

# Helping Library Users with Legal Questions

Deb Hamilton

Strategic Services Librarian – Law Collection

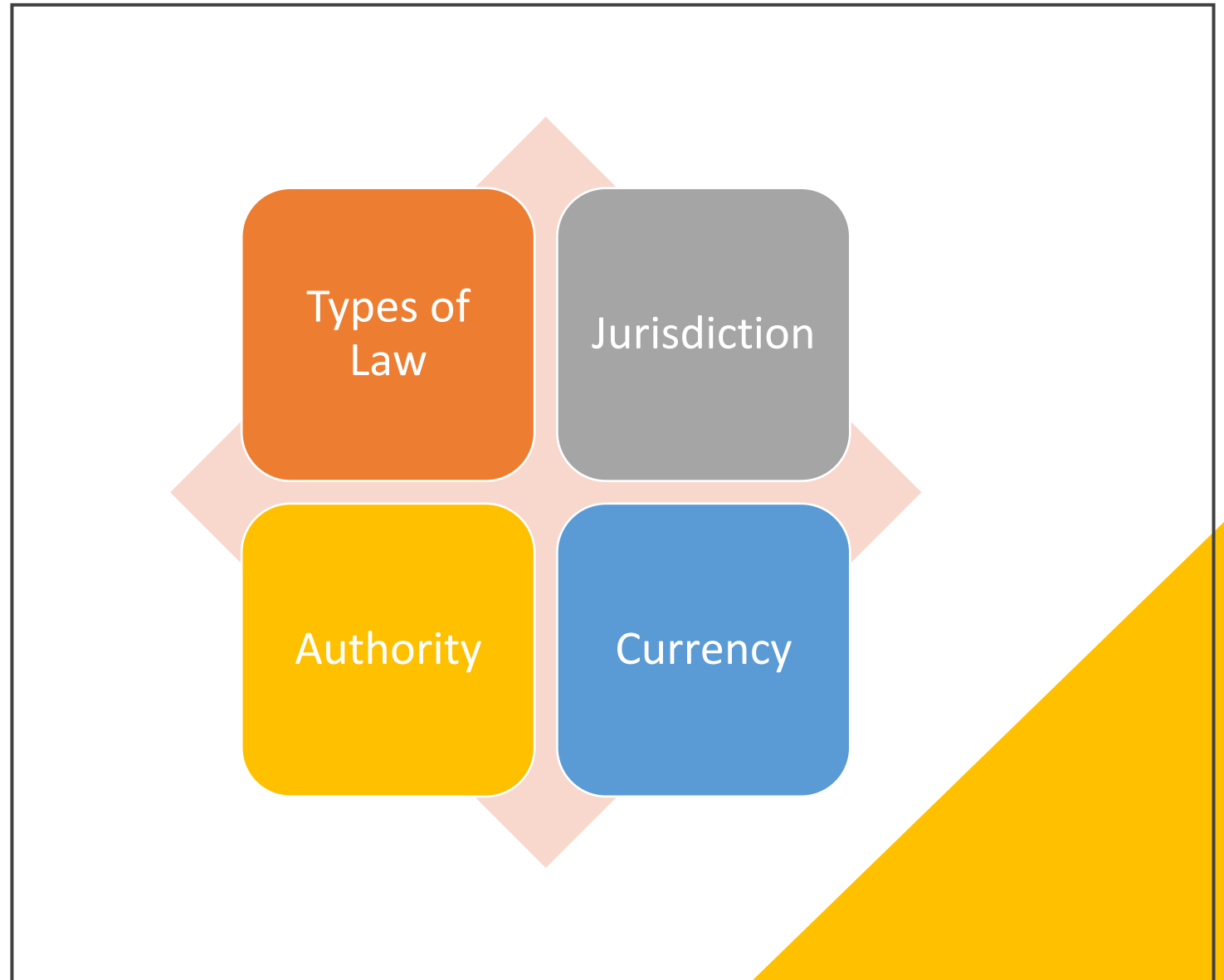
Pikes Peak Library District



# Overview

- Legal Reference Basics
- Legal Reference Interview
- Legal Information vs. Legal Advice
- Strategies for Working with Patrons
- Online Resources
- Homeowner Association Laws and Resources

# Legal Reference Basics



# Types of Law

Law is generated by all branches and all levels of government.

- Public Law
- Constitutions
- Statutes/Codes
- Regulations/Executive Orders
- Case Law/Common Law
  
- Forms
- Court Rules



# Jurisdiction

- Local – e.g. barking dogs, fence lines, minor crimes like traffic infractions, shoplifting
- State – e.g. divorce, landlord tenant, wills/estates (probate), contracts, torts
- Federal – e.g. bankruptcy, copyright, discrimination, ADA





# Authority

- **Primary Authority – The law itself**
  - Constitutions
  - Statutes/Codes
  - Regulations/Rules
  - Executive Orders
  - Case Law/Common Law
- **Secondary Authority – Interpretations and explanations**
  - Dictionaries/Encyclopedias
  - Nolo Books/Nutshell series
  - Treatises/Practice Aids/CLE Materials
  - Law Reviews

# Currency

- Is the law up to date?
- Know your legislative session and where to look for new laws
- Especially important when researching case law





# Legal Reference Interview



# Legal Reference Interview Process

1. Use open ended questions to determine the subject area
2. Determine jurisdiction
3. Brainstorm a list of key words to search with
4. Locate resources and demonstrate how to search and use the resources

# Legal Reference Interview

Goal: To locate binding primary authority for the question at hand

Avoid: Giving legal advice or interpreting sources

# Legal Information v. Legal Advice

<b>Information</b>	<b>Advice</b>
Direct patrons to where they can find forms and instructions for forms	Recommend a specific legal form; fill out a form; draft legal documents for a patron
Suggest resources; locate an item or law using a citation	Tell the patron this is the law he is looking for without him providing a citation
Legal definitions; Procedural definitions	Legal interpretations; Procedural advice
Cites of statutes, court rules, and ordinances	Research of statutes, court rules, and ordinances
Options	Opinions
General Referrals	Subjective or biased referrals

# Strategies for Working with Patrons



Think in terms of sources, not answer or interpretations



Try to move the patron one step forward



The law is confusing so patrons may not use the correct terms or tell you everything that is pertinent



Take your time and don't take things personally



Listening as a service



**Refer, refer, refer....**

# Online Resources

Florida Courts

Florida Bar

Florida Statutes

Florida Regulations

Federal Resources

Aggregator Sites

# Homeowner Association Laws

- [FL Dept of Business and Professional Regulation – HOA Statutes and Rules](#)
- [Florida Statutes, Chapter 720](#)
- [Florida Rules of Civil Procedure, Rules 1.221 and 1.222](#)
- [Florida Administrative Code, Ch. 61B-80, 81, and 85](#)
- [FL Dept. of Business and Professional Regulation – Condominiums/Cooperatives Complaint Form](#)
- [County Clerk](#)
- [FL Dept. of State Divisions of Corporations](#)

# HB 1203 – New limits on HOAs

---

## As of July 1, 2024, HOAs may no longer:

- Enforce architectural and construction improvement rules on some residents but not others
- Ban homeowners or their invited guests from parking personal, business or first responder vehicles (including pickup trucks) that are not commercial vehicles in their driveways or any other area where they have a right to park per state, county and municipal regulations
- Ban contractors or workers from the homeowner's property
- Fine residents for leaving garbage cans at the curb or the end of their driveway within 24 hours of a scheduled trash collection
- Fine residents for leaving up holiday lights or decorations past the HOA's rules without prior notice, after which the homeowner will have one week to take them down
- Limit or create rules for the inside of a structure that isn't visible from the street, a neighbor's property, an adjacent common area or a community golf course
- Ban vegetable gardens or clotheslines, if they can't be seen from the street, a neighbor's property, an adjacent common area or a community golf course
- Require review and approval of plans for central air conditioning, refrigeration, heating or ventilation system that isn't visible from the street, a neighbor's property, an adjacent common area or a community golf course and is similar to previously approved systems
- If a construction or improvement request is denied, the HOA also must provide written notice "stating with specificity" exactly why and under which rule or covenant.



# Other Trainings



WebJunction – [Improving Access to Civil Justice Through Libraries](#)

Niche Academy – [Assisting Patrons with Legal Questions: Legal Reference Interviews, Referrals, Programming, and Outreach](#)





# Helping Library Users — WITH — Legal Questions



Practical Advice for Research,  
Programming, and Outreach

Deborah A. Hamilton

July 2021

Hardcover: 9781440872006

<https://www.abc-clio.com/products/a6130p/>

# Questions?

Deb Hamilton

[dhamilton@ppld.org](mailto:dhamilton@ppld.org)

719-531-6333 ext. 6058

