E-Government Questions: helping users navigate online government resources without practicing law! Help them find information. Don't tell them what to do. Mary Minow, J.D., A.M.L.S. LibraryLaw.com consult@librarylaw.com April 21, 2011 **Libraries and E-government** 26 million+ people used public library computers to get government/legal Over half downloaded forms e.g. Social Security, Medicare, tax forms Almost half submitted from library Over 80% said they got help (it worked) Opportunity for All. (IMLS-2010-RES-01). Institute of Museum and Library Services. Washington, D.C. (2010) $http://tascha.washington.edu/usimpact/documents/OPP4ALL_ExecSumm.pdf$

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http://www.plinternetsurvey.org/images/state_one_pagers_2011/E-Gov/CA-EgovOnePager2011.pdf

Agenda

- 1. Legal information, not advice
- 2. Staff and volunteer training
- 3. Nuts and bolts
- 4. Who me, liable?
- 5. Sources laws, cases

Legal Disclaimer

- Legal information
- Not legal advice!

1. Legal Information, Not Advice

Legal information

Facts about law and the legal process

Legal advice

Advice about the course of action someone *should take* to further his or her own best interests



Public Libraries and Access to Justice: What Public Librarians Can Do

Unauthorized Practice of Law (UPL)

Okay help tab through forms point to instructions, pathfinders



Not okay answer "should I ... ?" interpret "what do they mean by ... ?" tell what words to use in legal docs

Don't advise what to do.

Legal informationShow websites, indexes



Legal advice

Recommend specific options, Opinions, conjecture, predictions

Public Libraries and Access to Justice: What Public Librarians Can Do

Online Forms

Okay to help navigate forms.

However, patron should: *choose form *supply all

information
*click SUBMIT

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Porturn an uniting supply to provide the user with interpution which may be relevant to his legal question	Electric any single law as the statute for regulation, or cost that will assess the wor's legal question.	of Law Libraries	
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California: Business and Professions Code Sect. 6125 of sec. misdemeanor: year in jail or fine of \$1000

Other states:

Directory of Unlicensed Practice of Law Committees (2010)

 $http://www.americanbar.org/content/dam/aba/migrated/cpr/clientpro/cp_dir_upl.pdf and all of the content of th$

E-Government Policy

http://www.pascolibraries.org/files/policies/

2. Staff and Volunteer Training

"I am not an expert..."

"I can show you how to look and you can decide..."

User types passwords, SS# ...

Teach strong passwords

Caution users to safeguard info

Refrain from:

- Clicking "SUBMIT" (may certify it's true)
 ... but remind patron to SUBMIT
- Co-signing forms (e.g. "person helping fill out form")
- Typing in social security numbers, passwords etc...
 (if you help someone with typing)
- Don't keep user files (e.g. faxes with personal info)

Lead Patrons to State and Local Resources When the last of the la













Keyloggers: Serious Threat

- Furniture to lock away vulnerable areas of computer
- Keep computers in easy view
- Visual check when helping someone

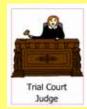


DANGER: Record every keystroke, passwords etc.

http://egovflorida.pbworks.com/w/page/26765186/Physical-Security

4. Who me, liable? The Library?

- Can I go to jail?
- Negligence
- Discrimination and speech



Law and Criminal			
	library use o falsify in		asked your
	Yes	No	Not Sure

If found to be Unauthorized Practice of Law ...



isolated - likely to get cease and desist

ongoing - civil prosecution

extreme cases - criminal prosecution

Florida Bar Chapter 10. Rules Governing the Investigation and Prosecution of the Unlicensed Practice of Law

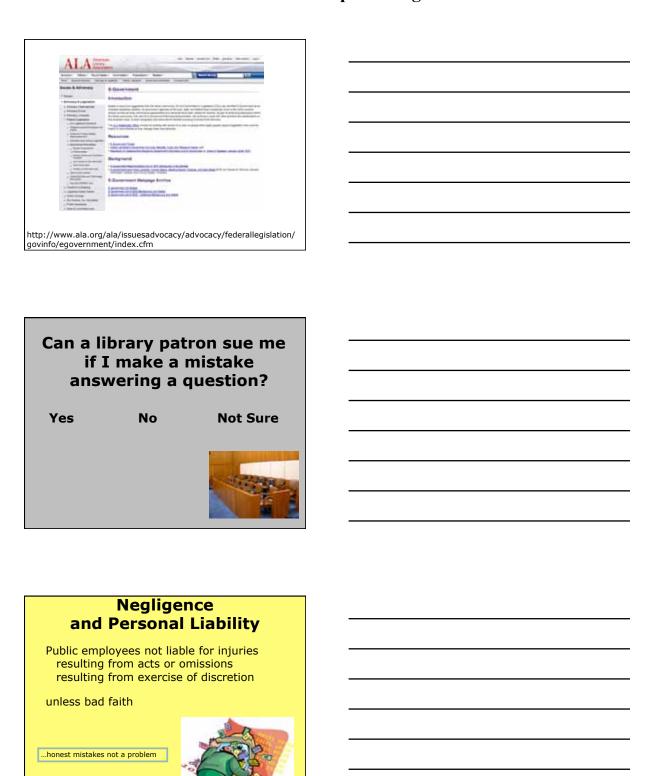
Don't knowingly help someone commit fraud





... with e-gov or any reference inquiry

	Get Help Florida
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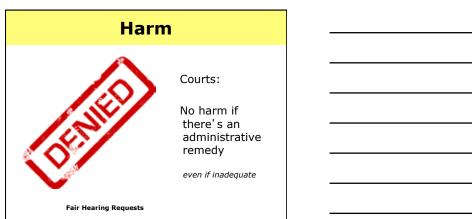


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Calif. Govt Code Sect. 820 et seq.

Unhappy Library User Must Show... Duty • Breach **Disclaimer** • Harm Can a library patron sue the LIBRARY if I err? Yes No **Not Sure** Don't undertake a duty Undertaker's doctrine assume a duty "come to us, we are the experts!" "you can rely on us" Better - "I am not an expert" "Here's a list of forms to look at" *** **DISCLAIMERS**

SAMPLE DISCLAIMER Library staff cannot give users legal, financial or medical advice and are not case workers. Library staff may assist users in searching for E-resources, but may not advise users on specific forms, sign or submit forms for users. The Library is not responsible for the content found on other government agencies' websites. The Library cannot guarantee that other government agencies will receive forms or information submitted from library computers or act on them The Library uses best efforts to ensure network security. Nevertheless, the user assumes all responsibility for the use of the Library's network, including interference with the user's data, laptop or other device. The Library is not liable for the loss or compromise of any **confidential** or sensitive, or any other information, nor for any and all damages resulting from that loss or compromise. based in part on Pasco County Library System **Breach** Don't "sign" or submit for users "I certify everything is accurate" User's responsibility



• Duty no promises • Breach poor security • Harm stolen identity Disclaimer

Discrimination and Disability

Many lawsuits against library make discrimination claims - race, disability, etc.

Treat everyone the same.

Make accommodations.



First Amendment

Speech restrictions should be content neutral



... including cell phone policies







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Communications	
Summary Recommendations	
Emphasize staff does not give advice	
Click-through disclaimers and personal interactions	
User types in social security numbers, passwords.	
User clicks e-signature	
Do not keep user files	
Network security best practices	
Treat all users equally, including cell phone policies	

"Help them find information. Don't tell them what to do."	
Questions?	
Thanks for coming!	
Mary Minow, J.D., A.M.L.S. LibraryLaw.com consult@librarylaw.com	