minor problems with the LII site was more difficult to dispel. The concerns were founded in the perceived number of this kind of correspondence received at the existing help email. The perception may have been driven by the boom of other online primary law collections; that is, if so much time was being dedicated to addressing the concerns of site users, then not as much time could be spent on innovating and making their collections better and easier to use. It was hard to predict what the nature of questions would be without a test run; even then, a test run would provide what could only be characterized as a skewed sample size, which in no way could be considered representative of anything.

In hindsight, this kind of bug reporting system has proven valuable. As it turned out, each question had the potential to shed light on a larger problem that might exist in other places in the collection. Where the problem turned out to be more than a single instance (determined by running a script across the entire collection looking for that kind of issue, e.g. source XML table of contents heading mismatch) and where the frequency of a certain type of question (e.g. something is wrong with the table of contents; the text is not displaying properly on a page) led to the conclusion that a better solution could be figured out. In so doing, a temporary “fix-it” would be put in place until the problem could be solved in such a way to prevent recurrence of the issue. That is, contrary to the initially concerned, time was not being spent on fixing minor problems; rather time was being devoted to thinking about, discussing, and conquering real issues, which demanded innovation.

Choice of platform

Once the initial concerns were allayed, the right platform for a virtual Reference Desk had to be selected. There were two platform options: synchronous and asynchronous. Some factors that helped to decide which would be the best included the types of questions users were likely to ask and so the best way to provide answers, and the preservation of the exchange. The types of questions that users were likely to ask came from institutional knowledge about the frequent, one-off help requests that otherwise went to the LII help email.

When considering a virtual reference service, both synchronous and asynchronous platforms are likely to be considered. For the LII, the biggest factors for consideration came down to human and monetary resources. The platform had to be inexpensive and reasonable to maintain because there would be no monetary return on the volunteer reference services.

scholarship from varying opinions within each category.). *See also*, Kerry L. Fitz-Gerald, *Serving Pro Se Patrons: An Obligation and an Opportunity*, 22 Leg. Ref. Services Q. 41 (2003)(Fitz-Gerald discusses how serving pro se patrons benefits both the libraries and the public, including examples of pro-se-friendly programs and policies in place in select public law libraries and how such concerns are addressed.).

¹⁷ *See generally*, Amy Hale-Janeke & Sharon Blackburn, *Law Librarians and the Self-Represented Litigant*, 27 Leg. Ref. Services Q. 65 (2008)(This article talks about how librarians educate patrons, not only with respect to legal information and research, but also about potential limitations in services offered.).

At the same time, the platform decision had to reflect what would be the ultimate purpose of this service: a searchable-by-anyone knowledge bank, thus ensuring access to information.

With respect to human resources, even a virtual reference service would require a minimum number of reference staff to maintain. A staff composed entirely of volunteers, while monetarily inexpensive, still requires the personal touch of management. Where multiple volunteers are involved, there needs to be coordination and communication, and a platform that could support and preservice such widespread information dissemination.

Since the LII is a small non-profit organization, they could not readily hire a librarian to run the Reference Desk without being able to justify the need. Like many other non-profit organizations, the LII would have to rely solely on volunteer librarians to assist seekers of legal information. To that end, volunteer recruitment remains an ongoing concern for the Reference Desk. The concern weighs the options of first growing the demand for the service before recruiting volunteers to manage the demand versus heavily recruiting volunteers ahead of the demand knowing that a lack of demand makes such recruitment efforts more difficult.

The staffing consideration helped to inform the types of interactions likely to conserve already limited human resources. In turn, staffing decisions helped to inform the best choice of platform. Synchronous platforms, like ones that offer chat services, are great for providing real-time assistance. However, in considering a chat service, the LII team decided that a synchronous platform may have been more difficult to maintain, especially with uncertainty about the volunteer pool. That is, a synchronous service seemed to be more in need of the hands-on management to ensure that questions get answered in real time.

An asynchronous platform is more easily self-propelled. This option also seemed easier to get started because it did not depend on certainty in knowing the demand for the service and the need for a large volunteer pool from the outset. At the same time, another consideration was to provide a way to preserve and share the information for later reference or future use. For instance, an email service with a ticketing system is ideal for keeping track of questions and making sure that they are answered, especially when the network of volunteers is so nationally wide-spread. Unfortunately, this would not so easily have created a searchable database of already-answered questions accessible by all. When considered, turning the information form ticketed questions into a searchable database would probably look like an online forum or discussion board.

From experience, forums are sites where users could post questions, answer other users' questions, and search for already-answered questions. This setup seemed ideal because it incorporated many of the features desirable in an online reference service: it would allow users to search the database, post questions, answer questions, and it would allow for both quick answers to questions and the time to research an answer, when necessary. More, the forum software had an option for persistent posts that would remain visible and always at the top of user-created topics within each forum channel. These posts would act like FAQs and needed to be immediately visible.

Providing this service on a low-cost, low-maintenance platform with the help of volunteer law librarians keeps costs low and ensures the affordability of the service, in line with the service provided by public law libraries. This service enables greater access to information simply with the help of experts in finding something relevant from what is available. In so doing, this service advances access to justice.

A Reference Desk Like Any Other

A virtual reference desk is comparable to physical reference desks from the reference interview through to the various types of patrons. Typically, when a patron approaches the reference desk in a library, the interaction begins with a reference interview. During this exchange, the patron tells the librarian what information is needed or a story about what has already happened, and the librarian can find an appropriate resource or ask follow-up questions. This exchange usually happens in real time, and gives the librarian the ability to ask or figure out the patron's literacy for making a resource selection or suggestion. Often, the suggestion is going to be a local resource, if one is available in the library. A virtual reference desk is also likely to encounter similar patrons to those who visit their local public law libraries.

Like physical reference desks, the virtual reference desk users fall into categories of users based on the type of information they need. The LII Reference Desk has three categories of users. The first category of users are the ones who need lawyers. The second category of users are the ones who need or want information. The third category of users are the ones offering feedback of some sort. Every user and category of question offers an opening to deliver access to information, ensuring access to justice. That opening begins the reference interview.

Virtual reference interview

The reference interview is the most difficult aspect of an asynchronous platform. Most of the time, users give enough information for the librarian to make neutral content choices for selecting primary information and or educational information from what is available and accessible. Some patrons know what to ask for, and others give the right amount of detail in narrative form. However, where there is not enough information to go on, follow-up questions are necessary for making sure that the information delivered was the information sought. The time lag on an asynchronous platform, where a user posts a question to later be answered by a librarian, does not always allow the most thorough reference interview.

At the same time, should the librarian ask a follow-up question, the user may also not immediately respond, if at all, with clarification or the detail necessary for further assistance. One example of this are questions about procedure that can probably be answered by looking at court rules or local laws but where the patron has not disclosed the relevant jurisdiction.¹⁸ Where there is a response, there still might exist lag time from the clarification to when the librarian sees it. Often, a librarian will ask follow-up questions and also suggest some resources for education during that interim period between communications.

An asynchronous platform creates the possibility of miscommunications or just misinformation, or even worse, the patron losing interest in the exchange. Reference librarians, in general, are extraordinary at extracting a question from the information in hopes of assisting patrons before frustration sets in. Either way, the approach is the same as it would be at any other Reference Desk. First, it's about information literacy in terms of what purpose the answer

¹⁸ See e.g. Questions where jurisdiction unknown but could have helped <https://help.law.cornell.edu/forum/category-2/i-have-a-test-channel/4566-time-limits> (last accessed on May 31, 2017), and <https://help.law.cornell.edu/forum/category-2/i-have-a-test-channel/4123-county-inmate-phone-use> (last accessed on May 31, 2017).

will serve, where and how to find the best information, and best practices for selecting the most relevant results. From there, it's about the reliability of the information with respect to whether it is official, authentic, current, and credible. Finding this information, and explaining the process, especially on an asynchronous platform, promotes access to justice in terms of delivering an education that can assist patrons with their future information needs.

Patrons Who Need Lawyers

Every law library that is open to the public has had the patron who needs the assistance of an attorney, whether they can afford one or not. These patrons fall into one of two categories: those who know that they need a lawyer and those who do not know that they need a lawyer. In real life, the reference librarian will engage in a reference interview to determine if the patron seeks information or the services of an attorney. In the latter case, depending on the information provided during the reference interview, the librarian may direct the patron to the appropriate county or public legal services office; a law school clinic, if available; to the county or local bar pro bono program; etc. There are usually options. For the most part, this is the case with virtual reference, as well.

In the case of the Virtual Reference Desk, often, the help is less geographically specific, as users may not post their jurisdiction along with their inquiry. In posts where the user includes some helpful information, the librarian can usually suggest a subject-area for finding an attorney by specialty. The LII's Lawyer Directory makes attorney listings available by both jurisdiction and practice-specialty.

In other cases where the user has a simple or quick question for which they may not need to go through the formality of obtaining legal counsel, the LII relies on existing legal information and service providers for referring such patrons. Justia offers an attorney-answer service; participating attorneys offer advice or just information in response to such questions. Referrals to this service further access to justice by promoting unbundled legal services in a way such that people can obtain legal advice and information from experts without needing to hire an attorney.

Patrons Who Need Information

When it comes to finding information that helps patrons to understand the law, the reference interview becomes very important. The reference librarian can use clues or follow-up questions to determine the appropriate kind of resource for educating the patron, as some resources are easier to understand than others. For the most part, this is the case with virtual reference, as well.

Reference Desk users who need information often fall into one of two categories: patrons who know what information they need and patrons who do not know what information they need. The patrons who know what information they need will ask for a piece of primary or secondary legal information. Patrons give enough information to guide the librarian to appropriate resources without much guesswork; these patrons likely just don't know where and how to look. Generally, these are quick interactions, and the information is easily found. In other cases, answers to these questions additionally provide a quick tutorial on finding government publications or using the internet for legal research. Most frequently, a

patron will ask for case law or a better understanding of a statute, in which case the patron is shown how to perform an advanced search within a free case law database.

Where the patron does not know what kind of information is needed, they often provide narratives of varying lengths. Sometimes, providing appropriate resources is more difficult with that much more information. Without a proper reference interview, the reference librarian is likely to make assumptions about the type of information the patron wants. In making educated guesses about what the patron might want, the reference librarian might step close to the line of providing advice by way of inference in seeming to favor one direction of research over another. In yet other cases, the information is not so easily found, even for patrons who know what information they want, and in cases where the patrons do not know what information they need, there is room for creativity.

Just like in a physical library, librarians on the virtual Reference Desk try to make use of in-house resources where they are available. Where, in a physical library, a reference librarian might first check the catalog to see if there's an available resource, LII librarians will first check the LII's own collections for the information. Beyond the LII collections, librarians will often point to the most authoritative sites and resources where they are available. In so doing, the information conveyed heavily favors certain domains over others. Where information is not available online, librarians try to suggest local libraries or nearby public law libraries, and with specificity if a location is given.

Patrons Who Offer Feedback

Virtual Reference Desk users' feedback generally falls into three categories. The first category of feedback is technical feedback. The second category of feedback is content feedback. The third category of feedback is simply follow-up. Sometimes this could be praise. Just like with in-person reference desks, reference librarians love this third category of feedback. It is great to know that users appreciate the resources¹⁹ and services. Some patrons will go so far as to explain how and why some resources were helpful. For instance, sometimes the patron will report back to the Reference Desk how the information was helping, in varying degrees of detail.²⁰ This type of information may be useful in later reference exchanges.

In the case of the virtual Reference Desk, and because of the breadth of the LII site and the global reach of its contents, the technical and content feedback is even more important. Technical feedback can range from notification of a broken link to a production glitch. Generally, there are two kinds of pages on the LII site: manually-created-content pages, and pages whose content is generated from an XML database. In the former case, updating a broken link is simple. For the XML-generated pages, updating the broken link takes more time. A production glitch is more likely occur on an XML-generated page. Such a glitch might affect the performance and usability of the site, or might even result in some code displaying on the

¹⁹ See, A general "thank you" to the LII https://help.law.cornell.edu/forum/category-2/help-with_aa/4010-thank-you and <https://help.law.cornell.edu/forum/using-the-lii-site/contribute-to-the-lii-website/4509-why-i-donate> (last accessed on May 31, 2017).

²⁰ See e.g. Patron reported back after speaking with agency the librarian recommended <https://help.law.cornell.edu/forum/category-2/i-have-a-test-channel/4497-public-law-104-79> (last accessed on May 31, 2017).

page where there should be only text. Examples of this include the text of a Supreme Court opinion not displaying or the text of a long regulation is not in proper paragraph order. Some of this feedback is critical to maintain delivery of reliable information.

Content feedback overlaps, in part, the other categories of feedback. Broken links on XML-generated pages or seeing code in line with the text on a page, for example, fall into the overlap of content and technical feedback because of steps necessary to resolving those issues. That is, some of these issues are content problems, but require a more technical solution to correct. Most importantly, however, content feedback can include information for updating a Wex article, or about content on the uniform laws, federal rules, state or other information pages.²¹ Such content feedback is important for two reasons. The first reason is that for the LII to remain a reliable source of information, the information must remain current and accurate. The second reason is that these interactions have the potential to open lines of communication to forming professional partnerships. More generally, these conversations inspire ideas that lead to innovations in finding and understanding the law.

Reference Desk Statistics

Platforms that provide internal usage statistics, like Google analytics and vBulletin software, which powers the LII Reference Desk, help to quantify the degree to which the Reference Desk succeeds in providing access to justice. Google Analytics help to get a bird's eye view of the general traffic to the LII Reference Desk. This article focuses on the total number of visitors and from where those visitors were referred. The vBulletin statistics show how many users registered and how many posts users generated on a given day. Together, the data can begin to quantify how the LII Reference Desk is increasingly providing access to justice.

LII Reference statistics were tracked for a year, from November 2015 through October 2016. Some of the information collected included the number of visitors, new registrations, and new posts. A granular observation of the daily data shows that, while some days reveal little-to-no activity, there has still been an overall steady increase in Reference Desk visits and interactions.²² For easier analysis, a look at the data averages for each month over the course of the year similarly demonstrates this increase.²³

Reference Desk Visitors

For the year ended October 2016, Google Analytics shows that approximately 69 percent of Reference Desk came directly from the LII site.²⁴ Presumably, these users did not

²¹ See *e.g.* Patron reports broken links and also sends the correct links for updating <https://help.law.cornell.edu/forum/category-2/help-with-aa/3914-boken-links-at-criminal-law-page> (last accessed on May 31, 2017).

²² See Appendix, Table 1. The data points on this graph are difficult to see, but the discrepancy is readily observable, even if not in finer detail. Traffic should be significantly higher than interactions, as is typical with in-person reference desks.

²³ See Appendix, Table 2.

²⁴ This 69 percent number is found in both the “(direct)/(none)” option from the Source/Medium category and the “direct” option from the Default Channel category from

find what they wanted and or simply had a question or concern about some information they did find. Another 21 percent of traffic came from the result of a Google search.²⁵ Together, these visitors account for 90 percent of Reference Desk traffic. In November 2015, the average number of visitors-per-month to the Reference Desk was approximately 42 users. The monthly average grew steadily until August 2016, when the average number of visitors-per-month nearly doubled from the November 2015 average. That August, the Reference Desk saw an average number of 80 visitors-per-month.

In September 2016, the Reference Desk traffic saw a spike when the average number of monthly visitors increased by over 70 percent. The Reference Desk hosted an average of 142 visitors that September. By October 2016, the average number of visitors-per-month doubled again and grew to approximately 288 visitors. This means that more and more people are finding their way to this Reference Desk.

Reference Desk Registrations

While the number of visitors shows spikes in traffic at the end of the year, the number of interactions remains low, comparatively. That is, the number of interactions continues to grow steadily, but the numbers of interactions show no spikes in the data where there exist spikes in the number of visitors. For the purposes of this article, interactions will be limited to new registrations and new posts.

The average number of new registrations for November 2015 was 2.4. While several months during that year showed an average barely over 3.0 for new registrations, the spike in traffic from September 2016 resulted only in an average of 4.1 registrations from those 142 visitors. When the number of visitors doubled for October 2016, so, too did the average number of new registrations, to an average of 8.0 for that month. One factor that may account for the seeming low number of registrations are the persistent posts that serve as FAQs and are immediately visible as the top of each forum channel.²⁶ These FAQ posts have some of the highest thread view counts, which means that Reference Desk visitors are viewing the information. Users finding this information helpful would not need to register to post a question, and would help to account for the proportion of visitors-to-registrations. Other

Google analytics. While “Direct” traffic is typically understood to mean that a visitor had a page bookmarked or that the URL was typed into the address bar, the definition of direct traffic is not necessarily so precise or limited. However, direct and no-referral traffic can come from any number of sources, including another secure address or from a source that Google cannot track, or at least not with such granular specificity. See, *How to Determine what Google Analytics Direct/None Traffic is from*, <https://www.odddogmedia.com/blog/how-to-determine-what-google-analytics-directnone-traffic-is-from/> (last accessed May 30, 2017). The author of this article believes those statistics display traffic that comes from within the same domain. That is, these visitors are coming to the Reference Desk directly from some page on the LII site.

²⁵ “Google” is used rather than search engine because Google Analytics distinguish between the search engines were used to refer users to the site, including Bing and Yahoo (which, together account for approximately 2 percent of referral traffic).

²⁶ The FAQ topics were informed by the frequent number of repeat questions to the LII help email, like “How current is this?” and “How do I cite this?” as examples.

factors may also have accounted for the low number of new registrations.²⁷ While the number of interactions remains low, the Reference Desk continues furthering access to justice. The LII and volunteer librarians that continue to make available this avenue in access to information continue to support access to justice.

Reference Desk Posts

As the number of registrations slowly rises, so, too do the number of new posts. The average number of new posts in November 2015 was 2.8 posts. The traffic spike in September 2016 grew the average number of new posts that month to 3.8 posts. By the end of October 2016, the average number of new posts was 5.2 posts. The content of these posts were assessed in a more detail to draw further conclusions about the Reference Desk's success in providing access to justice.

Since the Reference Desk posts can be generally classified into one of three user categories—i.e. patrons who need lawyers, patrons who need information, and patrons with feedback—the author selected three most fitting channels from the Reference Desk forum for this analysis. These channels included “I have a question about the LII site,” “I have a question about the law,” and “Contribute to the LII website.” These were the first three channels on the website²⁸; each channel also informs the categorization of posts by user category, even if that is not how each channel is exclusively used and maintained.

From these channels, the author looked at over one-thousand posts. The “Contribute to the LII website” channel is the only channel in the User Feedback forum. This channel was intended to be the “bug-reporting” channel, without expressly stating it. This is the third-most used channel with 210 posts. The “I have a question about the law” channel tell users that “If you need a little help understanding the legal framework of the problem that brought you to our site, try starting here.” This channel was the most heavily-trafficked channel with 800 posts.²⁹ The “I have a question about the LII site” channel invites users to “Start here for questions about the information and services we provide on our website.” This was the second-most used channel with 370 posts. Overall, Librarian and Admin posts account for nearly 44 percent³⁰ of the overall total number of posts in the combined channels, and were excluded from this analysis. Only patron posts are included in this analysis.³¹

²⁷ Other factors include a new process for registration. After a significant number of frequent spam posts, new registrations were put into a queue for moderation. (Note: spam posts were deleted from the system and not included in any of the statistics discussed above.) Once a new visitor registered to use the site, that user had to be approved by an administrator. Until such approval, the new registrant is not able to post. The time lag between registration and the administrator approval created a barrier to entry that might help to account for the low number of interactions, at least in part.

²⁸ Other channels were later created for sorting the answered posts into an organized, browse-able knowledge bank.

²⁹ This article discusses a sample of 509 posts from this channel.

³⁰ This number is approximately where it should be if librarians are answering most of the patron posts. Ideally, this number should be closer to 50 percent.

³¹ See Appendix, Table 3.

Posts that do not fit within one of the discussed categories have been marked “other” and account for approximately 16 percent of posts from the combined channels. These posts include, for example, lawyers who wish to change their Lawyer Directory profiles and users who want to partner with the LII on a project. Approximately 38 percent of posts are patrons offering feedback. Feedback includes technical and content feedback as well as follow-up posts, including the patron thanking the librarian. Nearly one-third of librarian replies result in a follow-up to the exchange.³² While a small number of those posts are clarification posts, most of those follow-up posts are patrons thanking the librarian for assistance or information.

Patrons who need information or lawyers, whether they know it or not, account for 45 percent of posts in the combined channels.³³ In only a handful of instances in these forums, combined, did another non-librarian-user answer a reference question with helpful information. Most posts from this group are patrons looking for information, and the Reference Desk has been successful in that endeavor. In fact, the number of posts that, wholly or in part, refer a patron to Justia’s answer service or to the LII lawyer directory remains low. Librarians referred only approximately 4 percent of patron inquiries to Justia’s answer service, LII’s lawyer directory, or other existing service. The number of outside referrals made means that the Reference Desk has been successful in connecting patrons with legal information. As more services come to light, the number of referral options will increase. This will further expand on access to justice.

Next steps for the Reference Desk

Access to justice cannot easily be quantitatively defined. That is, access to justice does not fail if it does not help everyone; access to justice succeeds if at least one person is more informed about the law. By that standard, the Reference Desk has been successful. Thankfully, many Reference Desk users have even returned with either “thank you” or how the information helped them, highlighting the successes of the Reference Desk.

To ensure access to justice through this service, there needs to be more and better promotion of its existence. More visibility will generate more users, which in turn will mean more widespread access to justice. Likewise, more users will generate more questions, whose answers will be preserved and freely accessible for all future users.

With more questions, there will be more opportunities to find laws and information to help understand the laws. Once found, the information can be organized and utilized for even greater access by creating a variety of entry points. Collecting and organizing information can also lead to innovative uses and or better organization of, and access to, that existing information. This will lead to more people enjoying greater access to more freely available information.

To achieve this goal, legal information organizations must continue to partner and work with law libraries and librarians. Likewise, law librarians need to keep abreast of other access to justice initiatives, like that of the Sacramento County Public Law Library, the Legal Research Clinic at Cornell Law Library, and the countless other public law libraries assisting self-

³² This number is approximately 31 percent. See Appendix, Table 4.

³³ See Appendix, Table 5.

represented parties. These existing services may very well help to serve a virtual Reference Desk patron. Together, the LII and like-minded organizations along with law librarians will continue to expand access to justice.

Appendix

Table 1

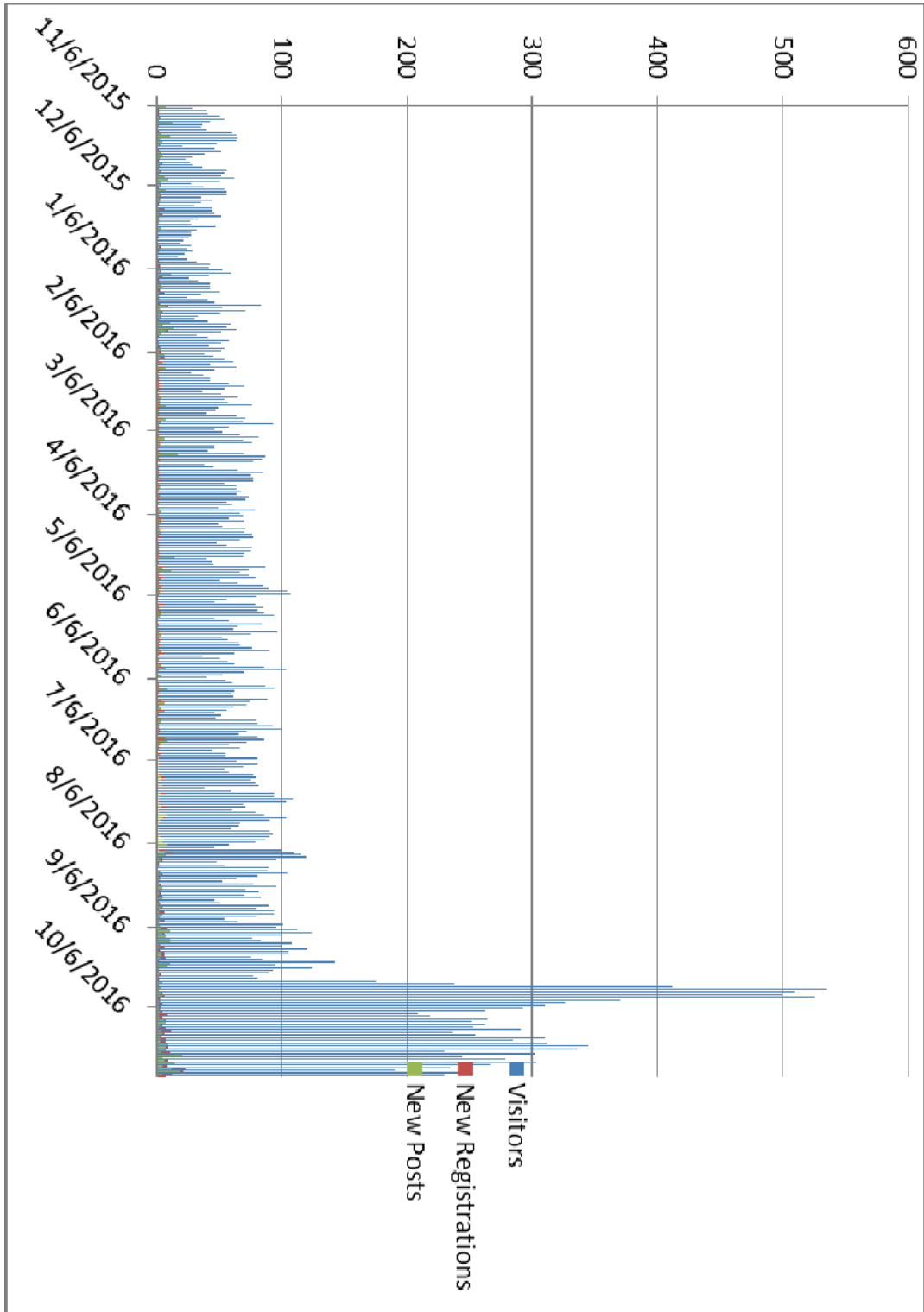


Table 2

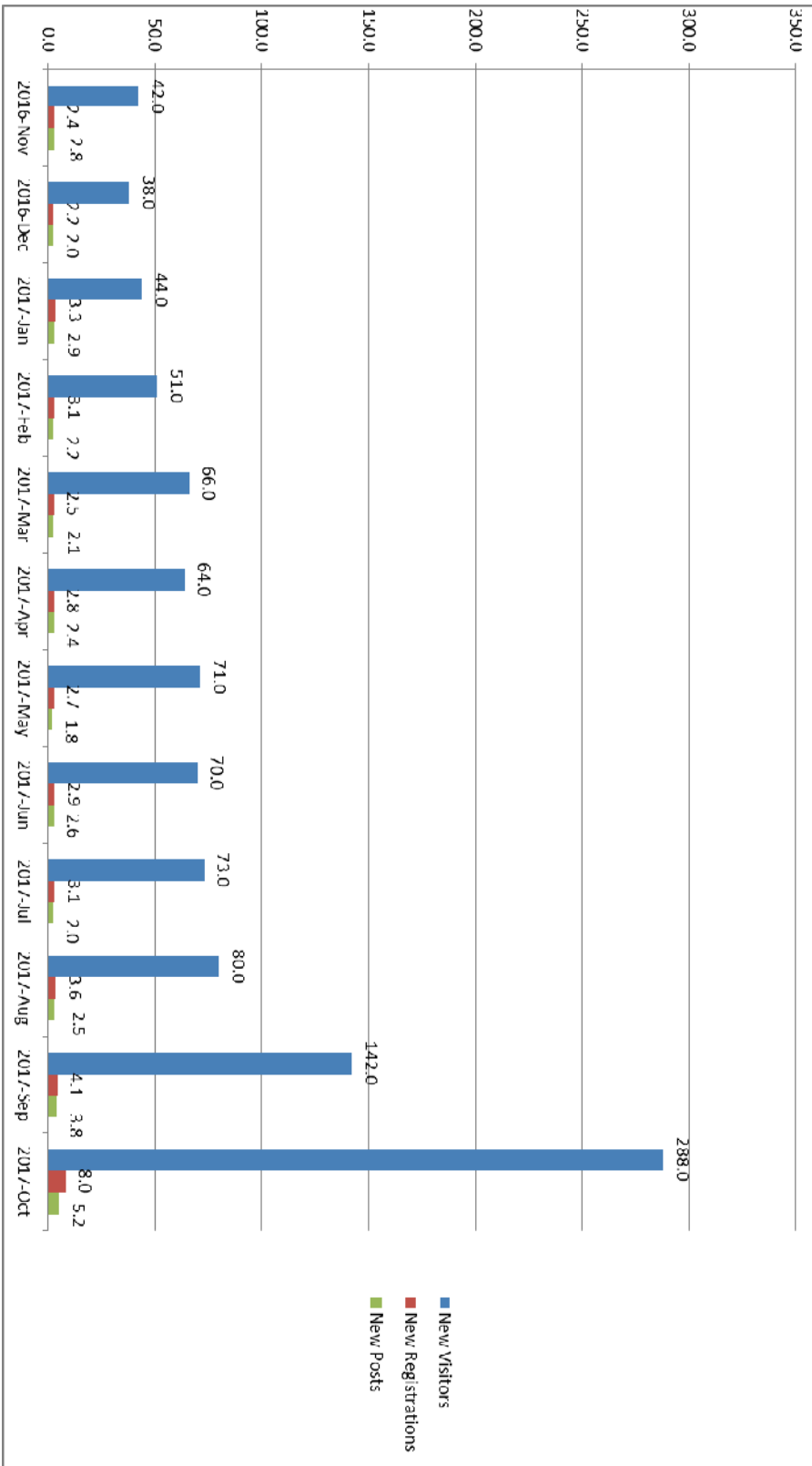


Table 3

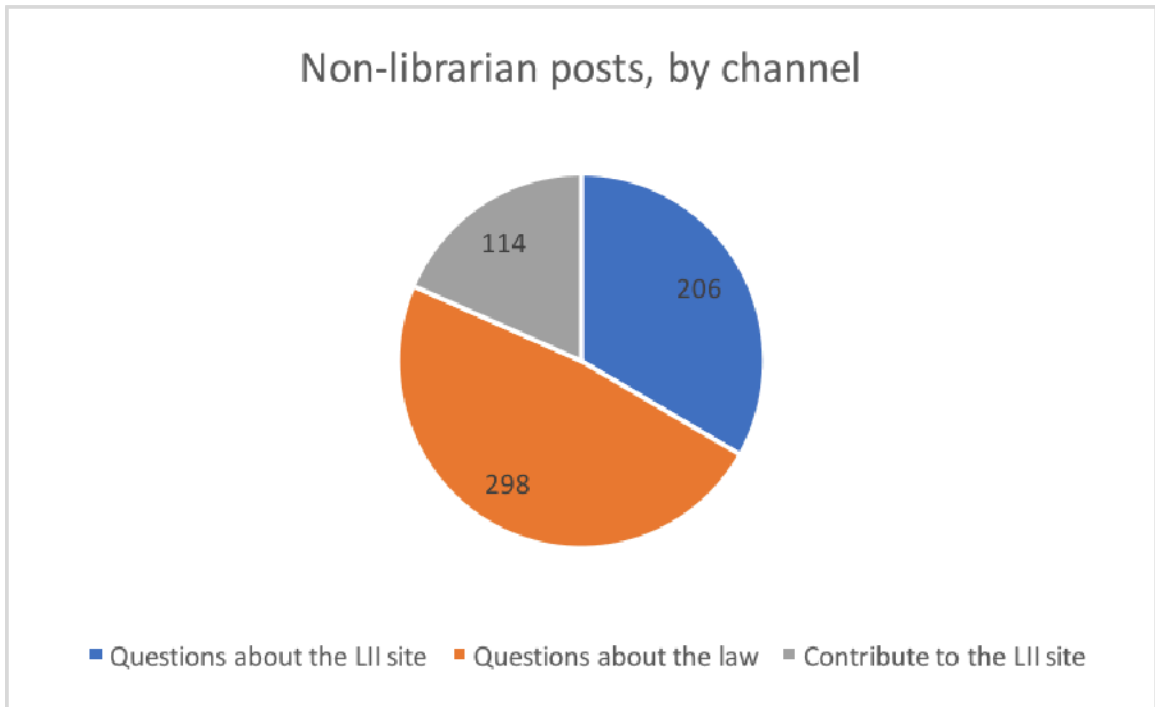


Table 4

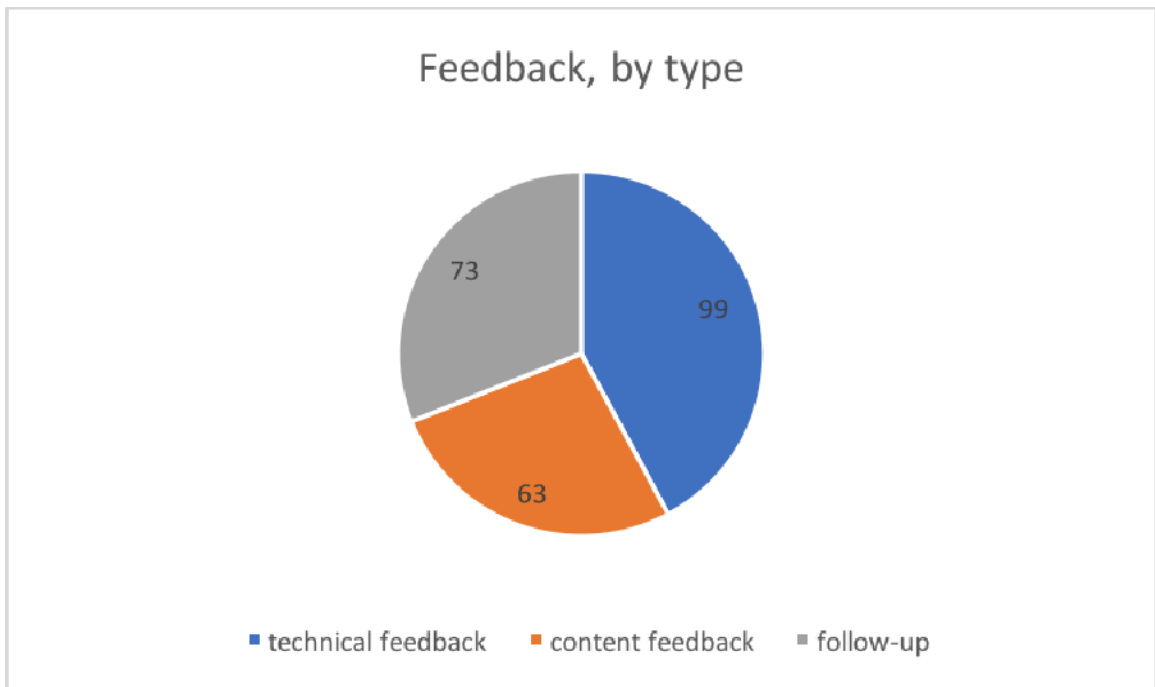


Table 5

