



*Promoting open and equal
access to justice*

Harris County Law Library



FY2021 Budget Increase Justification Report

An Investment in Access to Justice



The Harris County Law Library is a part of the
Office of Vince Ryan, Harris County Attorney.

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executive summary

An investment in the Law Library is an investment in access to justice.
Now is the time to invest.

Investing in access to justice is a top priority in Harris County. And, rightly so. Harris County sees more litigation, and in particular, more cases filed by pro se litigants, than any other county in the State. As a result, the Law Library has seen tremendous growth in usage. In-person visits to the Law Library have doubled in the last 10 years, with self-represented litigants, entrepreneurs, and students visiting more than 60,000 times each year. That's 90% of our visitors. Web traffic has tripled since 2015, with the majority of growth coming from self-help content and forms packets hosted on the Law Library's website in partnership with TexasLawHelp.org. Those packets contain the "Statement of Inability to Pay Court Costs," which helps indigent litigants access the courts without paying filing fees. In response to these changes in circumstance, the Law Library has expanded services to help the most economically-disadvantaged and marginalized groups who need access to legal information. And we have garnered national attention for these efforts. Funding, however, is not keeping pace. The statutory filing fee that funds the Law Library has not been increased by Commissioners Court since 1990. The funds allocated to the Law Library over the past 30 years have not kept up with inflation and Harris County has fallen behind other Texas counties and comparable counties, like L.A. and Cook Counties. The Law Library therefore requests a modest increase of \$10 in FY2021, to raise the filing fee from the current \$15 to \$25, and another \$10 increase in FY2022 to raise the filing fee to the statutory maximum of \$35. Raising the filing fee is necessary not only to maintain current service levels, but, more importantly, to extend access to justice resources throughout the County to help the 1.4 million people in need of legal information today.

investing in access to justice

The Law Library requests a modest \$10-increase in the law library fund filing fee for both FY2021 and FY2022. The statutory maximum of \$35 per civil filing will be reached with a \$10-increase over two fiscal years. The Law Library's request will not increase fees for indigent litigants or criminal defendants. To the contrary, an increase in the filing fee will only help maintain and expand access to justice services for all.



FY2020—\$1,382,760

FY2021—\$2,304,600

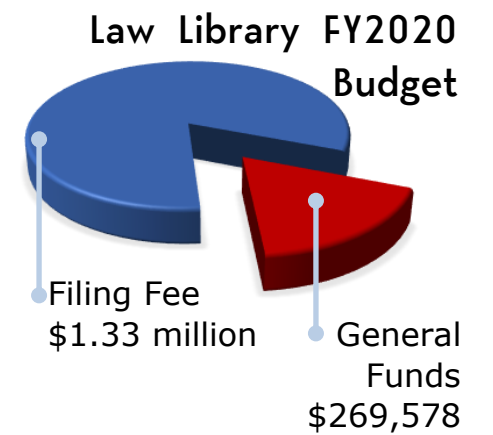
FY2022—\$3,226,440

Estimated impact on fee collections

The law library fund filing fee is collected by the District and County Clerks for new civil filings. The fee is not collected in criminal cases or from indigent plaintiffs/petitioners. Between September, 2018, and August, 2019, Harris County Clerks collected fees for 92,184 cases. Assuming similar filing rates in FY2021 and FY2022, the estimated increase in collections is just over \$900,000 per year.

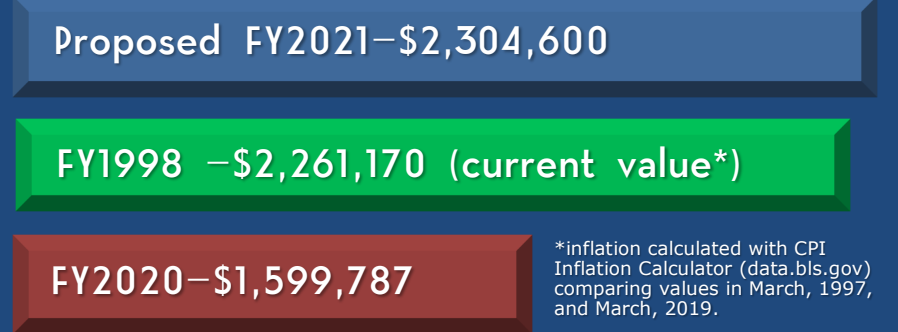
Doubling the Investment

The Law Library received \$269,578 from general county funds and \$1,330,208 from the law library fund filing fee in FY2020. Increasing the filing fee under the statutory funding mechanism would not only stabilize funding for access to justice programs at the Law Library, but also would free general funds for use elsewhere.



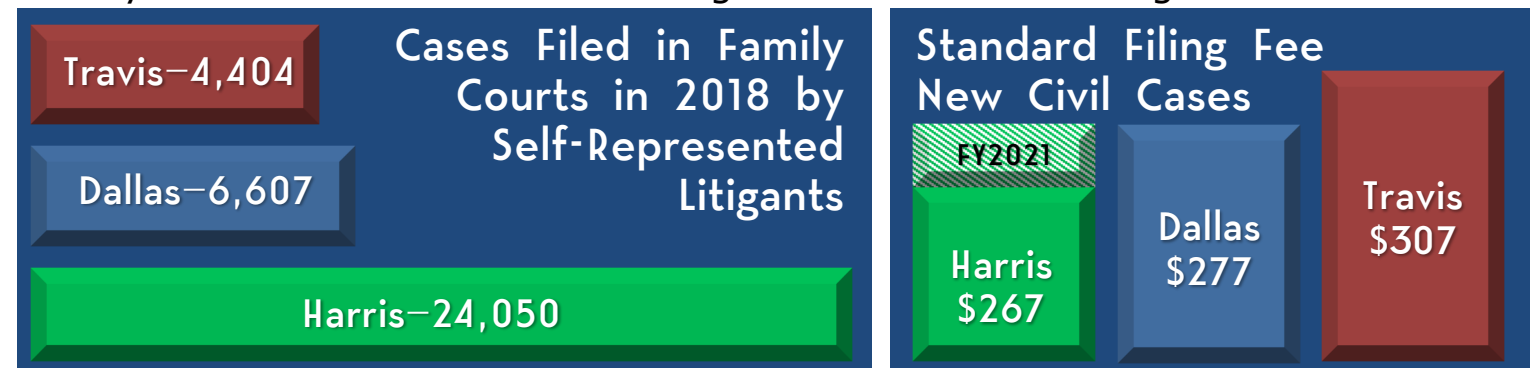
Cost of Inflation

Increasing the filing fee by \$10 in FY2021 would simply adjust the Law Library's budget to account for inflation in the last 22 years.



The lowest fee serves the greatest need in the state

Harris County sees more self-represented litigants than any other county in the State by far, and the Law Library's traffic statistics reflect it. As visits to the Library have doubled in the last 10 years and visits to our website have tripled in the last four, 90% of our patrons are consistently non-lawyers seeking access to justice. There is room in the filing fee structure to increase the law library fund fee while still maintaining one of the lowest filing fees in the state.



Increasing the Law Library fee does not increase fees for indigent filers.



Litigants who file a Statement of Inability to Pay Court Costs and qualify as indigent do not pay the law library filing fee under Texas Rule of Civil Procedure R. 145.



The Law Library helps thousands of self-represented litigants access the Statement each year. See page 10.

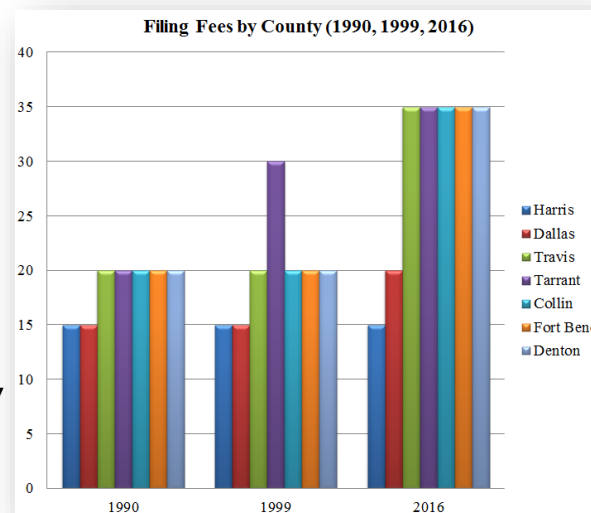
investing in access to justice

Now is the time to invest

A budget increase is necessary not only to maintain current service levels, but, more importantly, to extend access to justice services throughout the County to help the 1.4 million people in need of legal information today.

Increase the Law Library Fund Filing Fee

The Law Library is funded by a fee on new civil cases, which Commissioners Court has not increased since 1990. In the last 30 years, Harris County has fallen behind Dallas, Travis, and other major Texas counties.

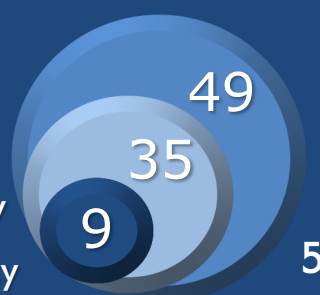


Benchmarks

As a result of a stagnant budget that has not grown with inflation, growth in service has not matched comparable institutions in Los Angeles and Chicago. In short, after 30 years, we need more to continue doing more.

Staffing Levels

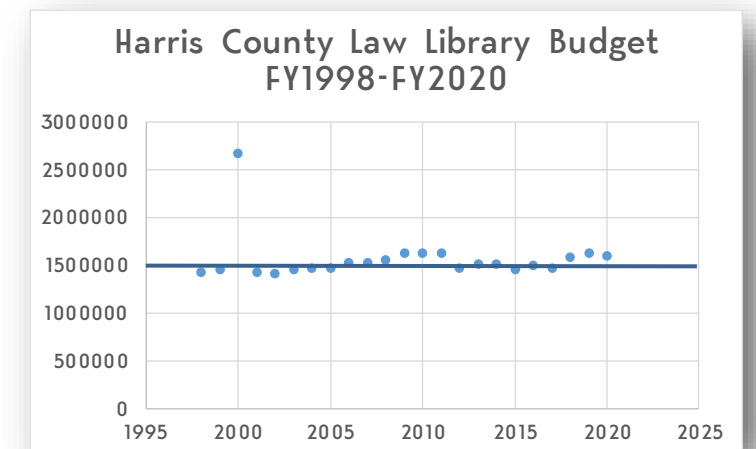
L.A. County
Cook County
Harris County



Flat Budget

Rising Costs

Without a filing fee increase, the Law Library's budget has remained flat for decades, even as salaries and digital subscriptions have risen.



A Proven Record for Access to Justice

An investment in the Law Library is an investment in access to justice for the people of Harris County. This report details the many ways the Law Library supports self-represented litigants who are forced to go it alone in court. The Law Library also assists the legal aid organizations who help pro se litigants, and small firm attorneys who serve individuals who might otherwise have to represent themselves.

A Way Forward—LAWPod

We can extend the Law Library's resources and make the maximum positive impact for access to legal information in Harris County with the LAWPod. "LAW" stands for "Legal Access Workspace." This innovative, fully-accessible pod includes professional legal research tools, such as Westlaw, and a virtual reference desk where law librarians can help self-represented litigants in every precinct.



Powered
by
partnership

**HARRIS COUNTY
PUBLIC LIBRARY**

Working with partners at HCPL, we have identified a library in each precinct to place a LAWPod.

**HOUSTON
VOLUNTEER
LAWYERS™**
A SERVICE OF
THE HOUSTON BAR ASSOCIATION

We have opened discussions with partners at HVL to offer remote legal aid clinics in every precinct via LAWPod.

PROMOTING OPEN AND EQUAL
ACCESS TO JUSTICE FOR ALL

our mission

The Harris County
Law Library is a
public law library
that serves the legal
information needs of

service to all

Who
we serve

1. self-represented litigants,
2. legal professionals,
3. the judiciary, and other county and governmental officials.

Why
we serve

Public access to legal information is a critical component of open and equal access to the justice system.

How
we serve

Our mission is to provide all patrons access to relevant, current, accurate, and practical legal information in the most appropriate and cost-effective formats possible and to provide educational opportunities designed to enhance patrons' understanding of legal information and how it is accessed.

The value of the Law Library as told by those we serve



"I visited yesterday and was helped by a young lady named Sarah. She was extremely helpful and went out of her way to research some information for me."

- Rosemary, self-represented litigant, Facebook review

"The staff is awesome there!!! They are very helpful...

They are very informative and they are truly dedicated to helping people. I plan to take advantage of all the free classes and resources that they offer there!"



- Crystal, self-represented litigant, Google review



"There's a real access to justice problem in the civil courthouse... I deal with it mostly when I have pro se litigants who are almost always under-resourced and underrepresented. They walk into a system that is not a level playing field for them and they have a hard time navigating what feels, I'm sure, like a stacked deck.... I can't do much as a judge for folks who are pro se, but I can make sure they have a resource where they can go find information that will help them navigate the system...."

I want to thank the Law Library for helping make my job a little bit easier."

- Judge Daryl Moore, 333rd Civil District Court, in remarks at Commissioners Court on July 9, 2019

all people deserve open and equal access to legal information



"When legal services are not available and people are forced to represent themselves, forms and guides can help. The library provides them."

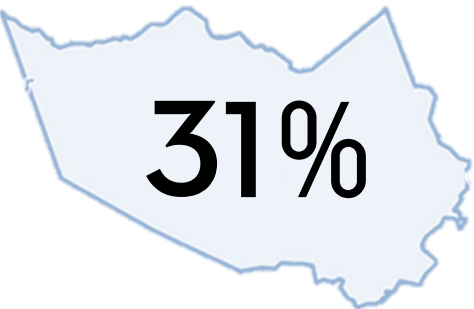
Remarks delivered by Chief Justice Nathan L. Hecht, Supreme Court of Texas, at the Centennial Celebration of the Harris County Law Library, October 1, 2015.

Who uses the Law Library?

90% Self-represented
litigants,
entrepreneurs, students
10% Attorneys &
judges



Harris County, Tex., Resolution (July 9, 2019).



1.4 million people in Harris
County have a civil legal need
and cannot afford a lawyer.

According to the 2016 Justice Gap Report from the Texas Supreme Court's Commission to Expand Civil Legal Services, an individual is considered a "modest-means client" if they "cannot afford traditional legal representation." A "majority of moderate-income individuals do not receive the legal help they need." Recent data suggests 61% of Americans cannot afford a \$1,000 emergency, which would put a typical solo attorney's retainer of \$3,000 to \$10,000 out of reach. Combining these statistics and applying the result to U.S. Census data for Harris County suggests that, at minimum, 1,433,078 people are struggling with civil legal issues without adequate representation.

Patron Visits Per Month

2009
2019



Traffic at the Law Library has more than doubled in 10 years. The major increase is driven by non-lawyers who need information to access justice. In fact, non-lawyers now visit the Law Library more than 60,000 times each year, outpacing law libraries in downtown Los Angeles and Chicago.

Self-represented litigant visits per branch, per month:

Los Angeles—700 Chicago—1,160

Source: *Open to the Public: How law libraries are serving self-represented litigants across the country*, srln.maps.arcgis.com/apps/MapSeries/index.html?appid=5983e5775fbc4dca9443457ad12559ca



80% of civil legal needs of
economically-disadvantaged people
go unmet by legal aid.

Legal Services Corporation, 2017 Justice Gap Report, available at www.lsc.gov/media-center/publications/2017-justice-gap-report

Resource Spotlight: Fee Waiver

Self-represented litigants qualify for a waiver of court costs under TRCP R. 145 by filing a Statement of Inability to Pay Court Costs. In the second quarter of 2018, the Law Library partnered with TexasLawHelp.org to host web traffic for forms packets for self-represented litigants. More than 130,000 packets were accessed through the Law Library's website by the second quarter of 2019.

137,339
fee waivers
accessed
Q2, 2018 -
Q2, 2019

promoting digital inclusion

Digital resource use up 703%

The Law Library provides access to legal databases to all. Use has increased dramatically in the last 10 years. For example, Westlaw usage has gone from an average of 581 searches per month in 2010 to 4,666 in 2019.



Average visits per month to harriscountylawlibrary.org are up 1,392% over 2015

2015
962

2019
14,351

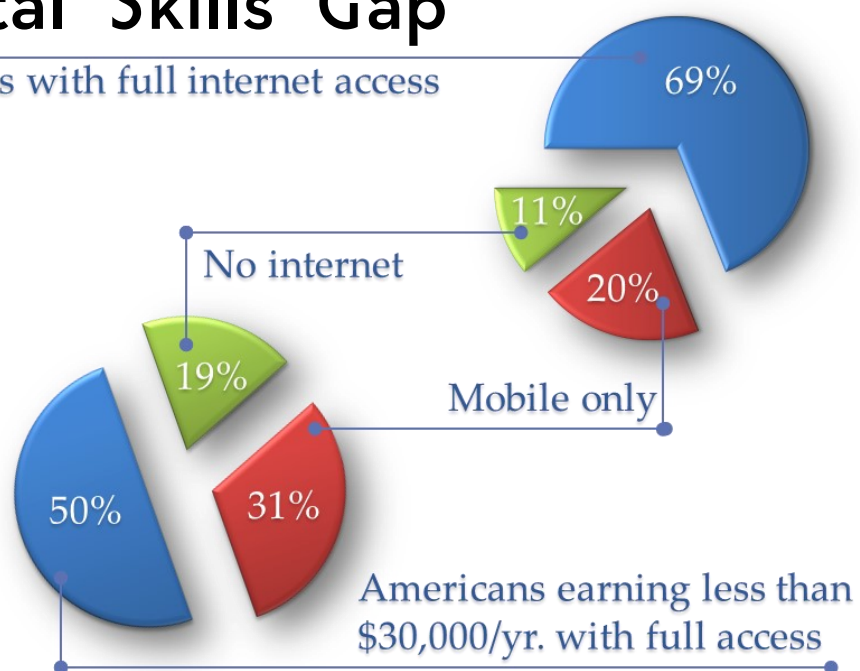
Driven by major increases in use of self-help content

Bridging the Digital Skills Gap

People who live in poverty are less likely to have home internet access, more likely to be mobile-dependent, and less likely to have adequate technology training than others. When internet access and tech skills are requirements to access justice, these gaps become barriers to entry.

What happens when you run out of data and cannot afford another gigabyte?

Americans with full internet access



Source: Pew Research Center, Internet/Broadband Fact Sheet, available at www.pewinternet.org/fact-sheet/internet-broadband

We cannot outsource our responsibility.



Paywalls are a major impediment to access to legal knowledge online, just like the cost of books was 100 years ago. Simply referring pro se litigants and the solo attorneys who serve individuals and small businesses to a website is not a solution. The solution is to provide access.

Return on Investment

On March 27, 2019, researchers accessed \$22,089* worth of materials via Westlaw at the Law Library. The daily subscription cost was \$288.

*Westlaw user report on file with Law Library.

Support for area institutions



South Texas
COLLEGE OF LAW
— HOUSTON —



Operating procedures for the 1st and 14th Courts of Appeals note reliance on access to LexisNexis at the Law Library.

The Fred Parks Law Library cut public access to databases and refers pro se litigants to the Harris County Law Library.

HVL clients and attorneys use library resources.



You wait.[†]

Mobile-dependent internet access hinders access to justice when waiting is not an option (e.g., 20 days to answer a lawsuit). Without digital access at libraries, impoverished litigants can lose access to justice.

[†]See, Tanina Rostain, Techno-Optimism & Access to the Legal System, 148 Dædalus 93 (2019).

Helping the helpers.

Law Library staff is helping Judge Jeremy Brown, Harris County Justice of the Peace for Precinct 7, Place 1, convert a holding cell into a community legal resource center, turning a place of imprisonment into a place of empowerment.



Judge Jeremy L. Brown

Harris County Justice of the Peace for Precinct 7, Place 1
5737 Cullen Blvd, Houston, Texas 77021

empowering through education



Informal training happens at the reference desk.

Reference questions received each month have tripled since 2013.

? 936 per month in 2013

? 2,783 per month in 2019

Scarcity of Training on Legal Technology and Research Endangers Access to Justice

Attorneys are required to keep up with technology. However, the availability of training on legal technology and research platforms impacts solo attorneys more than those at the largest firms. At firms with 500+ attorneys, 98.4% reported adequate training opportunities. Only 25.6% of solos reported the same. The threat to access to justice arises from the disparate impact on individuals and small businesses that solos are more likely to represent.

25.6%
Training availability for solos

98.4%

Training availability at firms with 500+ attorneys

Classes are always free and available to all.



The Law Library has greatly increased the number of educational opportunities it offers to the public. While most sessions are accredited by the State Bar of Texas, all are open to everyone.



In particular, participation in the Law Library's Legal Tech Institute programs has increased. These programs cover the basic digital skills needed to participate in a modern legal environment.

Program Attendance

2018
115

2019
237

Access to Digital Literacy Training is Critical to Digital Inclusion for All

The National Digital Inclusion Alliance includes skills training as a necessary element for digital inclusion. While public libraries teach general skills, only public law libraries are teaching skills needed to access legal information.

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In the Community
Law librarians regularly present programs for Harris County senior centers, public libraries, paralegal programs, and law schools.



On-Demand
Streaming CLE content on the Law Library's YouTube channel has received more than 10k views.

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*Promoting open and equal
access to justice*

Harris County Law Library

Location

1019 Congress Street
Congress Plaza, 1st Floor
Houston, TX 77002

Hours

Monday–Friday
8 a.m.–7 p.m.

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