

# Law Librarianship in the Digital Age

Edited by Ellyssa Kroski



THE SCARECROW PRESS, INC.

*Lanham • Toronto • Plymouth, UK*

2014

Published by Scarecrow Press, Inc.  
A wholly owned subsidiary of The Rowman & Littlefield Publishing Group, Inc.  
4501 Forbes Boulevard, Suite 200, Lanham, Maryland 20706  
www.rowman.com

10 Thornbury Road, Plymouth PL6 7PP, United Kingdom

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British Library Cataloguing in Publication Information Available

**Library of Congress Cataloging-in-Publication Data**

Law librarianship in the digital age / Edited by Ellyssa Kroski.


pages cm

Includes index.

ISBN 978-0-8108-8805-0 (cloth : alk. paper) — ISBN 978-0-8108-8806-7  
(pbk. : alk. paper) — ISBN 978-0-8108-8807-4 (ebook)

1. Law libraries—Handbooks, manuals, etc. 2. Libraries and the Internet.
3. Digital communications—United States. I. Kroski, Ellyssa, editor of compilation.  
Z675.L2L3839 2013  
026.34—dc23

2013021494

 The paper used in this publication meets the minimum requirements of American National Standard for Information Sciences—Permanence of Paper for Printed Library Materials, ANSI/NISO Z39.48-1992.

Printed in the United States of America.

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## The Future of Law Librarianship

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The law library has long ceased to be primarily a physical place; at its core, arguably, it has never been primarily a physical space. As the space was de-emphasized, service was elevated and linked to the mission of the parent institution, whether law school or firm. In providing service to their users, law libraries have evolved to be much more than an “as needed” destination. Their sphere of influence has expanded despite the reduction in their physical footprint and volume count. Law librarians have turned to the goal of accomplishing more—creating more productive scholars and lawyers—with less space, less money, fewer staff members, and without many other resources. In the future, law libraries will align to even more closely reflect the priorities of their users and institutions rather than being concerned with where they are “housed” and how to inevitably expand their physical presence.

The core valuable resource, the information management professional or the librarian, remains at the center of this service model. Users, whether students, faculty, attorneys, or partners, will continue to ask questions as they grapple with massive amounts of information and confront newer, more complicated, and specialized tasks. As a result, strategic plans will be played out in the libraries while law librarians—ever nimble—adjust their work to shifting priorities: analyzing, anticipating, spotting, and monitoring valuable trends as well as preserving institutional knowledge and securing them for future exploration. As law practice becomes increasingly specialized, globalized, and competitive, academic instruction will follow. Research courses will need to be sufficiently basic for new students, who are only beginning to learn legal vernacular as well as information literacy. Yet they must also be specialized, even with a global focus. Proving the

value of these services, by counting what is difficult to quantify, and monetizing them where appropriate with increasing transparency will be a priority for librarians.

The benefits, opportunities, and challenges facing academic law libraries mirror law firm libraries and all other types of law libraries. First, law libraries of all kinds support changes in the practice and business of law, including the development of instructional programs to incorporate and support specialized, practice-specific research, greater analytic research skills, information and knowledge management, in a platform agnostic way. Next, being mindful of the future and the institution's strategic goals, law libraries will be responsive to the needs of their institutions, whether academic or firm, by controlling costs and promoting efficiencies, exploring new markets for legal services, supporting research, and providing instruction. Indeed, providing a high level of service has become bedrock of what we do. Finally, law libraries will combine forward-looking thinking and creativity to prepare for alternative roles, while continuing to engage in the nuts-and-bolts aspects of public service and teaching. This means branching out and developing subject specialties to support new practice areas or faculty interests, as well as developing high-level technological skills to build effective and interactive information portals, knowledge bases, and repositories. Librarians will take these new specialties and make them highly visible, developing lasting and strategic thought leadership, promotion, and institutional alignment. As with practice research support in the firm, instruction must be available on demand and just-in-time in a mobile environment and in a variety of modes to support the adult learner at his or her point of need.

### SERVICE CONCEPTS: MISSION, GOALS, AND STRATEGIC PRIORITIES

Contemporary law librarians are flexible and innovative by nature, training, and necessity. The past twenty years have brought sweeping, transformative change to all areas of law librarianship. Nothing has been spared. Technology has changed everything from collection development practices to the use of space and reference and instruction. Research platforms and systems, such as Lexis, Westlaw, and West Digest System, which operated as the standards for decades, must be used alongside systems that operate with a completely different logic, that is still somewhat "fuzzy," not completely transparent in how it works, and more like Google than the classic research systems. And other databases and indexes are following suit. For the librarian, this means that as soon as she learns one system well, she has to adapt and learn another system. As a result, law librarians are constantly innovating and looking for opportunities to evolve and

develop their skills, learning these new platforms because our users prefer them, and use them, but require help navigating them efficiently. Law librarianship joins several other industries in adaptability. Generally, increasing competition in the global marketplace has encouraged a customer service emphasis, in performance and title. Visibility and availability of support is a critical component of any sustained customer experience. New titles and job categories for librarians combined with the evolution of a solid history of service can promote and renew the value of the profession.

The pervasiveness of online chat in a support function to varying levels of effectiveness is an illustration of the direction of what consumers—the students, practitioners, associates, clients, or partners—expect. Yet, in the process of any given transaction, how often does a window pop up and ask whether help is needed? How often is "help" actually achieved with this method? Customers of all types quickly learn that all customer service is not equal just because the technology and infrastructure is similar. Without a knowledgeable, efficient, and well-educated provider end of help chat, the concept falls flat. The law librarian of the future needs to embody this helpful presence in an effective way, knowledgeable of the basics as well as the more advanced specialized fields. Likewise, to be credible practice support, she needs to be visible, available, responsive, efficient, and accurate. She is required to be the best, at all times and at all points of contact. Academic law librarians must couple teaching with service as they help students—so that they can later find the answer for themselves—even over chat. Whether bringing an inquiry to a traditional reference desk, using a mobile app, e-mail, or chat window, the service concepts must be carried through to a logical and helpful conclusion, and the librarian must meet the user where she finds her.

As for the concept of service in the large law firm library, increased competition from legal process outsourcing (LPO) and consultancies have entered the picture. With the rise of firms such as Integreon,<sup>1</sup> upper management has found the need to evaluate these options. Large firms in particular have been called upon to justify their costs and service levels in light of these alternatives. Yet an advantage an incumbent law librarian has is that she knows and understands her patrons and can customize the service levels to respond to and take into account the internal strategies and overarching mission of the firm. Where an outside firm or consultant must ramp up and get to know the firm at the outset of each project, the in-house librarian has a more insightful understanding of organization, strategy, personnel, and information-seeking behaviors (or idiosyncrasies). Even if a librarian is relatively new to a firm, if effective knowledge management has been exercised and she is an active contributor with access to the right information, there is no substitute for tailored contributions to the business.

Likewise, in the academic law library, the concept of service has moved beyond the reference department. All departments in the contemporary, academic

law library must be focused on public service, with the mission of the institution driving the work. For instance, if the law school's mission is enhancing clinical and experiential programs, then librarians in each department have a role to play: Acquisition and collection development librarians must purchase the necessary monographs and practice materials; librarians with an expertise in electronic resources must make sure the appropriate databases are selected; access and circulation librarians must make sure that anyone who needs to access the library's materials can do so; and reference and instructional librarians must make sure they can teach research in the substantive areas, know how to find and use the best sources, author research guides and finding aids that meet the needs of clinicians and students. More importantly, all librarians must be seen as legitimate partners worthy of intellectual and substantive academic partnership.

To be sure, academic law libraries are frequently understaffed and overwhelmed with work as librarians have become some of the busiest and most in-demand professionals in a law school. Considering that most academic law librarians have responsibilities for teaching research courses, providing reference services (via chat, e-mail, telephone, or in person), collection development, cataloging or maintaining electronic records, writing research guides, and liaising with faculty to assist with their research, librarians must often determine what to stop doing.<sup>2</sup> Reflecting back on the institution's mission, strategic goals, and priorities can service as guide posts for making decisions about services.

### CHANGE MANAGEMENT, CONTROLLING COSTS, AND PROMOTING EFFICIENCY IN A COMPETITIVE CLIMATE

Law firm practice has evolved due to economic pressures. Big law is consolidating and revenue is flattening due to downturns, globalization, and increased competition. The AmLaw100 is changing. Ten years ago, an average AmLaw100 firm had fewer offices and fewer attorneys but more revenue per attorney when factoring in inflation. Law school enrollment is down for the second year in a row by significant percentages. Firms and law schools are asking librarians to do more with less. As a result, the pressure to cut costs and provide more efficient services to clients is greater than ever before. An opportunity exists here for shrewd contract management in the law firm library as suppliers have also had to consolidate in the face of increasing competition and market pressure. More and more small vendors are being acquired by large publishers. In this developing environment, good relationships with a few core publishers are critical for today's librarian. Small firm, corporate, and solo practices are also affected by the shift in big law. Firms are increasing in size and diversifying their services alongside their suppliers.

The larger firms are in a race to the bottom in the regional markets for new business while the regional markets are competing with solo practitioners for work that was formerly theirs for the taking. As a result, firm law librarians need to be mindful of the scale and flexibility of their contracts, with an eye to the business. Is a merger likely on the horizon? Are we hiring laterals primarily rather than promoting through a traditional summer associate track? Increasingly, summer associate classes are shrinking while lateral hires have increased. Research professionals must be aware of trends in the industry as this awareness informs the strategy of information managers. Likewise, as firms increase their geographic footprint, librarians must be mindful of opportunities to globalize contracts to achieve efficiencies of scale without losing the competitive edge by relying on too few suppliers with long-term contracts.

Typically, law firm library directors and managers are committing to short-term contracts and licenses that allow for more flexible licenses to better support law firms as they develop and change. Because legal research products have become increasingly user-friendly and retraining is straightforward, the costs associated with the implementation of a new platform have diminished. Firms are free to change platforms more frequently. The idea of a firm being exclusively a Westlaw or Lexis shop is no longer supported by training-challenge inertia or the lack of self-starting users. New entries into the marketplace such as the Bloomberg Law platform also give leverage to the savvy negotiator. Yet, due to increased competition and the pervasiveness of nondisclosure agreements, it is difficult to tell if there is an industry standardization for costs taking place. One general assumption is increased competition will drive prices down, but licensing value for proprietary content is still high. While Google Scholar is a starting place for certain primary research, the perception that "everything is free online" is dangerous for newer researchers, particularly in a profession where authority and editorial insight are at the heart of our work product. Insightful editorial content will always be valued, but the market is different. Targeting more specialized markets, the pressure is on for publishers to provide more useful material configurable in multiple ways for customer preference.

Similarly, law schools are critically evaluating their contracts, licensing agreements, and collective development policies and practices. Several factors have made it critical for the large law firm library to control costs: pressure from law firm management to spend less, competition from other departments within the firm, and outsourcing. Likewise, law school budgets are shrinking with the decreased enrollment and the redesign of legal education, in general. Whether in firms or academia, librarians must be prepared to justify spending practices and monitor their budgets closely.

Justifying the cost of legal services or proving the "value proposition," a practice heavily endorsed by many law firms and the Association of Corporate Counsel,

has given rise to an increasing number of competitive pricing structures, notably Alternative Fee Arrangements (AFAs). Library and research service offerings should also promote those values, in the name of flexibility. For instance, the billable hour model for charging for research services is a powerful metric but only if it results in actual revenue value for the firm. If a library does not provide evidence of the value of its work to the firm and the client, the costs resulting from the librarians' work will be challenged by the client, and perhaps not recovered by the firm. This can cause the library to be viewed as a revenue drain.<sup>3</sup>

While some publications have heralded the demise of cost recovery, a substantial number of law firms continue to recover a significant portion of their online research expenditures by efficiently utilizing them and billing them to the client. Creative and efficient use of a variety of digital research subscriptions can result in a huge benefit for the client and can be recovered in some instances, if it is justified. Justifying these charges and promoting the value of our research resources, including staff, are a critical part of the future of law libraries.

Academic librarians, too, must be vigilant about scrutinizing budgets and spending practices. Databases frequently provide duplicative access to electronic resources. And many online resources may only be used to support the research of one or two faculty members. Librarians must compare costs of resources and books with the costs of labor involved in obtaining those materials. For instance, academic librarians frequently determine whether it makes financial sense to buy a new book or to spend staff time processing an interlibrary loan request for that book. Many academic law libraries have canceled their print reporters, law reviews, digests, and loose-leaf services, relying on the availability of these materials online. This, in turn, has freed up funds for purchasing more specialized collections, databases, and staff.

While some believe that all law firm research costs will eventually be subsumed into the hourly rates, questions remain: How does this impact those who believe that firms will increasingly employ AFAs that may not be dependent on hourly rates? How does this work in a flat fee or contingent or other discounted model? Flexibility will again be the order of the day in order to preserve firm revenue. Just as finance departments in law firms have been asked to find more options for a happy client retention agreement, so must the library be flexible in its method of responding to increasingly complex client billing demands.

Academic libraries must maintain this same flexibility. As librarians meet the needs of just-in-time users, they must also meet the needs of patrons who need specialty resources. Meeting these needs frequently requires a difficult calculus. For instance, when a faculty member researches legislation and legislative processes, does the law library support this research by licensing a resource like *Congressional Quarterly*, specifically designed for tracking legislation? Or does the library make do with the adequate but less sophisticated tracking tools built

into the resources already licensed, like Lexis, Westlaw, or Bloomberg? A similar calculation is involved with student and faculty use of PACER, the electronic public access system for federal dockets and court documents. Students and faculty often need and want access to PACER but the fee structure—which charges per page—creates unpredictability in costs for the libraries that often pay the bill. Academic librarians must approach these questions and decisions with flexibility, the ability to be nimble, and change course when necessary, abandoning projects and products that no longer serve the institution's cohort, mission, or strategic priorities.

However a firm library responds to the downward curve of online cost recovery, it must stay focused on the primary goal of providing a valuable service to the firm and its clients. While much has been written about the decrease in the amount of cost recovery for legal research that firms can expect, little has been written about a responsive solution. Focusing on the service that a firm library provides is the way to counter the argument that the demise of recoveries points to the demise of the firm library. Monies unrecovered from billings can be made up for with efficiency of service and new billing methods to recapture the value of research resources and staff. While the commonly mentioned "solution" of billing research into the attorney's billable rates is pervasive, we must also consider this as an opportunity to advance the researcher's billable rate as a solution for lost cost recovery. Encouraging professional researchers with their vast array of specialties and levels of practice "embeddedness" to bill their time, even as a metric if it is not the firm's cultural practice, is a valuable way to offset this trend. Financial metrics that speak the firm's language can go a long way toward effective communication with management.

Special project billing from the library should mirror the firm's practices and provide complex ongoing research products for designated flat fees or retainers. As the complexity of research projects increases, direct billing for special research may be a possibility in many firms. While many firms already provide supervised client services with direct client contact, cost pressures indicate that more of this activity can take place in the future for a more profitable firm. Updating a fifty-state chart, legislative history, or global regulatory process paper for a client and providing it to them with a direct mechanism such as an extranet or other means of secure, remote access, can be another source of funds and value for the digital age library.

Use of subscription management applications that have a cost recovery or billing component can be an effective way to provide metrics. With the evolving nature of these products and the inclusion of workflow and collaborative solutions, they will demonstrate value better than tic marks at a reference desk ever could. The more comprehensive these tools are and the more of the research process they encompass, the more we will be able to seamlessly demonstrate our

activities within the firm. The challenge with the existing systems is that they require some significant implementation time and a cultural shift to incorporate effectively. Ideally a system should work in real time and not interrupt the flow of the question for administrative benefit. Building a knowledge base of answers and perhaps even having them automatically updated would be a valuable resource for a firm.

These tools and statistics combined with billing applications can create a record of the research process that aids in the instruction of new employees, taking us beyond the traditional concepts of “cost-effective research.” True cost-effective research that is tailored to the firm and the firm’s contracts rather than based on general principles (like when to use an hourly versus transactional billing) can be informed by this knowledge base and will inform the research manager where problem areas may lie. Adapting to change and being a nimble and informed manager and instructor is an increasing part of the future of law libraries.

## RESEARCH INSTRUCTION

Most firm librarians promote research training at the new associate orientation as well as when major upgrades occur with research platforms. Often regular training is offered by WebEx or in person by a vendor or librarian. Some larger firms have managers of continuing legal education (CLE) or training that is not in the library, but this can also be an opportunity for the library manager to offer added value to the firm. In the normal course of contract management, CLE and training products are routinely offered as incentives. Promoting this as a function of the library increases the profile of the librarian and contributes to her perception as cutting edge. Offering training and instruction on new products demonstrates that librarians are leading the way and are there to help. Obtaining buy-in from the partnership and key practice leaders for regular training opportunities will enhance the library’s reputation, by providing a valuable “service within a service.” In the global firm, providing on-demand training across time zones and on mobile devices will be essential.

Law firms and law schools share the challenge of instructing students and attorneys to use the right resource for the specific research at hand. Googling has trained everyone to always go to one tool, enter a list of words, and click through the first page or two results (and sometimes this technique will work well using Lexis Advance, WestlawNext, or Bloomberg Law). Research instructors must continue to teach students and attorneys to spend initial moments engaged in the research task or assignment to think about and conceptualize the research problem before venturing into the database. What is known about this issue? What do I already know? Unknown? What types of authority are required?

Next, students and practitioners must be reminded to think about the best type of source for the authority. There are many specialty resources or sources within large databases that can make searching for a particular type of material much more efficient than dumping words into a Google-like, mega-database. Students and attorneys should conceptualize their question and then ask, “Is there an app for that”—with “app” being a specific source.

Law librarians are the experts in legal research. As a result, research instruction will continue to be the bailiwick of reference librarians, despite some short-lived concern that legal writing instructors or vendors would take it over.<sup>4</sup> And so, like the law firm instruction practice, it will evolve accordingly. Students continue to require instruction in basic legal research skills—as they traditionally have—but they will also require researching instruction into new subject areas. But basic instruction must be supplanted by instruction in research management practices and basic information literacy skills, because it has been well documented that many college and law students today know how to Google and graze for information, but they lack the ability to search more deeply, analyze, and evaluate the content they find.<sup>5</sup> Moreover, WestlawNext, Lexis Advance, and Bloomberg Law, for example, have capitalized on this preference and created systems that encourage the use of Google-like search techniques, where students find relevant materials by weeding through thousands of results, of all types of materials, and then filtering, should they know what they are looking for.

Additionally, because supervising attorneys and partners expect students to leave law school “practice ready,” contemporary research should move beyond informative, abstract, and basic. This is the new normal. Research instruction is an opportunity for students to become “practice ready” and begin to hone the skills they will be expected to have as attorneys. Law librarians must devise research problems that promote critical thinking. Law librarians teaching legal research must make the research class problem-based and built around the same constraints new associates will face in practice. For example, cost-effective research is a particular challenge facing new attorneys, and this is especially challenging to teaching in legal research courses where use of the research systems is free and unlimited. Yet students can be asked to research in certain databases or using only a certain number of sources. Likewise, students should be required to track and account for their time spent researching in the same contemporaneous way they will be required to do in practice, to begin to develop a comfort working under these types of constraints and conditions. Teaching students to become cost-effective researchers also means teaching them how to navigate the Internet and use Google effectively. The trend of clients being resistant to paying for research or firms absorbing the cost of research will likely continue and students must be able to use the Internet as efficiently as possible. Students should also understand how to manage mountains of information and stay abreast

of changes in their field or practice areas. Research instruction needs to help students be comfortable with the uncertainties and constraints inherent in law practice. For instance, students need to learn how to balance the requirement to provide a client or partner with a coherent answer to a research question with the problems of time limits and the fact that as an attorney—unlike as a student—there will never be enough billable hours to read every authority.

With online research, digital books, and hyperlinked texts, students need instruction in “the context of legal information.”<sup>6</sup> One of the problems with online research for novice researchers such as law students is that they fail to understand the parts of texts as related to the whole: how they fit together, reference other parts of the text and sources, and when they should be used together. For example, when a student uses a keyword to search for, retrieve, and read a treatise online, she might find the keyword in isolation and often only read the one section of the treatise where the keyword appears—unless she takes an affirmative step to move forward and backward among sections or use the table of contents. In other words, students have to be taught that they are using a text, with the same features of a book or report, when they rely on the materials online. The other problem inherent in the lack of context is that the hierarchy of materials is obscured.<sup>7</sup> Today, sources lack organization in any meaningful way. As Professor Barbara Bintliff has explained, print legal resources brought structure and mechanization, which underscored and helped students understand the context and the material they were using. This is no longer the case with contemporary, Google-like research systems.<sup>8</sup> Helping students “understand the sources and forms of legal information in a holistic way, helping them discern the differences in pattern and structure of primary and secondary legal material” is now a learning objective of legal research instruction.<sup>9</sup>

Most importantly, law students must graduate with the ability to analyze a legal problem, synthesize the issue, and then draft a letter, memo, complaint, brief, contract, or other legal document. They must be able to interview a client and negotiate with an adversary. Other skills are required for more specialized practice, such as the ability to draft a comment to a proposed regulation, request or litigate for information under the Freedom of Information Act, or draft model legislation. And there are countless other skills new attorneys require. Yet, regardless of the specific task, problem solving “is the single intellectual skill on which all law practice is based.”<sup>10</sup> The ability to locate and synthesize authority and then write well is critical. To be sure, locating the authority is no longer the critical mission in legal research—the new Google-like, “smart searching” systems have made finding the law relatively easy. But research instruction can serve as a training ground for teaching students these skills as students can be asked to submit not merely lists of sources located or a discussion of how the sources were located but also practice-like work product where they analyze the authority located.<sup>11</sup>

The types of authorities that librarians should focus their instruction on should also change. The dominance of cases, the lifeblood of legal education since Christopher Columbus Langdell, are being superseded by codes, statutes, and regulations. As Judge Judith Kaye of the New York Court of Appeals observed, statutory lawmaking “has . . . surpassed [the common law] as the preeminent source of law it once was.”<sup>12</sup> Like no other time, statutory law and research is taking on a greater and more prominent role in the lawyer’s work, and the dominance of statutory law has not gone unnoticed in the legal academy. Since the early 1980s, Judge Posner has called on law schools to improve instruction about legislation.<sup>13</sup> Law schools—Harvard, New York University, and Vanderbilt, among others—have been revising their curricula to require courses on regulation and legislation to reflect “the fact that regulations and statutes often play a more important role in the creation and elaboration of law than court decisions do.”<sup>14</sup> Teaching students to work with statutes and regulations in a competent manner offers the additional benefits of more broadly preparing students for legal practice that will not necessarily include litigation. Whereas courts typically value clarity and predictability (as embodied in the concept of *stare decisis*), legislators and regulators strive for consensus, participation from various stakeholders, and information from experts and public interest groups. And this work requires somewhat different research competencies than searching for case law. It requires using the deep Web and using agency websites that are frequently cluttered and disorganized. This work also requires evaluating the information located. Staying current and abreast of changes in the field are paramount. Understanding how the various forms of authority work together and can be leveraged in research is also critical. Additionally, contemporary law students and practicing attorneys must be able to research and use foreign and international materials and nonlegal materials as these sources are routinely cited and judicially noted in court decisions.

### SPACE: NO LONGER A FRONTIER?

For large law firms, where online subscriptions have long supplanted large print collections, this theme seems fully explored. Online resources have largely replaced the bulk of our print collections, and only print specialized materials and deskbooks—which reflect concessions for format preference—remain. Whether the “space” is a library of print materials that is now dispersed into practice areas, or on the desktop, or mobile device, or on a portal, or elsewhere in the future, space is still a major consideration and one that should be expertly addressed with effective management.

Due to the rising cost of print supplementation, office space or real estate, and the flattening of revenues, law firm libraries have kept their active print collections

to a minimum. Although a current online subscription often costs the same as print subscription (despite the perceptions of many), pricing pressures from increased competition and the ubiquity of improving legal information sources that are lower in cost *should* drive prices of digital services down and their quality up. E-books and their circulation have received quite a bit of attention in the industry, but they have not been fully adopted by law firms. Regardless of the form of future digital services, many of the fundamental challenges of licensing and circulation persist. While an enterprise license for the firm or library will still likely be available, it is important to think about how to manage rights in this environment and communicate critical licensing terms to the users. As law firms produce materials and content for direct consumption by clients and provide a variety of licensed services to a variety of customers, careful management of copyright and subscription terms is required. This is a tremendous opportunity for the library manager to control costs and promote efficiency by managing and organizing the variety of digital subscriptions.

Academic law libraries are both physical and virtual. And like law firm libraries, academic library space is at a premium—but for different reasons. Students continue to flock to the libraries, even if they ignore the books on the shelves in favor of accessing material electronically. Instead, students want multiuse space suitable for study carrels or offices, stand-up desks, group study rooms, and storage space for books or law review materials. Within the walls of the library, students engage in a variety of tasks and projects from preparing for class, researching a law review note or seminar paper, to chatting and socializing with friends. So while all students may not be engaging in work *requiring* them to be in the law library, their continued presence in the physical space—a neutral, third space offering comfort, solitude, an opportunity for gathering with others—underscores the importance and the connection of the law library to law school.<sup>15</sup> Indeed, law schools acknowledge the importance of this space as they continue to renovate and build law libraries.<sup>16</sup>

The virtual space is no less important. As the card catalog or physical doors of the past, the library's website is the gateway to the materials maintained and the services offered by the library. Law librarians catalog material and create content such as research guides, blog posts, and lists of resources. Services, such as chat reference, the ability to reserve a room, or complete a tutorial, are available through the law library's website. As a law library's website is relied upon by students and faculty to access the collection, librarians and other staff frequently use the Web resources in the course of their reference and instructional work. This means that while librarians create and maintain content, they must simultaneously determine whether they are serving their primary users and to what extent are *they* using this content. Is it easy for those primary users to use? Talking with students about how they do research, conducting usability testing,

or simply watching students use the library website can be illuminating. Law librarians may be shocked to discover that many law students access library databases through Google!

Although ceasing to collect reporters, loose-leaves, law reviews, and other material that is duplicative of licensed, electronic content and more cumbersome to use in print, law libraries continue to collect print materials. Monographs and codes are among the most popular. Users still read print—and prefer to, in many instances. And scholars continue to write books; faculty and students continue to rely on books in their research. Law libraries are showcasing monographs by sponsoring books talks or discussions, blogging about new books, and creating displays to show new faculty titles.<sup>17</sup> However, the law school's print collection must reflect the priorities and desires of the users. As Penny Hazelton thoughtfully observes,

if law libraries ever forget their student users—that is, they fail to take into account students' needs in the academic environment—law students will not even darken the law library door. Law library space will be completely converted to other law school purposes, or our law libraries will be the cold, empty spaces the naysayers foresee in a future without books.<sup>18</sup>

Librarians should listen closely to their users and the needs of their users. If they are asking for materials, librarians should consider purchasing them; if they are asking for space for a particular use, that use should be carefully considered—with the presumption in favor of usage. We should closely monitor our physical and virtual spaces to confirm (1) whether they are being used, and (2) whether they are being used as intended. Too often librarians continue activities or practices that fail to resonate with users. There may be practices, such as blogging or creating research guides, they want to continue—or practices librarians think their patrons appreciate—but in reality, barely notice them.

### EXPLORING NEW MARKETS FOR LEGAL SERVICES AND RESEARCH SERVICES

Academic and firm librarians are well prepared to leverage technology. They use technology to fill the holes within our institutions, as institutions grapple with using digital materials. Librarians regularly adjust their practices, whether work flow or pedagogy, to use collaborative platforms, redesign knowledge management to work paperlessly, save materials to the cloud, and interact with electronic platforms and materials in a myriad of individualized ways.

While other law firm administrative departments (including the library) have lost funding and reduced staffing levels to respond to flattening revenues, business

development has typically not experienced the same treatment. Anecdotally, they are often seen as the “Hail Mary” of the law firm playbook and funds and staff are added, even in tough times. When there is less business, these professional colleagues are encouraged to strategically reach out and bring it in. The attitude toward this and the response by the law firm library is important to the future of the law firm as a whole.

Some library departments directly report to business development already; others are increasingly finding that more of their workload is based on business development or competitive intelligence needs of the firm. Seeing this change in the light of opportunity, the digital law firm library of the future can produce more integrated and responsive business development solutions. Other law library departments can contribute to project management or the evaluation of online resources for a practice group such as intellectual property (IP), where they may have significant experience.

In addition to these alternative roles for research services, other metrics and monetized services must be mined by the law firm for value. The law firm librarian or information professional should provide the vision. For example, where there is a need for international document authentication or visa applications, a law librarian can set up an intelligent process and service and monetize it appropriately. Librarians are natural managers of projects as well as organizers of information in logical and efficient ways, which is critical to the business of law. Thus, librarians will thrive in an environment where low-cost, high-efficiency projects are rewarded in this cost-pressure environment. Newsletter or current awareness projects can be marketed as a discrete standalone service or offered gratis as a loss leader for firm industrial business. Once contact is established, credibility builds with these services, and clients may be in direct contact with the law firm librarian of the future. Clients appreciate responsive work and keeping ahead of the curve while sorting out the sea of irrelevant material. Librarians can produce the customized, targeted information to the fore for those clients in an extranet, and this may become a trusted secret weapon. The partners and other stakeholders of a law firm appreciate this as well because it translates to satisfied clients and the may become willing to trust them with more business. It also simply reinforces that the firm is a credible knowledge leader in its desired area of work.

Law school libraries are not shying away from these new opportunities either. Indeed, the flexibility, innovation, and creativity of today’s law librarians means they are leveraging high-level technology, teaching, and information management skills to take on new and unconventional projects to fill gaps and satisfy demand and need. With Duke Law School leading the way, law libraries are managing digital repositories to make faculty and student scholarship accessible and open to anyone with an Internet connection.<sup>19</sup> Law libraries are also approaching faculty projects by creating innovative resources. Following in the

footsteps of university librarians, law librarians now create portals for the storage and access of primary documents or images from faculty published works.<sup>20</sup> Likewise, as law schools undergo a shift in the curriculum and focus away from doctrinal subjects to experiential or clinical training of specialized lawyers, the law library must find opportunities to align its work with emerging strategic goals of the contemporary law schools. And law library collections must bend and shift to follow the unique focus of law school, faculty, or mission. Law librarians must do this while continuing to engage in the bedrock, nuts-and-bolts work of teaching, reference, and faculty research.

## CONCLUSION

To be sure, what is good for the institution is good for the law library—and this will be evolving as firms change and law schools follow. In the academic setting, law librarians will continue developing subject specialties, in whatever subjects are important for the institution and practice goals of the students and law firm environment. They will similarly use their high-level technological skills to spearhead projects that support faculty research in novel ways. The focus of basic and advanced legal research will continue to move from finding legal authority to understanding it within context and using it as means to teach analytic thinking and creative problem solving. Research instruction will also have to focus on information management and organization, and skills and principles imparted must be platform agnostic.

Law firm libraries will similarly evolve. As law school librarians become more closely integrated with faculty, law firm librarians will become more closely integrated with practice groups. Also like law school librarians, they will offer strategic support, with an emphasis on technological innovations. Projects will include knowledge management solutions, mobility, portal development, seamless service, monetized products, centralized resources, and search tools.

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## NOTES

1. According to the website <http://www.integreon.com>, Integreon is a “provider of integrated legal, research and business support solutions to discerning professionals, including law firms and corporate law departments, leading corporations, financial services organisations and professional services firms.”
2. Carl Yirka, “The Yirka question and Yirka answer: What should law libraries stop doing in order to address higher priority initiatives?” *AALL Spectrum* (July 1, 2008): 28–30, 32.
3. For instance, Bloomberg Law recently reported that 43 percent of law firms believe they are absorbing more research costs in 2012 than they did in 2010. “Law firms eating more costs,” *Bloomberg Law*, <http://about.bloomberglaw.com/2012/11/12/law-firms-eating-more-costs/>.
4. For a summary of the contemporary models of legal research education in the United States, see S. Blair Kauffman, “Information literacy in law: Starting points for improving research competencies,” *International Journal of Legal Information* (2010): 38.
5. John G. Palfrey and Urs Gasser, *Born digital: Understanding the first generation of digital natives* (New York: Basic Books, 2008).
6. Penny Hazelton, “Law students and the new law library,” in *Legal education in the digital age*, edited by Edward L. Rubin (Cambridge: Cambridge University Press, 2012).
7. See, generally, Barbara Bintliff, “Context and legal research,” *Law Library Journal* (2007): 99.
8. Bintliff, “Context and legal research,” 259.
9. Hazelton, “Law students and the new law library,” 174.
10. Myron Moskowitz, “Behind the case method: It’s time to teach with problems,” *Journal of Legal Education* 42 (1992): 241, 245.

11. For more on teaching law students analytical skills required for legal practice, see Sarah Valentine, “Legal research as a fundamental skill: A lifeboat for students and law schools,” *University of Baltimore Law Review* 39, 2 (2010): 175–255.
12. Eric Lane, “How to read a statute in New York: A response to Judge Kaye and Some more,” *Hofstra Law Review* 28 (1999): 85, 86 quoting Judith S. Kaye. “State courts at the dawn of a new century: Common law courts reading statutes and constitutions,” *N.Y.U. Law Review* 70, 1:18.
13. Richard A. Posner, “Statutory interpretation: In the classroom and in the courtroom,” *University of Chicago Law Review* 50, 2 (1983): 800–822.
14. “Rethinking Langdell: Historic changes in 1L curriculum set state for new upper-level programs of study,” [http://www.law.harvard.edu/news/today/dec\\_hlt\\_langdell.php](http://www.law.harvard.edu/news/today/dec_hlt_langdell.php). Boston University, University of Colorado Law, Emory University School of Law, Ohio Northern University College of Law, and Vanderbilt University Law School also recently added a legislation course. See <http://lawteaching.org/publications/ILTLchar-toflegaeducationreform200905.pdf> (Boston University, Ohio Northern University College of Law, Vanderbilt); [http://www.coloradodaily.com/ci\\_15500723?source=most\\_viewed#axzz1GtYhDIA6](http://www.coloradodaily.com/ci_15500723?source=most_viewed#axzz1GtYhDIA6) (University of Colorado Law). “Workshop on the future of the legal course book,” 33 *Seattle University Law Rev.* 292, 301 (2010). Richard Posner, in *Statutory Interpretation: In the Classroom and in the Courtroom*, noted that the University of Chicago also offered a seminar in legislation.
15. For more on law libraries as a third space, see R. A. Danner, S. B. Kauffman, and J. G. Palfrey, “The twenty-first century law library,” *Law Library Journal* 101, 2 (2009): 143–156.
16. Danner et al., “The twenty-first century law library,” 143–156 (noting that Harvard and Yale Law Libraries underwent major renovation in the late 1990s). Other libraries that have been recently renovated include Stanford, the University of Chicago, Indiana University Law School, and Duke, among many others.
17. In this way, perhaps, libraries are taking a cue from public libraries, which began the trend of opening their doors and using their space for book talks or using their space to meet community—not necessarily library user—needs. See, for example, “Breakout no. 7: Libraries as community change agents,” *Knight Foundation*, <http://www.knightfoundation.org/press-room/other/breakout-7-libraries-community-change-agents/> (February 12, 2013); Deniz Koray, “Libraries help homeowners fight foreclosure,” *American Libraries Magazine* (February 12, 2013), <http://americanlibrariesmagazine.org/features/02122013/libraries-help-homeowners-fight-foreclosure>.
18. Hazelton, “Law students and the new law library,” 162.
19. For example, as of February 17, 2013, Yale Law School’s Legal Scholarship Repository (<http://digitalcommons.law.yale.edu/>) contained 4,208 papers, 1,728,678 full-text downloads, and 1,057,512 downloads in the past year.
20. A recent example includes the Web portals created by Yale Law librarians to accompany *Lincoln’s Code* by John Fabian Witt (<http://documents.law.yale.edu/lincoln-code>). The website contains images from the book, a bibliography, and related audio and video. Another example, also created by Yale Law librarians, was a website containing images and other material from the book *Representing Justice: Invention, Controversy, and Rights in City-States and Democratic Courtrooms* by Judith Resnick and Dennis Curtis (<http://documents.law.yale.edu/representing-justice>).