

## Element 2: The Reference Interaction

### Overview

A reference interview or interaction for a legal question is conducted in much the same way any general reference interview would: library staff maintains calm and patience, asks the patron questions to clarify the request, and navigates the patron to and through resources.

The main difference separating general reference from legal reference is that most often, with a legal reference question, staff **RESPONDS** to the question with resources that address the underlying topic of the question. Staff does not **ANSWER** the question. A full and complete answer to most legal questions requires some level of interpretation - determining how the law might apply to the specific circumstances provided by the patron. As information experts, library staff can provide information to the patron, but not advice. This means, most of the time you are responding rather than answering. Law library staff rarely ask, "Does this fully answer your question?"

Basically, a legal reference interaction moves through these steps – sometimes repeating, sometimes in a different order. At each step, check in with your patron to make sure they are following along, and that your understanding of their request is still on target.

### Steps

Step 1: Rephrase the request back to the patron

Step 2: Ask clarifying questions

Step 3: Identify the goal or need

Step 4: Locate information resources (starting places)

Step 5: Locate, if needed, more detailed or specific resources

Step 6: Explain the resources to the patron – expected content, how to use finding aids

Step 7: Identify referrals for further needs (more detailed resources, legal assistance)

Step 8: Set the patron loose to review. They'll come back if they need more!

The information about legal reference interactions explore how an interaction is conducted – the nuts and bolts of the conversation. They provide a foundation upon which to build knowledge and understanding of the resources for legal information. Resources change; what we provide looks different over time. But *how* we provide it is a skill set that can carry forward.

## Contents

The material in this Element is broken into the concepts below for deeper exploration. Where helpful, examples or illustrations are included to help you connect the skill with real-life interactions.

- Behaviors and Interpersonal Dynamics
- Recognizing the Difference between Information and Advice
- Rephrasing the Query
- Information-Gathering Questions (What to Ask)
- Identifying the Need

## Behaviors and Interpersonal Dynamics

Legal reference behaviors mirror general reference behaviors. The behaviors you use in other interactions work with legal interactions as well. Review the [RUSA Guidelines for Behavioral Performance of Reference and Information Service Providers](#).

For reference with a legal question, you may need to enhance those skills a bit, or add a few layers.

### **Always start with what you CAN do.**

Say right up front that you can help locate resources, provide referrals, and demonstrate how to use indexes and online databases. Play to your strengths - offer resources, demonstrate how to use them. Keep in mind that people with questions about legal problems are often angry, frustrated, and scared. Starting with what you can provide helps temper and calm those emotions.

If you need to, follow up the CAN statement with a qualifier about what you cannot do. For example, "As a librarian, I can help locate information resources that may help; only an attorney can apply that information to your set of circumstances."

### **Be approachable.**

Make the patron feel comfortable. People with questions or concerns about law-related matters are often scared, angry, confused, frustrated, or all of the above. Your initial response sets the tone for the interaction.

People with tangled life – and legal – situations are feeling stress and anxiety. They may be facing a loss on a life-changing level: loss of income, a house, access to a child, loss of their freedom. They may be defensive from being denied assistance from other resources.

Maintaining a kind and approachable manner can calm their frustration and help the interaction proceed in a positive way.

Practice tip: draft sample scripts so you can respond calmly, maintaining your approachability. Repeat these scripts until they become easy to verbalize. This way, if you are feeling pressure during an interaction, you do not need to be nervous that you will trip up and say the wrong thing.

### **Be kind to yourself.**

The tension between the emotions and needs of the patron and the limits staff must impose in order to do their jobs properly can foster fear and hesitation on the part of staff. Remind yourself that you cannot be all things to all people, that you have a skill set and can exercise it to the benefit of the patron. Stand firm on those limits. If you are feeling pressured, make sure to take a break - self-care is critical in this environment.

Remember that referring someone elsewhere is not a failure to assist, it is connecting someone with the best resource to help them.

Remind yourself that it's okay not to solve someone's problems. If someone came to the reference desk upset that their dog walker had just cancelled an hour before they were expected, would you feel obligated to walk the patron's dog? Or would you offer them a local phone directory and suggest looking under dog walking services?

Think of law questions as similar to homework questions – would you answer a chemistry assignment question? Or would you connect the student to information sources, and perhaps online tutors?

### **Keep an open mind; don't judge.**

Legal problems can show people at their worst, or involve questions of extreme personal privacy. They are trying to make the best decision for themselves, often with little understanding of the process and factors involved. Your own beliefs or how you might approach the problem in your own life does not have any weight in this situation.

### **Listen patiently.**

Sometimes the patron will need to vent a little. Often they are feeling unheard. Your listening skills may be the single most critical factor in the patron feeling helped and heard. And feeling heard can help calm the patron.

Do remember limits, though. You are not required to listen to every detail. And remember “be kind to yourself” – if the venting pushes your own emotion buttons, put a halt, gently, to the rant, and after the interaction, take time to soothe yourself.

### **Admit to ignorance.**

Let them know they aren't alone in not knowing the information, then reassure them that, as an information professional, you are an expert at locating resources. Admitting you don't know can help set their expectations at an attainable level. In addition, sometimes the legal world can feel haughty or arrogant to people working with less knowledge of the arena. Admitting that you, too, don't know something in this arena can help the patron feel less lost.

### **Apply your search skills.**

Ask where they have already looked; explain your strategy; work with the patron to evaluate the results; explain how they can use the resources themselves. Library staff are well-trained in search skills. We can apply these skills in any topical situation, familiar or not.

### **Identify and explain resources.**

Explain to the patron what you are choosing to look at and why you chose a particular source. Demonstrate to them how to use the search engine, index, or table of contents. Explanations can help them improve their own skills, and give them more independence in pursuing their research as they progress.

### **Set appropriate limits.**

Law-related questions often require the setting of limits. Establishing limits helps manage the patron's expectations, right up front. Let them know these limits as soon as possible. Tell them what kinds of materials you can provide; make sure they understand they might need an attorney.

Staff should know the limits under which they may provide service. Limits can be set by administration, related to time and resources expended or services that may be allowed.

Examples include:

- ability to act as a scribe for a disabled patron;
- number of free copies permitted;
- ability to access out-of-plan digital resources; etc.

Limits also include the library staff's own personal limits - how much emotion each staff member may be able to manage from a patron. This limit varies from one staff member to another.

## Recognizing the Difference between Information and Advice

There are many resources to help library staff distinguish between legal information and legal advice (linked below). The line is often blurry. Law librarians and even attorneys do not always agree on where the line is. The tips below can help you recognize the difference.

People think of the public library as a place to find answers. With legal reference, many times you will not be finding an answer, but rather providing a response. That response will include information, but may not be specifically an answer.

### What is the difference between advice and information?

Advice...

- Requires careful analysis of the law as it applies to a person's specific situation
- May affect someone's rights and responsibilities
- Keeps the decision-making in OUR hands

Information...

- Lets the other person know what possibilities are out there
- Educates the person about a topic without limiting options
- Puts the decision-making in THEIR hands

### Exercise Your Skills

Librarians have a skill set that is particularly helpful with legal reference. Our strength is in our ability to teach people how to use resources, to lead them to and through materials that will help inform them. To state this more directly:

Librarians can...

- Help find resources and information to help with understanding legal problems and options
- Demonstrate how to use those resources
- Educate someone about what is in those legal information resources
- Suggest visiting a court library, where a broader range of resources may be available
- Direct someone to legal professionals or legal service providers who are equipped to offer interpretation and advice

Librarians cannot tell someone...

- What a law means (you CAN read them the text of the law)
- What choice to make between two or more options, or give an opinion about which choice should be made
- What the outcome of a court date might be
- If a court decision is relevant to their situation
- What form to use or what to write in a form or document (however, most courts allow a non-attorney to fill in blanks for a disabled patron, as long as the librarian sticks to the exact wording of the patron - check with your library system before do so to make sure you comply with institutional policies)
- Which lawyer to go to (unless your library serves as the contact for your county bar association's Lawyer Referral Service)

## Read More About Information Versus Advice

Maryland Courts Access to Justice Department, [What Can I Do to Help You](#)

The What Can I Do materials include a booklet, desk card and poster, as well as a training video. The aim of the materials is to aid court staff in serving the public, but is also helpful to librarian as the distinguishing line is the same.

Southern California Association of Law Libraries (SCALL), Locating the Law: A Handbook for Non-Law Librarians, 5th ed. rev., [Chapter 4: Legal Reference vs. Legal Advice](#)

This resource provides an excellent summary of the why and the how: why the difference matters, and how to distinguish. Concrete examples of questions that fall on both sides of the line are offered. The material is directed at California librarians, but the overview and sample questions apply generally.

Findlaw's [What Is 'Legal Advice'?](#) provides additional illustrations as to what falls into each category.

Get training on how to distinguish information from advice, and learn how to turn an advice question into an information request to which you and your staff can respond. In-person training is available upon request from the [Thurgood Marshall State Law Library](#) (contact the [reference desk](#)) and other members of the [Conference of Maryland Circuit Court Law Library Directors](#).

## Rephrasing the Query

The ability to rework and reword a patron's question so that library staff can address it as an information request is a trained skill.

When a patron asks a question that, taken as phrased, appears to request a legal opinion, your initial reaction might be to step back from that question, to respond with standard "we are not lawyers" patter, to raise a barrier so as not to venture into the area of unauthorized practice of law. However, take a second look at the question, and you might find that under the need for legal advice is a basic though unrecognized need for legal information. And information, legal or otherwise, is a library's specialty.

In all reference interactions, whether for legal information, medical information, homework, science fair, or reader's advisory, the first step a librarian takes is to rephrase the question, to confirm with the patron that your understanding of the question is on-target (see [RUSA's Guidelines for Behavioral Performance of Reference and Information Service Providers](#)).

Use this rephrase opportunity to change the perspective of the question. Look for the information nugget in the question. Look for key words that might help identify what it is the patron needs information about, then turn their question into one which you can address.

The following examples illustrate how to rephrase a legal advice question into a legal information question.

### Examples of Rephrasing

Question: Is it legal for me to leave my daughter at home alone? She's seven.

Identify the nugget: child alone

Change the perspective: Does the law say anything about the age a child can be left alone?

Rephrase back to the patron: Okay, I understand you need information about what the law might say about the age a child can be left alone.

Question: My ex-wife won't let me see our son, and she wants to move with him to California. How do I stop her?

Identify the nugget: child custody, rights of father/non-custodial parent

Change the perspective: What does the law say about the rights of a non-custodial parent?

Rephrase back to the patron: Okay, I understand you need information about custody and visitation rights.

Question: I want to file a small claims case. I live in Maryland, but the company I'm suing is in Virginia. Where do I file?

Identify the nugget: small claims case, procedures for filing in two geographic locations

Change the perspective: What are the procedures for filing small claims cases in Maryland and Virginia

Rephrase back to the patron: Okay, I understand you need information about filing a small claims case in Maryland, and information about filing the same in Virginia.

### **Read More About Reference Interaction Skills**

[LATI: Library Associate Training Institute](#). Maryland's LATI training includes essential reference interview skills.

ALA's [RUSA Guidelines for Behavioral Performance of Reference and Information Service Providers](#) (also noted above); see 3.0 Listening/Inquiring.

## **Information-Gathering Questions (What to Ask)**

There are key questions you can ask your patron to help guide your choice of resources with which to start. Not all questions below are relevant for every inquiry, but many can be helpful in pinpointing the topic, what the patron is aiming for, and what you can provide.

### **Ask questions to help identify the topic or issue.**

This sounds obvious, but always bears a mention. A reference interaction will include the asking of multiple questions aimed at determining what and how much information is needed. Part of this determination includes identifying the topic, first general, then more specific, about which information is needed. This is a process, not always arrived at with one or two questions.

- Ask open-ended questions to expand your understanding of what they are seeking;
- Ask closed-ended questions to help clarify or refine what they are seeking.

Remember your reference behaviors checklist, specifically the part about admitting to ignorance. You can't know everything about everything. A librarian's strength is in knowing how to find information. A vital part in finding information is asking questions.

### **What are you trying to accomplish today? What is your goal?**

Someone with a legal situation, whether simple or complicated, may try to provide you with as much information as possible. Often, they provide more detail than you really need (or want). Rather than trying to respond to the full situation, it can be helpful to focus on one specific step – see a few trees, rather than the forest.

Illustration:

- Your patron is going through a complicated debt situation that includes a foreclosure. They may be focused on the overall loss of the property, and not looking at the short-



term goal of temporarily postponing the foreclosure sale or finding a place to move to for the short term. Asking what their immediate goal is helps point them, and you, to a limited question which you can address (for example, suggest they contact the [Maryland Court Help Center](#) or [MD HOPE](#) to help with a court filing to postpone the sale, or suggest they contact 2-1-1 for information about housing assistance).

Focusing on one goal helps you to identify one or two resources, which in turn will help the patron take one or two steps towards their end goal.

### **Where is this happening?**

When looking for legal information, location is a critical concept. Where an action takes place can impact which laws apply, where documents are filed, and other details. For example:

Illustration:

- Your patron asks for information about amending their child support payments. You direct them to the [Maryland People's Law Library page on modification of child support](#) and provide them the contact information for your county circuit court's [family law help center](#). Only then do you find out that the child support agreement was established in Michigan...which has an entirely different set of laws.
- Your patron says their father-in-law wants a form for drafting a codicil (modification) to a will. You direct them to the general information about [modifications to wills on the Maryland People's Law Library](#) and recommend that they visit their nearest [Maryland public law library](#) for access to legal texts providing more depth on the topic. Only then do you find out that the father-in-law lives in West Virginia, which may have entirely different requirements for modifying a will.

### **Do you have any paperwork with you? Would you mind if I looked at it?**

You may be reluctant to ask this question, thinking you'll either learn more than you want to, or the patron will expect more from you than you can provide. However, legal terms can be confusing to the non-lawyer, and government structure is not always understood by the citizens who live within it. Briefly stated - people will get things wrong. If your patron is carrying paperwork related to the question they are asking, seeing the actual words used in that paperwork can help correct any errors in understanding the patron might have.

Illustration:

- Your patron wants you to tell him when his court date is. You hop onto the Maryland Judiciary's website and check the [Case Search](#) system for the patron's name. After trying all kinds of alternatives (misspellings, middle initials), the only court record you can identify for this patron is a traffic court appearance from eight years ago. Then you notice the papers in your patron's hands. You ask to take a look, and see that your patron has received a summons for jury service. Case Search lists parties to cases, not jurors. So you suggest your patron contact the jury office at the court for which they were summoned.

## **What have you already looked at? Who have you talked to so far?**

Asking what or whom they have consulted so far serves a three-fold purpose:

### **Time Savings**

You may be saved time in not duplicating work already completed. Most reference staff will review and possibly take a second look at sources already consulted, but it can be a time-saver to know the first look has been taken.

### **Level of Understanding**

Knowing what your patron has looked at can help confirm the level of understanding of resources that your patron has, and thereby help you choose which sources to point them to next.

Illustration:

- If your patron indicates he has already consulted a legal treatise, you may be able to presume he is familiar with more advanced legal materials, and may accept a referral to a [nearby public law library](#), staffed or unstaffed.

### **Topic Recognition**

Sometimes, the patron does not use language you recognize as a particular area of law. If you ask where they have looked, and they indicate several sources, those sources may help you determine what the topic or area of law is, and therefore help point you to the next set of resources.

Illustration:

- Your patron asks about the procedure for kinship care. You think perhaps they are asking about guardianship, but aren't sure of the context, so you ask what they have consulted so far. Your patron says they have asked their local school, but the school wasn't helpful or didn't have a form. This shows you that kinship care is related to school, or education, so you check the Maryland People's Law Library, under the [Education](#) topic, and see a link to [School Enrollment and Informal Kinship Care Arrangements](#). Looking at the information page, you note a link to further [Kinship Care Resources](#).

## **Are you in court already or are you planning to be in court? Do you know what court you are in?**

Certain resources apply to certain courts. If you can identify which court a patron's situation is or would be in, you can point them to more accurate and specific resources.

Illustration:

- Your patron is a minor asking if they have any say in which parent gets custody in their divorce. You know that divorce is a "family law" matter, which is in the Circuit Court, so you can point your patron to the [Family Law Help Center](#) at the local Circuit Court.

- Your patron is upset that their landlord isn't fixing the hot water problem in their apartment. You know that landlord/tenant matters are in District Court, so you can point your patron to the [District Court Help Center](#) as well as to the [District Court website](#) for more information.

The above examples are pretty straight-forward, unlike many reference questions, and there are certainly many more resources that could help for those questions. But knowing the court helps speed the interaction along.

**Educate yourself about the basics of state and federal court structure.**

There are a few easily-identifiable details that can point you and your patron to the right place. For Maryland state courts, these include:



If you’ve educated yourself about the general types of matters heard in the various Maryland courts, you’ll more easily be able to point, for example, a patron with a traffic question to District Court, or a patron with a probate question to Orphans Court.

## Identifying the Need

To determine which resources to look at first, it is helpful to figure out what the patron is looking for by category, rather than topic. With legal information, the need falls generally into five categories. Many questions will fall into more than one category.

Once you have figured out which category or categories the question is for, you can move forward in selecting the resources to provide, or, if you have identified that the resources are not accessible in your library, point them to where they can find those resources.



### Category 1: Information

Information is, simply, discussion about the law or an area of interest. The patron may not be pursuing legal action of any kind, but is curious or just wishes to know about something. They

may be thinking about taking action, but need more information before deciding. This category is also where many requests for legal advice fall - you can give information and also referrals for legal assistance (see Category 4: Legal Assistance, below).

Examples of requests for information:

- What are my chances of getting full custody of my children in the divorce?  
You can find information on custody, generally.
- Can I record a phone call without telling the other person?  
Look for information about audio-recording and privacy.
- What can I do if my former landlord refuses to return my security deposit?  
There is an abundance of information about security deposit returns.

### **Category 2: Law**

This request might be for the actual text of a statute, regulation, case, or rule. Usually, the patron has a citation of some kind, indicating the material they wish to see. Sometimes the citation is incomplete or incorrect in some manner. If you cannot locate the specific material, check the citation using the tools provided through this website.

Examples of requests for law:

- I need a copy of Brown vs. Board of Education.
- My traffic ticket says TA 21 801.1. What law is that?

### **Category 3: Services**

This category encompasses a need for assistance with law or government services. Some legal questions are related to the services or benefits provided by government agencies, like Medicare or unemployment. Often, the agency managing the benefit has information on their website, as well as contact information where patrons can call to get responses to their questions.

Examples of services questions:

- How do I terminate Medicare Part B benefits?
- How can I get my Section 8 voucher back?
- What happens if I get an unemployment check after I found a job?

#### **Category 4: Legal Assistance**

Often, the patron needs someone who can provide interpretive guidance, analysis, or help writing legal documents. A question for legal assistance is often also, or phrased as, a question for legal information. Many people do not recognize the difference or separate the two in their minds. You can provide the information (see Category 1 above), then point them to locations where they can get interpretive guidance in moving forward.

Examples of legal assistance questions:

- Can I break my lease if my apartment is infested with bugs?  
You can provide general information on lease-breaking, but since you cannot tell them whether their own situation qualifies to break a lease, you would also refer them to an attorney, usually through a self-help center, to speak to someone who can assess their situation and advise them.
- My ex is saying nasty things about me on her social media sites. Can I sue her for defamation?  
You can provide general information about defamation in Maryland, but since you cannot tell the person whether the acts committed qualify as defamation, you also want to point them to legal assistance.
- Can I get custody of my grandchildren?  
You can provide general information about custody and related procedures, but again, because you cannot assess their individual circumstances, you will also want to refer them to legal assistance.

All too often, questions are couched as “can I.” The accurate reply is – “maybe.” The real question is probably “how do I,” or “will I be successful if I...”

#### **Category 5: Forms**

Sometimes, the request is for a form. Sometimes, the request is for a procedural action of some kind that probably needs a form or the drafting of a legal document, like a will, or power of attorney.

In Maryland, there are few standardized forms. More often, people need templates or samples to help illustrate what the document might look like, and information to describe the contents. Element 4: About Law, includes a section on Understanding and Finding Forms to help address this area.

## **Reassess as You Go**

Remember to reassess the question as you move along. A question for information may include a need for legal assistance and/or a need for referrals for government services. Many requests for specific documents (a Code section, for instance), may be embedded in a general request for information.