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Charley's Corner:

A Research Agenda for Public Law Libraries—Where to Start

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Nothing in this column represents the view of my Library or its Board of Trustees. These are just my personal opinions.

Informatics

"*Informatics* is the study of the structure, behaviour, and interactions of both natural and engineered computational systems." That is a quote from the web page for the University of Edinburgh School of Informatics (http://www.inf.ed.ac.uk/about). Upon delving further into the site, I found, much to my surprise, that "computational" is used in an extremely broad sense. For instance, one of the "computations" being researched there is the acquisition and use of forensic evidence. Evidently, the DCI's of Scotland Yard are "natural computers."

In fact, the ever-growing study of informatics routinely treats human beings as computers, ones that can be taught and that can be understood, so long as you know what to look for or how to interact with them.

Informatics as a term of art began in Europe some years ago, mostly at what we would call university departments of computer science. The computer scientists needed to delve more into human interaction with computers to improve the computer interfaces. Usability studies were foremost, but other systems, such as artificial intelligence, also began to take hold as avenues of inquiry. Now, both in Europe and the United States, traditional library schools find themselves either competing or combining with computer science departments. Many library schools are renaming themselves as "schools of information" or even sometimes "schools of informatics".

Other disciplines are getting into the act. Schools of medicine are now researching brain waves and neural patterns as part of informatics studies. Psychology departments are trying to make sense of how people come to understand things through inclusion of all the various sources of knowledge that we have, e.g., non-verbal cues, facial expressions, interpretations of graphic information, as distinct from alphabetic information.

While I haven't conducted a literature search yet, I can readily see that this interdisciplinary development follows in the footsteps of such cross-pollinating studies as Jean Piaget's studies on child learning and Maurice Merleau-Ponty's studies on the phenomenology of perception and their continuing disciples. On the other hand, "informatics" seems to smack of the logical empiricism of the positivist movement, which, of course, has lead to cross-disciplinary work such as found in law and economics. Can we get all these intangibles down to scientific data points? (My very quick Google search found some good threads on the first two, but not much on the second. I had no idea that there was a 700 member Merleau-Ponty Society.)

So, how do you change facial expressions into Xs and Os? By that I mean how do you discover the second and third layers of truth that we all detect when discussing things face to face, or rather how can we put that all down to some computational system so that a computer can do it for us?

What better place to find people asking questions, and how they ask them, than at the reference desk, or in front of the computerized catalog. Perhaps our catalogs may someday have a camera pointed at the researcher, assessing him just as a reference librarian might do. Now on to a related topic.

Modern Jurisprudence

It has been noted that American jurisprudence has been slow to accept the court opinions and legal scholarship of other countries, in an age when other liberal democracies have begun to place much greater emphasis on realizing a broader view. The United states is notorious for not listening to the World Court, for instance. There is much criticism among some American law professors that American jurists, trained in the dominant jurisprudence of legal realism, keep their scope too confined, thinking that the American legal mind set is, for all intents and purposes, white, male, middle class, and traditionally religious. The new buzz word for the jurisprudents is *culture*, as in cultural studies, studies into the cultural makeup of individuals as an element of their decision-making process. The theory of the rational man, especially as applied by law and economics advocates, simply misses the mark when so many Americans have different cultural roots. (See, for instance, a symposium issue at 13 *Yale Journal of Law and the Humanities*, issue 1 (2001) for a good introduction.)

The cultural study of law focuses on the "subject," which is its terminology used to relate that individuals all come from different backgrounds and therefore have different ways of understanding the world. In the United States, with our complex mix of citizens from different cultures, it becomes apparent that many citizens are not participating in the presumed interplay between our society's law and its culture. Prescriptive laws become merely proscriptive, without moral meaning.

Cultural studies have been strong for quite a while in the social sciences, and those disciplines has, as a result, greatly improved their research methodologies and statistical data. But, according to many American jurisprudents, legal scholarship has failed to follow suit. We still use the older, less sophisticated statistical analyses created during the heyday of legal realism and the Great Society. The courts seem locked into the older patterns. Legislatures are clueless to the underlying problems. As a result, the Law becomes less relevant culturally.

The Rise of Self-Represented Litigants, Court Efficiency, and Public Law Libraries

As a public law library director in California, I felt it my obligation to submit a response to a Fall 2003 draft report of the Statewide Action Plan on Serving Self-Represented Litigants created by a task force set up by the California Judicial Council (the courts' policy making body). The plan noted the tremendous increase in the numbers of self-represented litigants showing up before the

courts and went through a substantial analysis of ways the courts and the bar can aid them. The emphasis was on getting rid of useless barriers, such as rewriting forms into readable English, and devising cost-efficient services, such as family court facilitators, who would help people fill out standard forms. There was a pebble thrown toward those self-represented litigants for whom the gross cattle call method would not work by calling for the California Bar to step up its offering of unbundled legal services. (I sat back for a second, and the inanity of that proposition is so obvious that I was confounded to see how it had gotten so far.) Anyway, as you might have guessed, the references to the wonderful system of California county law libraries were few and far between.

My main gripe was, and there were a bunch, but my main gripe was that the report basically assumed all self-represented litigants had some degree of English literacy, basic intelligence, levelheaded reasoning, and funding. Noting the above commentary, I guess they were still presuming the rational man was the norm. Certainly there is a great percentage of self-represented litigants who would be able to meet the criteria so that they would be adequately served if the report's recommendations were put in place. But I suggest that some one-third of self-represented litigants today would not meet the criteria, and certainly a much greater number if you count the people who simply don't bother to use the justice system (e.g., non-literates, i.e., recent immigrants). That's a bunch of people.

Anyway, I went on to describe that the public law libraries have a very important role, as we are the place of last resort for those who simply do not understand the system, much less the law itself. It is in the public law libraries that the people who fall through the cracks have a chance. We aren't perfect, and there is certainly a lot we don't get around to doing, such as better services for non-literates. But we are able to deal with people one-on-one. That is our role.

In Conclusion

Yes, I am going somewhere with this. From two different directions, law schools and what used to be called library schools, we see two similar trends, similar in that examinations of the particular needs of individuals in all their diversity are components of their study. But the courts and the justice system seem not to have moved there yet. And to me, we have the greatest laboratory for the work already available, our own public law libraries.

So, I propose that we as a group, public law librarians, the section to which we are members (SCCLL SIS), and the association at large (AALL) offer our public law libraries as laboratories for empirical research conducted by professors of informatics and law professors. If we can get academia in touch with the wide variety of diverse clientele whom we serve, then their studies would be all that much more enriched and the results that much better. Then perhaps eventually, as the lawyers, judges, and law librarians produced by their schools rise to positions of power, maybe a better understanding of the role of public law libraries in society can be reached. And who knows, maybe they will even tell use how we ourselves might improve.

Jim Milles at SUNY Buffalo recently informed me that his Conference on Social Informatics and Law will not be held because he did not get enough submitted papers. It is obvious that there is a

disconnect, and we are the people who should bring the two fields together.