

INTRODUCTION TO LAW LIBRARIANSHIP

EDITED BY
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INTRODUCTION TO LAW LIBRARIANSHIP

Zanada Joyner & Cas Laskowski



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FOREWORD

TERESA M. MIGUEL-STEARNES

Today is August 1, 2020. The world is in the throes of a pandemic not seen since the Spanish flu of 1918. Although we are working mostly remotely, thanks to laptops and wifi, those of us in academia are furiously planning our return to the classroom – physical and virtual – in a few short weeks; and our return to the campus immediately. At the same time, courts and businesses are slowly reopening, closing, reopening again – like a dance, two steps forward, one step back, constantly in motion. Much uncertainty factors into re-opening a campus or workplace amidst debates around safety balanced with effective teaching, learning, and working. What is certain is the disparate impact this pandemic has taken on our Native American, African American, and Latinx communities, including our students and their families.

At the same time, our country is reckoning once again with white supremacy and racism, which pervade long-standing institutions and attitudes in the United States of America. Recent murders of people of color at the hands of law enforcement and civilians alike are rightfully forcing all of us to examine our own actions, attitudes, and practices; our workplaces and our gathering spaces; our neighborhoods and our schools. We are conscious now, more than ever, of the explicit racism, implicit bias, and complicit silence woven throughout our lives, our beings. Law libraries are part of larger institutions, and law librarians are members of professions – legal and library – that parallel the complicated history of inequality in this country.

What does this have to do with a textbook on law librarianship?

Law libraries are a microcosm of the world today, facing unprecedented uncertainty while tackling racism and discrimination in new ways. Libraries have long been at the forefront of racial and social justice activism via community outreach, programming, and collections. But our workforce does not reflect the diversity of the populations we serve. Why is that?

What can we do differently to attract and grow our profession alongside the changing demographics of our communities?

We can start by profoundly reflecting on our profession and radically changing how we teach and practice law librarianship in the 21st century. This textbook, **Introduction to Law Librarianship**, helps us do that. Written and edited by expert practitioners, this tome reframes traditional approaches to law librarianship while expounding on emerging theories and themes permeating society and education, demanding incorporation into the library science curriculum.

We also have an opportunity with this open-access e-textbook to reach beyond our borders. Librarianship is one of the oldest professions in the world. Well before universities, law firms, and courts of law were established, libraries flourished, and librarians were the keepers of knowledge. Librarians have built collections, shared resources, and supported research for hundreds, if not thousands, of years.

Law Librarianship, on the other hand, is a relatively new profession — and it is not a well-established profession in other parts of the world where law is a social science studied at the undergraduate level. There, academic librarians manage law collections in the same spaces in which they oversee their history, literature, sociology, and other resources. There is very little specialization except, at times, with the highest courts and federal legislatures.

Thus, we are uniquely positioned in the United States to share the varied and specialized nature of law libraries and law librarianship with the rest of the world. We have an opportunity to shape the future of our profession in the United States and beyond. This textbook will help us do so by providing new perspectives on traditional activities – activities that we still need to do but that we can do differently, in a more inclusive manner, through a critical lens. Library science faculty and students worldwide will be able to study how we are tackling issues, old and new, and educating students, thus sparking international discussion, debate, and collaboration in our profession. Undoubtedly, we have plenty to learn from colleagues around the world who face different challenges and perform heroic feats with many fewer resources and greater creativity and innovation.

What's next for law librarians? Where are we and our profession heading? Where will the next generation take us?

We are at the precipice of radical social and technological change in the way we work, interact, and solve problems. So now is the time to radically change how we recruit and educate the next generation of law librarians.

For all these reasons, this comprehensive, superbly written, open-access e-textbook is so perfect at this moment in time. Indeed, **Introduction to Law Librarianship** is the first

textbook exclusively devoted to law librarianship. This textbook gives us the tools to critically examine and rethink our profession, our work, and how we educate the next generation of law librarians within these imperfect institutions of historically unequal access. This textbook will allow us to reach beyond our borders to support the growth of the profession around the world.

And who benefits? Naturally, professors and students of law librarianship benefit, both of whom, with this textbook, have a curriculum at their fingertips. But ultimately, it is our patrons – law students and faculty, lawyers and judges, pro se litigants and public patrons – the people whom we serve – the reason we became librarians in the first place – who are the ultimate beneficiaries of the students who will be educated with this unique and transformative course of study.

FROM THE EDITORS

ZANADA JOYNER AND CAS LASKOWSKI

This initial plan for this book preceded the global COVID-19 pandemic. Neither of the editors could have foreseen how this would impact its development, nor how our authors would step up despite various competing pressures. There are no words for the gratitude we have for everyone that contributed, large or small, to this work.

This pandemic tested us all. Law Librarians are constantly called on to adapt and institute creative new solutions or services. The community rallied to support each other and share knowledge so that we all succeed. As you read the chapters in this book, know that it is so much more than a knowledge repository. It is a testament to law librarians and the profession.

We look forward to seeing who you, the reader, become in the future. Welcome!

PART I.

UNIVERSAL TOPICS

CHAPTER 1.

THE PROFESSION OF LAW LIBRARIANSHIP

AAMIR SHAHNAWAZ ABDULLAH, KAYLAN ELLIS, AND HEATHER J. E. SIMMONS

This chapter introduces some topics related to law librarianship at a high level—later chapters will provide more details. We will cover the history of the field, why and how people find their way into law librarianship as a career, its status as a profession, and whether you need a Juris Doctor degree to be a law librarian.

Key Concepts

- Law librarianship has a deep and multifaceted history as a profession in the United States.
- Whether an individual obtains both a J.D. and an M.L.I.S. or only one of the two will affect opportunities and have implications for their law librarianship career, though we are potentially at a tipping point for change.
- Individuals take varied paths to law librarianship.

A BRIEF HISTORY OF LAW LIBRARIANSHIP

Law libraries were established early in United States history, the first being Jenkins Law Library in Philadelphia, founded in 1802.ⁱ The American Association of Law Libraries, our national organization, was founded a century later in 1906.ⁱⁱ Foreign and international law librarianship experienced a renaissance in the years following World War II as refugee lawyers from mostly European countries became law librarians rather than attempting to qualify to practice law. In the early 1970s, legal literature was one of the first bodies of

knowledge to be digitized in full text. Today, law librarians are at the forefront of legal technology as new tools are developed to provide access to and analysis of legal information, including advances related to artificial intelligence, data literacy, and information visualization.

What is Law Librarianship?

Law librarianship is an uncommon profession, with the American Association of Law Libraries comprising about 4,000 members in the 2019-2020 membership year.ⁱⁱⁱ Unlike lawyers, hardly anyone says, “I’ve wanted to be a law librarian since I was a child.” Instead, we each discover law librarianship differently following numerous paths. Law librarianship is a profession that can be challenging to explain to other people. We are often confused with paralegals and legal secretaries. Like most librarians, compared to the general population, many of us are introverts; we are organized, detail-oriented, and share a passion for helping others.

The Ravenclaws of librarianship, law librarians are sometimes perceived by other librarians as elitists. Undeniably, law library print publications are especially challenging to catalog; almost everything is a serial. Law librarians track and maintain many serial and standing order subscriptions, each having multiple parts and pieces to account for—even individual loose-leaf pages. Some of these issues are resolving as resources transition to online and digital formats. But the ever-changing nature of our subject—the law—makes it a highly complex form of literature to maintain and use.

There are many types of law libraries. However, law libraries fall into three main categories: academic, law firm, and government. Academic law libraries provide information, research, and instruction for faculty and students of a law school. Some academic law libraries participate in the Federal Depository Library Program, requiring them to provide public access to government information. Law firm or private law libraries are not open to the public but rather serve the attorneys and other legal professionals in a law office. Government law libraries are located in courts, legislatures, or government agencies at the national, state, or local level. Their mission is to provide information to judges, legislators, and attorneys who work for the government. Some government law libraries, particularly county law libraries, are open to the public and work hard to provide programs to make their materials more accessible to laypeople.

Is Law Librarianship a Profession?

People have long debated whether law librarianship is a profession. But what is a profession? Job postings for law librarian positions typically require at least one “professional” degree – a master’s degree from an American Library Association (ALA)-accredited program in library

and information science. Academic law librarian positions may also require a J.D. from an American Bar Association (ABA)-accredited law school. Most law librarians believe that any discussions with patrons seeking legal research help are confidential because a patron must relate the intimate details of their legal issue before a law librarian can help them. We may not have formal professional privilege, like doctors or priests, but librarians have gone to jail to protect patron privacy. Librarian malpractice does not seem to be an issue; as far as anyone can tell, this has never happened. People are usually just grateful to find someone willing to help them. Requiring an advanced degree, maintaining client confidentiality, and liability for malpractice are factors that typically define a profession. What do you think? Is law librarianship a profession?

CONCEPT IN ACTION: DISCOVERING LAW LIBRARIANSHIP

Sameer, a 22-year-old, just completed his final semester at the University of Houston. He is days away from attaining a degree in psychology. With commencement looming, he now ponders what to do with his life.

Sameer decides to walk around campus and eventually wanders into the University of Houston Law Center's John O'Quinn Law Library. While rummaging through the stacks, he overhears someone yelling at the law librarian at the checkout desk. The person identifies themselves as the parent to a law student and is demanding the book checkout list for a student.

While paying attention to the commotion, Sameer accidentally walks into a wheeled cart. Fortunately, he does not fall. However, there is now a pile of what looks to him like serial textbooks, barcoded items titled "pocket parts," and individual recently released books.

Sameer feels embarrassed as law students studying nearby look at him sideways. He eventually realizes the mess he's made and tries to put the books and documents back on the cart. But, an older man indicates that Sameer should stop because there was a precise order to how the material was laid out.

Not wanting to be a nuisance, Sameer goes to sit at an empty table. In front of him is a book about whether one's LSAT score is indicative of a student's success in law school.

After reading a few pages, Sameer decides he should go. On his way out of the building, he overhears someone else. This person is looking for a form to respond to a foreclosure on their property.

Unauthorized Practice of Law: Legal Reference or Legal Advice?

Law librarians who work with the public spend a lot of time thinking about the unauthorized practice of law. Consider medical librarianship. A patron approaches the reference desk and lists symptoms that a medical librarian types into a database. If the medical librarian prints out a list of diseases matching those symptoms, is she practicing medicine? Probably not. After all, differential diagnosis and treating disease by prescribing medications are complex processes. In the law, the only things we have to work with are words and what they mean. Interpreting a word's definition and exploring how it applies in a specific context, like a statute, is practicing law. Law librarians worry a lot more about the local bar coming after them for unauthorized practice than they do about getting sued by patrons, but neither problem is likely to occur.^{iv}

WHAT ARE THE BENEFITS & DRAWBACKS OF HAVING OR NOT HAVING A J.D. AS A LAW LIBRARIAN?

Within the profession, there is much conversation regarding the necessity of attaining both a J.D. and an M.L.I.S. Historically, both the J.D. and M.L.I.S. have been required to attain “good” positions as a law librarian. However, as time goes by, many view the M.L.I.S. as being enough to succeed and thrive throughout the profession.

Below are two tables providing the benefits and drawbacks for both propositions: having dual degrees and just having an M.L.I.S. These tables will help parse the difficult decision of paying for more degrees. Ultimately, through a careful evaluation of the tables, one can truly make a meaningful decision.

Interestingly, from the standpoint of the would-be professional, the most important aspect is one's ability to attain a job. From this perspective, turning to “job requirements” or “job qualifications” in job postings is the best option. And, these tables will help distinguish whether earning those degrees is worth the cost, effort, and time.

DUAL DEGREE

Benefits	Drawbacks
Salaries are generally higher compared to other library types	Cost to earn both degrees is significant, as is the time commitment
May relate well with law students, attorneys, and law school professors	Only a handful of hybrid online programs exist, but part-time and evening programs are available
Likely required for certain career goals, particularly in academic law libraries	May feel “stuck” in the profession to make use of both degrees
May enjoy increased credibility among patrons and colleagues	Further removed from the layperson experience

M.L.I.S. ONLY

Benefits	Drawbacks
Earning only the M.L.I.S. is faster and significantly less expensive	Steeper learning curve to enter the profession, especially for early-career law librarians
Reputable online and/or part-time programs are plentiful	May need to be willing and able to relocate, as fewer non-J.D. positions are likely to exist in each law library
Can pursue opportunities in other library settings; not tied to law librarianship to make use of a J.D.	Opportunities for advancement may be limited
Legal layperson perspective can help connect to patrons, particularly 1Ls and pro se patrons	May struggle to earn the respect of patrons and even colleagues compared to those who attend law school
Variety of opportunities exist, particularly in law firms and as public and technical services librarians in academic and government libraries	There may be an assumption that all law librarians have a law degree

CAREER RESOURCES

When considering a career in law librarianship, available positions, locations, and salaries are among the many key factors to research. Thankfully, there are multiple resources available to guide would-be professionals as they explore their options.

Consult school advisers. Every M.L.I.S. program should have advisers who tend to be active in the field. They have connections and insight that rising law librarians can utilize. Some programs even offer law librarianship as a focus or specialty, and these advisers can help work these specialties into a plan of study.

Find a law librarian organization. Interested in working in Canada? Join the Canadian Association of Law Libraries. Interested in working in Houston, Texas? Choose between the American Association of Law Libraries, South Western Association of Law Libraries, and the Houston Area Law Libraries Association—or join them all. Each provides job boards,

mentorship, career information, and so much more. These associations range from broad, nationwide organizations to regional, local, and even city-level organizations.

New law librarians are encouraged to join the American Association of Law Libraries. This organization provides information regarding salary negotiations, a mentorship program, a job board for national jobs, and communities to connect with other law librarians with similar interests. It is an invaluable resource that all law librarians can benefit from.

Connect with the local network of law librarian professionals. Law librarians can be found in academic institutions, military institutions, correctional facilities, courthouses, and anywhere else where there may be a law library. Many law librarians are willing to meet with new and rising law librarians. The easiest way to connect with law librarians working in any of the above locations is to simply introduce oneself. Pick up a phone and call, locate a professional's e-mail address and email, or simply connect via LinkedIn. Introductions are the hardest part, but these cold connections can be the beginning of a great conversation if done in earnest. These professionals have a wealth of information pertaining to local associations, potential job openings, other available resources, and the like.

CONCEPT IN ACTION: CONNECTING WITH PEOPLE

Xia, a 26-year-old, is about to begin her final semester for a J.D./M.L.I.S. program. She wants to gain hands-on experience within the field, but she does not know anyone currently working for a law library. With graduation looming, she now worries about her future career aspects.

Xia attends an in-person university located in New England. Her law library is fully staffed with both law librarians and support staff. Although she has spent roughly 4 years at the institution, she has not had much, if any, contact with any of them.

Xia has a social media presence. She is very active on Twitter and TikTok. However, other than updating her LinkedIn profile picture, she does not use that service often.

The law school advisor is quite unfamiliar with the M.L.I.S. program. But, the university does provide an openly available contact page with information concerning how to contact personnel who work for the university system. Xia is chagrined over not connecting with people who can provide her guidance.

Read relevant publications. Finally, new law librarians should look toward journals, blogs, and articles about the field. Career information is everywhere, especially in this digital world. There are articles and resources about specific areas of law librarianship, the field in general, and even articles about growth and development within the field. Publications like *AALL*

Spectrum, *Law Library Journal*, and *Geeklawblog.com* are a few resources that provide a wealth of information about the field of law librarianship.

With all of these resources, new and would-be law librarians have many places they can turn to for career advice beyond this textbook. Just remember that reaching out, asking questions, and being earnest and honest will always be the most productive.

CASE STUDIES: MANY PATHS TO LAW LIBRARIANSHIP

Sam: A Traditional Path – First Career – Academic Law Library (J.D./M.L.S.)

Many law librarians pursue this profession as their first career. In this path, dual-degree law librarians, having both an M.L.I.S. and a J.D., obtain their professional degrees either at the same time or consecutively and then find a position in a law library, having never previously practiced law nor worked as a librarian. While in law school, they may find that they are not interested in the practice of law, or they may fall in love with doing legal research, preferring to focus on finding and providing legal information rather than advising individual clients.

Sam attended law school because they did not want to study advanced mathematics and did not know what to do after college. Not interested in litigation or appearing in court, they planned to practice transactional law. Sam soon found that legal research was their favorite part of law school. On the day they saw an American Association of Law Libraries brochure at the career office of their law school, they knew that they had found their vocation. They got a job at the circulation desk of their law school library, graduated, passed the bar, and immediately enrolled in library school.

During library school, Sam completed an internship at a large academic law library. While finishing their last semester, they started working part-time at the reference desk of another academic law library, where they were hired as a full-time law librarian after graduation. The busy reference desk serves many public patrons and local attorneys in addition to the faculty and students of the law school. Answering a broad spectrum of reference questions from so many different people is a great learning experience. Sam also teaches a one-credit course in legal research—a mandatory course for first-year law students. This includes drafting lesson plans and designing assignments and assessments. They assist law school faculty with research projects and serve on law school and university committees.

Monique: A Traditional Path to Law Librarianship – First Career – Firm (M.L.I.S.)

A path for people with a master's degree in library and information science who don't want to devote the time and expense of an additional graduate/professional degree is to work as an information professional in a private setting—a law firm.

In library school, Monique took a class in legal information and found that she really enjoyed it. At a career fair, she was surprised to find that she could pursue a career in law librarianship without attending law school to earn a Juris Doctor degree. She completed an internship at a law firm library, where she found her supervisor to be a great mentor. She decided to focus on preparing for a job in a private law library as an information professional. She sought other relevant library school courses and studied law librarianship, government information, and competitive intelligence.

When Monique graduated from library school, she was hired as a reference and research librarian at a 150-attorney law firm with offices in New York, Chicago, Los Angeles, and Washington, D.C. She is based in the Chicago office, but the librarian she reports to works at the New York office. The law librarians in all four cities have a virtual weekly status meeting. One of Monique's jobs is to provide orientations for new associates (junior lawyers) who join the firm. Her challenge is to figure out how to introduce them to all the publications, databases, and tools the library subscribes to that help the attorneys do their work.

Monique's job is fast-paced as her customers—attorneys, paralegals, and legal assistants—all have short deadlines and need the requested information as fast as she can find it. In addition to identifying relevant primary and secondary legal publications, Monique collects and analyzes competitive intelligence on current and potential client companies. Other law librarians at her firm use knowledge management techniques to organize the firm's collection of prior work products—memos, briefs, forms, and filings. All the librarians work as a team to evaluate new information products and software and negotiate with information providers to obtain the best value for the subscriptions the lawyers and other legal professionals need to do their work.

Elena: An Unconventional Approach – Early-/Mid-career – Academic

Not everyone who becomes a law librarian does so after years of intentional training and maneuvering to achieve the goal; for some, it is a happy accident. Elena majored in music education as an undergraduate student, intent on becoming a high school band director. She worked in the college music library for four years to help pay for her education. As an advanced library student assistant, she learned the basics of cataloging and metadata,

collection management, archival processing, and more, and soon realized librarianship was her true calling.

While pursuing her M.L.I.S., Elena worked in a number of unique library settings, performing conservation treatments on special collections materials in a conservation lab, managing acquisitions and providing reference and instruction in an emergency services library, and working with government records in a state records center. Each library and information center setting had its own unique characteristics and challenges, but the core tenets of technical services remained the same across the board.

After graduation, Elena worked as a cataloger in an undergraduate academic library but soon sought greater responsibility in a different setting. Law librarianship seemed intimidating since Elena had no legal expertise. Still, she felt confident in her ability to learn the terminology, issues, and cultures within law libraries after her experiences in many other special libraries. She accepted a position as a technical services librarian in an academic law library, where she can apply her skills as a cataloger, archivist, conservator, and records manager to enhance operations within the law library and law school as a whole.

Elena made efforts to learn about issues inherent to legal education, relying on her research skills and the help of J.D.-holding colleagues to fill the gaps of her legal understanding. Though there was no intention to become a law librarian and the path was far from direct, the skills Elena developed through her experiences in several unique library settings prepared her for the challenge of technical services law librarianship.

Duc: A Public Service Path – Early-/Mid-career – Government

From a young age, Duc had always been interested in how governments function, how laws are made, and how individuals can participate in their democracy. He was an enthusiastic participant in his high school's Model U.N. program, debate club, and mock elections. When it came time to choose a college, Duc knew he wanted to study in Washington, D.C. and earn a political science degree in the nation's capital.

Duc completed several internships during college, working first in a political consulting firm, then a congressional office, and finally with an administrative agency. He became interested in how government information is disseminated to the public and recognized how difficult it could be for the public to effectively access and interpret that information.

Duc consulted with his college career advisor, who suggested he might enjoy a career in a government law library. After completing his political science degree, he turned down a job offer from a lobbying organization and enrolled in library school instead. Duc again pursued internships to gain experience in the field, this time working the information desk in a county

law library and then landing a competitive internship at the Law Library of Congress, where he honed his legal research skills and assisted patrons with a wide variety of challenging queries.

Duc's resume stood out to potential employers because of his significant amount of real-world experience. After graduating with his M.L.I.S., Duc moved back home and accepted a position as an outreach librarian at the State Library. In this capacity, he provides reference services, conducts workshops, and develops research guides and marketing tools. Duc enjoys applying his interests in politics, government, and information literacy to help members of the public become active, informed participants in their government.

Shawn: Attorney – Second Career (J.D./M.L.S.)

Shawn always knew that he wanted to become a lawyer, and he pursued his goal with vigor. He worked hard to move quickly through high school, college, and law school until he finally became a practicing attorney. Entering practice after the Great Recession, the legal landscape was not as promising as he had anticipated while pursuing his studies, but Shawn was undeterred. He was able to secure work as a solo attorney, partnering with his peers to build a steady practice which kept him living quite comfortably.

Soon, he began to notice that the legal profession was changing. Modern technology had finally begun to impact the bar, and Shawn felt he was witnessing a legal technological renaissance. Opposing counsel could be served via email, but Shawn noticed most of his opposing counsels seemed to struggle with the process regardless of age. Digital notaries could be used to authenticate documents virtually, though some courts continued to fight against such advances. Increasingly, hearings, depositions, and alternative dispute resolutions were held via virtual meetings over video conferencing.

Most importantly, Shawn realized that along with this digital reformation, legal resources were becoming more accessible to pro se litigants. Local county law libraries offered free access to legal research databases, various bar organizations offered forms and directions for simple cases online, and more companies were entering the legal landscape to offer simple and easy tools to help educate both attorneys and pro se litigants on the laws.

After practicing for several years, Shawn wanted to give back to both his professional community and his community at large by serving as a law library professional. He learned that there is a need for qualified professionals to fill open law librarian positions and that there is room for advancement in the field, particularly for those holding dual degrees. Shawn searched for an online program to attain his M.L.I.S. and pursued that degree with as much vigor and passion as his previous studies. Upon graduation, he accepted a position in an academic law library where his experience as a practicing attorney helped him provide

quality reference and instruction services. Shawn can impact the legal profession by helping to train the next generation of practitioners how to best navigate the body of legal information and apply advances in legal technology to their practice.

DIVE DEEPER

- AALL Biennial Salary Survey & Organizational Characteristics
- AALL State of the Profession Report
- Richard A. Danner, "Redefining a Profession," *Law Library Journal* 90, no. 3 (1998): 315.
- Raquel J. Gabriel, "Diversity in the Profession," *Law Library Journal* 102, no. 1 (2010): 147.
- Frank G. Houdek, A Day in the Law Library Life, circa 1910-1920, *Law Library Journal* 89, no (1997): 239

CHAPTER 2.

DIVERSITY & INCLUSION

This chapter is forthcoming (hopefully Jan 2022) but was far too important to leave off of the table of contents. As such, we are including some readings to supplement the book until our recently recruited authors complete the chapter.

- Raquel J. Gabriel. “Diversity Dialogues: Diversity in the Profession,” *Law Library Journal* 102 (2010): 147.
- Raquel J. Gabriel. “Selected Readings on Diversity Issues: Part I,” *Law Library Journal* (2013): 405.
- Ronald Wheeler. “Diversity Dialogues: About Microaggressions,” *Law Library Journal* 108 (2016): 331.
- Ronald Wheeler. “Diversity Dialogues: On Empathy,” *Law Library Journal* 108 (2016): 489.
- Pat Newcombe. “Blurred Lines-Intersectionality and the Law: An Annotated Bibliography,” *Law Library Journal* 109 (2017): 2.
- Nicole P. Dyszlewski; Zanada Joyner; Joshoua LaPorte, *Continuing the Conversation on Diversity and Inclusion*. *AALL Spectrum* 24 (2109-2020): 30.
- Shamika D. Dalton; Gail Mathapo; Endia Sowers-Paige, “Diversity Dialogues: Navigating Law Librarianship While Black: A Week in the Life of a Black Female Law Librarian,” *Law Library Journal* 110 (Summer 2018): 429.
- Shamika Dalton; Clanitra Stewart Negdl. “Developing a Culturally Competent Legal Research Curriculum,” *AALL Spectrum* 23 (2018-2019): 18.
- Victoria De La Torre; Marcelo Rodriguez. “Claiming Our Diversity, Celebrating Our Common Ground,” *AALL Spectrum* 24 (2019-2020): 30.
- Cas Laskowski. “Olive Pits in Allyship,” *AALL Spectrum* 25 (2020-2021): 44.

CHAPTER 3.

ACCESSIBILITY

SUSAN DAVID DEMAINE

Equitable access, which includes access for people with disabilities, is included in the first principle of the ethical codes of both the American Association of Law Libraries and the American Library Association. Accessibility in law libraries that are open to the public is an especially keen concern because it implicates access to justice and government information, both of which are key to a successful democracy. This chapter will introduce concepts that help us think productively about accessibility and explore accessibility issues in both physical and digital spaces, considering a few issues unique to law libraries.

Key Concepts

- Law librarians need to consider many different types of disabilities when planning for both space and research materials.
- It is critical to gather basic knowledge of the legal accessibility requirements and how to go about meeting them.
- *Universal design* is a paradigm for planning and designing architecture, services, and information resources that are usable for everyone without special accommodations.

FRAMING ACCESSIBILITY: DISABILITY TO USABILITY

Talking about disabilities is not easy. It focuses on differences instead of commonalities, and those differences are often used to exclude people rather than include them. Champions

of disability rights have worked tirelessly to spread the message that we are all people; first, we all have varying abilities, and many disabilities are largely invisible but nonetheless important.

Laws and standards addressing disabilities are often about removing existing barriers to access. However, those who think deeply about access and abilities point to a larger paradigm known as universal, or sometimes inclusive, design.ⁱ Originally rooted in architecture, the essential idea of universal design is that the built environment and many of the products we use can be designed from the outset to enable use by, and even empower, people of all ages, sizes, and physical capabilities.ⁱⁱ Universal design works to avoid accommodations that alter experiences and separate people with certain abilities from others. The idea is that when spaces and items are designed with the broadest range of people in mind, the results are better for everyone and can open up new uses. Classic examples of universal design successes include curb cuts, lever (as opposed to knob) door handles, automatic sliding doors, multi-height drinking fountains, zero-depth-entry pools, digital or verbal thermometers, touchless faucets, and task lighting. Universal design shifts the focus from disability to usability, from differences to commonalities.



Credit: Tdorante10, CC BY-SA 4.0

Types of limitations

One result of the accessibility movement and interest in universal design is a broader and better understanding of people's limitations, many of which are invisible. Law librarians working to achieve accessibility need to consider the many different disabilities that people may present.

Motor disabilities can affect gross motor skills, fine motor skills, or both. People with gross motor disabilities may be unable to or have challenges with walking, climbing stairs, balancing, standing up or sitting down, lifting, or controlling their head and limbs, all of which can make using library materials—either print or electronic—difficult. A person with

fine motor disabilities may be able to get to the library and sit down but have limited ability to use a computer keyboard and mouse, turn pages of a book, or write down notes.

Visual impairments include blindness and varying degrees of low vision, different types of color blindness, and photosensitivity. Visual impairments can affect the use of both print and electronic materials. They also need to be taken into account when designing signage for the library.

Hearing impairments range from partial hearing loss to total deafness, and not surprisingly, can affect speaking abilities. Sometimes, language barriers are included alongside hearing impairments because many of the accommodations—text and translation—are similar.

Learning disabilities such as dyslexia, dysgraphia, and auditory or visual processing disorders are considerations that will be most relevant to law librarians who teach in law schools. That said, all law librarians can benefit from knowing about learning disabilities because those students with learning disabilities become lawyers who use firm and court libraries and will appreciate a well-informed librarian.

Law librarians in libraries open to the public also have to work with patrons who have intellectual, emotional, or developmental impairments or who may simply be upset, frustrated, and overwhelmed by the complexity of legal materials and legal language. Fortunately, many of the steps we take to prepare for those with motor, vision, hearing, and learning disabilities can make legal research easier for everyone—visible, easy-to-read signage, navigable spaces, clear instructions in a variety of formats, and websites that meet accessibility standards. This incidental benefit is an example of the power of universal design.

LEGAL CONTEXT

Several federal laws work in tandem to eliminate discrimination and create equity for people with disabilities. The states also have relevant laws, some of which may be more rigorous than the federal laws, but state laws are beyond the scope of this chapter.

Rehabilitation Act of 1973

The Rehabilitation Act of 1973 was the first major federal law to protect people with disabilities from discrimination in employment and the provision of services. The law targeted federal executive agenciesⁱⁱⁱ as well as any entity or program receiving federal funding.^{iv} The former category includes agency libraries with significant legal collections such as those at the Department of Justice, Department of Agriculture, and the Department of the Treasury, as well as many others. The latter category includes virtually all colleges and universities, and thus law school libraries, by way of student financial aid and research grants.

Over time, the Rehabilitation Act was amended to require federal agencies to provide office technologies that would assist their employees with disabilities.^v This responsibility has continued to expand, via further amendments, to include accessibility standards for all agency websites and electronic information so that members of the public with disabilities have equitable access to government. These standards are known as “Section 508” standards, named for the Rehabilitation Act section covering accessibility and technology.

Americans with Disabilities Act of 1990, as amended in 2008

The Americans with Disabilities Act (ADA) was modeled on the Rehabilitation Act in several ways. Still, it targeted discrimination by state and local governments (“public entities”), public and nonsectarian private K-12 schools, and “places of public accommodation,” i.e., businesses, stores, restaurants, and hotels. It also emphasized physical spaces and the built environment, while the original Rehabilitation Act focused more on employment and educational discrimination. The ADA gave rise to widespread use of curb cuts, automatic doors, ramps, accessible drinking fountains and toilets, and buzzers at crosswalks.

In the years following the enactment of the ADA, several Supreme Court decisions narrowed the definition of “disability” considerably, in effect allowing discrimination to occur if someone’s disability was able to be mitigated by corrective technologies. For example, if someone had poor vision, but it was correctible to 20/20, it was not discriminatory for an airline to refuse to hire them since, with correction, they didn’t have a disability.^{vi} The 2008 amendments to the ADA dialed back the Supreme Court’s narrow reading of the original law, making it clear that Congress intends a broad definition of disability, including a wide list of life activities and functions with which impairments can interfere.^{vii}

Other Legal Contexts

Additional statutes such as the 21st Century Communication and Video Accessibility Act and amendments to section 508 of the Rehabilitation Act, as well as recent regulations and case law interpreting the Rehabilitation Act and the ADA, have focused on accessibility in the electronic environment—on the web, in digital documents, work training videos, and online education courses.^{viii} Closed captioning is one significant requirement, but the laws also require adaptations such as websites that are navigable and usable with screen reading software. It is not hard to see why these are important considerations in all law libraries.

PHYSICAL ACCESSIBILITY

Physical accessibility requirements differ depending on a building’s age. Starting in 1992, buildings such as offices and schools have had to be designed with accessibility built-in:

designated parking, entry ramps, wide paths of travel, appropriately sized seating and service counters, usable bathrooms, elevators, and automatic doors, to name just a few.^{ix} If the building was built before 1992, accessibility requirements must be met when alterations such as remodels and renovations are done, but how the requirements apply depends on the project's scope, feasibility, and cost. Only spaces and elements being altered need to meet requirements, and then only if doing so is physically feasible and proportionate to the project's costs as a whole. However, if a new addition is added onto an older building, the addition must meet the current requirements for new construction.^x

What do the physical accessibility standards mean for different kinds of law libraries? Of the three basic types of law libraries (court/government, academic, and firm), the first two will have essentially the same requirements because they have spaces that must serve non-employees, whether those be students, attorneys, or members of the public. Generally speaking, spaces for non-employees must meet higher standards than spaces where only employee work is done. Thus, academic and government law libraries must look to the regular standards that apply to new constructions or alterations for their patron areas.^{xi}

Law firm libraries are in a different position because, although law firms are commercial facilities, the library is an employee workspace rather than an area serving non-employees. Employee workspaces need only meet requirements for ingress, egress, and travel paths when the space is 1,000 sq. ft. or more, plus have wiring for visible fire alarms where audible alarms exist.^{xii} In many law firms, libraries are almost entirely digital now, further alleviating physical accessibility concerns about bookshelf heights and aisle widths.

DIGITAL ACCESSIBILITY

Although many legal research resources are now digital reduces some concerns about physical accessibility, the need for digital accessibility is imperative. The digital information revolution was originally hailed as a game-changer for people with disabilities. Because digital information is composed solely of 1s and 0s, the same information can be made available in different formats suitable to different abilities. As text, it can be displayed large or small, in any typeface and color, and in any alphabet. Alternatively, it can be vocalized by a digital voice, read fast or slow, and it can be displayed on a Braille reader. Some of the promises of digital information have been realized, but it has not come as easily as people hoped; enormous accessibility gaps remain. It takes knowledge, planning, and careful work to ensure access that even approaches equitable. In law librarianship, the number of materials and the complexity of legal research databases create particular challenges for accessibility, and law librarians may have to take extra steps to help patrons with certain disabilities.

Technologies for Digital Accessibility

Several key technologies help with digital accessibility. One is familiar to everyone—closed captioning.^{xiii} Closed captioning provides the text of spoken dialogue as well as descriptive text for background or other noises such as crying, laughter, whistling, music, and sound effects.^{xiv} Beginning in the 1970s, closed captioning opened up television for people with hearing impairments. Over the decades, it has become apparent that closed captioning is helpful in unanticipated ways—in busy public spaces, for people who are not fluent in the language being spoken, even in karaoke—and is a powerful example of the universality of good design.

Closed captions play a role in today's law libraries because they are required by law for job training videos and online education. Law librarians have been recording lectures for law students and making screencast videos of research techniques for attorneys and judicial clerks for years now, and captioning these videos is vitally important. Many, if not most, video platforms now offer auto-captioning plus the ability to edit a video's captions or upload caption files. The auto-captioning quality of different video platforms varies widely. The biggest problem with auto-captioning is accuracy, especially in areas with specialized vocabularies such as legal research.^{xv} Auto captions are better than no captions, but the best practice is, of course, to edit auto-captions for accuracy.

Screen reading software is an essential assistive technology for people with visual impairments, and law librarians need to understand some of what these screen readers can and cannot do. Screen readers are good at reading text. They are not good at non-text items such as images, buttons, and icons unless those items have a text equivalent added in their coding. Screen readers have no means of recognizing or drawing attention to bolded, highlighted, or otherwise visually marked items to draw the attention of a sighted reader. Screen readers also follow the order established in the coding of the webpage/document. If there is no coding defining an order or hierarchy, screen readers will start at the beginning and read straight through to the end without any awareness of the importance.

Web Accessibility

Library websites are, of course, a major access point for library users, and accessibility for all users should be a core element of their design and implementation. Website development in law libraries can be thorny because the library may be part of a larger organization—a law school, a firm, a court system—that controls the website. Whether a law librarian is creating the library's website themselves or communicating the library's website needs to a developer elsewhere in the organization, it is helpful to understand web accessibility standards. In

addition, many of the standards apply beyond websites to any material made available electronically, such as videos, documents, spreadsheets, and images.

Web accessibility guidelines were developed ad hoc in the early 1990s, but in 1999, the first version of the Web Content Accessibility Guidelines (WCAG 1.0) was published and adopted as a recommendation by the World Wide Web Consortium (W3C), the primary organization dedicated to developing international standards for the web. WCAG 2.0 was adopted by the W3C in 2008. Ten years later, WCAG 2.1 was issued to provide enhanced standards specifically addressing accessibility on mobile devices and cognitive impairments, learning disabilities, and low vision.

The WCAG standards are built around four principles—interfaces and content must be (1) perceivable via multiple senses; (2) operable through a variety of actions; (3) understandable; and (4) robust enough to function well across a variety of platforms, assistive technologies, and technological advances^{xvi}—and the criteria built around these principles allow for varying levels of achievement from baseline (level A) through superior (level AAA). Although these four principles do not specifically reference universal design, they certainly echo its thesis that when we design for everyone rather than just the typically-abled, we end up with products that are more useable and more beneficial to all.

In the U.S., the federal government’s “Section 508” standards for web accessibility are also common. As mentioned above, Section 508 is the portion of the Rehabilitation Act that requires federal agencies to, among other things, make their websites and electronic information accessible. Early on, Section 508 standards were not designed to be flexible and did not age well, and, not surprisingly, updates moved at a snail-like pace. Finally, in 2017, the agencies responsible for the Section 508 standards issued a new rule revamping the standards so that meeting certain levels of the WCAG 2.0 success criteria now results in Section 508 compliance.

Further exploration of web accessibility standards, particularly the how-tos, is outside this chapter’s scope, but there are many resources for further learning. The W3C’s Web Accessibility Initiative website has a wealth of information and the WCAG 2.0 and 2.1 standards themselves.^{xvii} Another excellent resource is WebAIM. WebAIM is a nonprofit organization working on accessibility issues. It offers its own explanations of the WCAG standards and helpful tools like a color contrast checker, checklists for Word and PowerPoint documents, and simulations of screen readers, low vision, and other non-typical experiences.^{xviii} It also offers a website accessibility evaluation tool.^{xix}

Legal Research & Law Practice Technology

Thanks to the immensity and complexity of the law itself, the legal system, our governmental

structure, and legal publishing, legal research is challenging enough for those whose senses and bodies operate in typical ways. For people whose senses and bodies function atypically, the barriers are numerous and, in some instances, very high.

CONCEPT IN ACTION: INCLUSION IN TEACHING

Mitch struggled with legal research because he relies on a screen reader. There was so much information, even on the starting page, that he was getting lost. He would run a search (and he hated Boolean because all the punctuation and syntax have to be just right) and flounder in thousands of results. He didn't realize he could use filters to reduce the results because the screen reader always started with the results first.

Once he got more accustomed to what was going on, he found that filtering got easier, and he started to remember which filters were available where. In addition, more legal knowledge was helping him as well. For example, now that he knew more about bankruptcy law, he knew which courts to focus on using the post-search filters.

Mitch was thankful that his legal research professor, a law librarian, was willing to go the extra mile for him. She spent many hours working with him, listening to his screen reader to help him figure out where it was taking him and explaining how to get to and use tools that were otherwise hidden from him. He knew her patience went far beyond what most professors would do, and her dedication to his success made a real difference in Mitch's law school experience.

One particular challenge is navigating and searching the legal research databases. The major commercial legal research database vendors have interfaces that are purposefully designed to offer many layers of information and many links to further information. Take, for example, the main search page of Westlaw's, Lexis's, or Bloomberg Law's latest research platforms. Each will include a search bar, most likely with limiters to choose from built into the search bar, links to numerous categories and dozens of subcategories of content, links to more advanced searching options, as well as folders, history, settings, and multiple additional products within the corporate family. After running a search, the results page includes not only the resulting entries but also numerous filters that could be applied, sorting and viewing options, information about the content, relevance, and legal standing of each result, other suggested resources, and the usual options to print, download, go to full screen, and so on. In short, these pages are packed with information, and they can be overwhelming for someone relying on assistive technology such as a screen reader.^{xx} Screen readers can inadvertently create more difficulties for users by announcing each hyperlink and distracting from the text of the page. Additionally, the quality of the screen readers themselves may impact

the accessibility of these complex databases. Some free or inexpensive screen readers were designed to conduct basic Google searches, not process complex databases.

Screen reading software typically reads a page of text from top to bottom, left to right, and if the page is divided into panels of text, it will read all the way down one panel before it begins again at the top of the next. The default starting point can be overridden in a web page's coding. Still, with the layers and columns of information present on virtually every page within Westlaw, Lexis, or Bloomberg Law, no matter where the screen reader starts, it is likely to bog down the user in detail. For example, on the main search page of any of the major databases, the screen reader may read the first category of material followed by all its subcategories before it indicates that there is a second and a third category. Once the user runs a search and is on a page listing results, the coding tells the screen reader to start with the results, which arguably makes sense. However, the screen reader will go on to read through every single entry in the list of search results—and not just the line or two of each entry that a sighted user would see, but the entire court opinion, statutory text, or treatise section!—before even mentioning to the user that there are filters that could be applied.^{xxi}

Government websites cause problems, too, just like the commercial legal research platforms. For example, at federalregister.gov, which is rich with content and well-designed in many ways, when a blind user clicks on a link to the text of a rule, the screen reader will immediately start to read the entire rule, regardless of length (often dozens, perhaps hundreds, of pages) and with no indication as to how long the rule is. In addition, the coding does not tell the screen reader that there is data about the document available—agency, date, document identifiers, and page numbers—that would help the user determine whether the document is worth reading, nor does the coding provide the opportunity to escape the text of the rule before the screen reader reaches the end. Meanwhile, for the sighted user, the data about the document is visually available alongside the text of the rule, providing the sighted user much more information on which to base the “to read or not to read” decision.

In addition to legal research resources, law librarians may need to pay attention to accessibility issues with law practice management software systems such as those that handle case management, document automation, and e-discovery. Many academic law librarians are teaching law practice technology courses. Of course, many firm librarians are using the technology themselves, teaching others to use it, or managing it for the firm. As with the legal research databases, these software platforms are complex and many-layered, and some will do a better job of designing for accessibility than others. Does a law librarian need to know the accessibility features and limitations of every system? No, but it is important to be conversant in the sorts of issues different people may face and the practices and standards used to design for those issues so that we can bring more knowledge to bear when working with students and attorneys.

Teaching/Training Materials

Many law librarians, whether in schools, firms, courthouses, or public law libraries, do quite a bit of teaching and training. There are a few special considerations regarding accessibility when teaching and developing instructional materials, and some easy-to-implement steps can make training materials more accessible.

Like anyone else, law students and lawyers have disabilities, such as dyslexia or ADHD, making normal learning situations more challenging. A few of the principles articulated in universal design can guide legal research instructors in making learning materials better for everyone, including those with disabilities. Take, for example, the principle of simple and intuitive use. In application, this idea can prompt a librarian to create a consistent “look and feel” across all instructional materials. In doing so, the librarian reduces the learner’s need to adjust to and filter out new but extraneous materials on each page. A consistent look and feel will place directions in the same location every time, highlight important information in the same way, use the same typeface and font size for the same kind of information, etc. Consistency in substance is important as well. For example, instructions should be worded in the same way each time, like concepts should be grouped, graphics should have consistent traits and labels, and organization should be coherent and reliable.

CONCEPT IN ACTION: ORGANIZING YOUR LMS

In light of the principle of simple and intuitive use, Josie uses the front page of her course’s site in the learning management system to display a chart that shows, week-by-week, what the pre-class work is, what will be needed in class, and what the homework is. Everything the students need is linked from this page; they do not have to dig through files or lists of assignments to find what they need.

Another relevant universal design principle is the idea that information must be perceptible in multiple ways. In education, this is similar to the idea that there are “multiple intelligences”– that different people learn best in different ways. Some people learn best through visual input, some through listening, and some through a tactile experience. As law librarians, we provide better instruction when we create some redundancy in presenting information–when we present the content in more than one way. For example, providing a written explanation (pre-class reading) accompanied by an illustration of some kind (graphic on PowerPoint slide or a database demonstration) and a verbal component (lecture) helps learners of all kinds. Law librarians have been working hard in recent years to improve their instruction, making it more effective for more learners.

In addition to multiple modes of instruction, many of the tools law librarians use to create

instructional materials offer easy ways to increase accessibility in a single mode. For example, using Microsoft Word's Styles feature to differentiate between levels in a hierarchy of information—headings, subheadings, content, etc.—simplifies navigation for students who are simply reading the text visually and those who are using a screen-reader.^{xxii} Similarly, Word, PowerPoint, and similar products and WYSIWYG webpage editors make it easy to create alternate text for images (or indicate that the image is decorative only) so that screen readers can tell the user what the image portrays. As mentioned earlier, many video platforms are making auto-generation and editing of captions and transcripts easy now too. All in all, there are many easy, quick ways that law librarians can add perceptibility to instructional materials.^{xxiii}

LAW LIBRARIANS AS ADVOCATES

So far, this chapter has looked at the role of law librarians as an ally for library users with disabilities—how can we help, what stumbling blocks we should be aware of, how can we create better instruction. But law librarians can also advocate for better accessibility in libraries and legal research products. Talking to vendor representatives is an immediate way to advocate and can result in indirect consequences. For example, a conversation with a Lexis law school representative about the enrollment of a blind student resulted in a direct connection for the student with a blind attorney at LexisNexis. This connection made a tremendous difference to the student.

Other advocacy opportunities exist within professional organizations. The American Association of Law Libraries (AALL) has a Social Responsibility Special Interest Section as well as a Government Relations Committee specifically focused on advocacy. There is also AALL's Committee on Relations with Information Vendors (CRIV), which provides an official avenue for communications with legal research vendors. This could be an especially useful avenue for advocacy.

Professional organizations also provide venues for speaking and writing about accessibility issues in law librarianship, and spreading the word about work done to create greater accessibility, or where more work is needed, can be an effective form of advocacy. There is always room to share new ideas and information from monthly newsletters to peer-reviewed journals, from local to national presentations.

On a more immediate scale, law librarians can advocate for people with disabilities within their own organizations. We can be the ones that make sure there is a screen reader available on a computer in the library or spread the word about captioning online instructional videos. We can make sure our signage is clear, concise, and high in contrast. We can find and provide information on accessibility to other decision-makers.

CONCEPT IN ACTION: LIBRARIAN AS STUDENT ADVOCATE

When Mitch, who is fully blind, first enrolled in law school, the law librarians started asking how best to provide instruction and services to this student and asking for more guidance about his particular needs. One law librarian, in particular, continues to work closely with Mitch, helping when readings for his classes are inaccessible, finding space for a Braille printer, and even fixing formatting problems—completely invisible to the student—in his papers for a legal writing class. Her advocacy and support made law school possible for this student; he otherwise would have dropped out.

CONCLUSION

Given librarians' longstanding commitment to equitable access for all people, it is no surprise that accessibility for those with disabilities is a priority. Law librarians face particular challenges in striving for accessibility because of the complexity not only of the law and its publication schema but also the density of information in online legal research databases. The many layers of information that are important in legal research create accessibility roadblocks.

To more successfully advocate for and create accessible legal materials, law librarians can learn more about the wide variety of sensory and motor impairments, what technologies and tools exist to help with these impairments, and how to incorporate these technologies and tools into everything we do. When we plan for equitable access from the start—the fundamental idea of universal design—we end up with better libraries, both physical and digital, for everyone.

DIVE DEEPER

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CHAPTER 4.

CRITICAL LEGAL STUDIES

JENNIFER ALLISON

This chapter discusses critical studies and their manifestations in librarianship and law. It provides law librarians with a framework for thinking critically about law libraries and encourages them to center equity, compassion, and justice in their practice of law librarianship.

Key Concepts

- Critical studies are a method for deep, ethical, and meaningful thinking about new and emerging problems and engaging in intellectual exercises that challenge the status quo.
- It is crucial to view librarianship critically because libraries and librarians are neither neutral nor unbiased, despite public perception to the contrary.
- Critical legal studies have emerged for many other racial/ethnic identity groups: Latina/o/x critical theory, Asian critical theory, critical Indigenous studies, and critical whiteness studies.

CRITICAL STUDIES AS A SCHOLARLY DISCIPLINE

Critical Studies Terminology

Critical studies are a method for deep, ethical, and meaningful thinking about new and emerging problems and engaging in intellectual exercises that challenge the status quo.

Scholars in many academic disciplines engage in “critical” studies—from anthropology to sociology, linguistics to psychology, and urban studies to political science. These scholars commit themselves to researching and thinking about topics, concepts, and phenomena in ways that challenge mainstream and generally accepted norms and standards. What it means to engage in “critical” scholarship differs from field to field and from place to place and time to time.

As a discipline, critical studies is primarily concerned with three phenomena:

- **Power imbalances**
- **Oppression**
- **Resistance to forces that are unfair, inequitable, and unjust**

As with any academic discipline, critical studies have their own vernacular. Selected key terms are defined in the chart below.

Term	Definition
Critical Theory	A school of thought involving critical assessment of a social phenomenon to determine how it impacts the freedoms of those in society.
Hegemony	When a dominant group exercises power over other groups, dictating the cultural and social behavioral norms.
Heterodoxy	Engagement with thinking or ideas that run counter or opposite to what is considered orthodox, standard, or normal.
Liberalism	A political philosophy consisting of three core elements: individualism, private property ownership, and democracy.
Marxism	A political and philosophical theory developed by Karl Marx that seeks to eliminate social inequality that is created by the class system that emerges in capitalist societies.
Pluralism	The idea that economic and political power should be shared equally between various groups rather than being vested in an elite central entity.
Praxis	Engaging in direct, intentional action to counter or destroy a hegemonic, oppressive system and the inequities it creates.
Radical	A descriptive qualifier for an idea, a line of thought, or a movement that runs counter to and challenges the mainstream order

CRITICAL LIBRARIANSHIP

As with other disciplines in the social sciences, librarianship provides a rich foundation for critical studies scholarship. It is crucial to view librarianship through a critical lens because libraries and librarians are neither neutral nor unbiased, despite public perception to the contrary.

The foundation of western librarianship is a white male hegemonic infrastructure. This means that the library as we know it today was created by white men who centered the

organizational system of librarianship around their (white, cis-male, heterosexual, Christian, able-bodied) understanding of the world. The result is that print and electronic materials in library collections and the language used to describe, organize, and find them, often omit, exclude, and offend library users. There are many examples of how this phenomenon manifests itself; in this discussion, we will focus on two of them: library catalogs and database indexing and retrieval.

Library Catalogs

Since the 1970s, librarians have been critically examining how white male hegemony is perpetuated in library catalogs. One of the leaders of this movement was cataloger Sanford (Sandy) Berman at the Hennepin County Library in Minnesota. His 1971 book *Prejudices and Antipathies: A Tract on the LC Subject Heads Concerning People* addressed what he saw as a major problem in the Library of Congress's subject heading list.

As Berman explained, this list could only “satisfy’ parochial, jingoistic Europeans and North Americans, white-hued, at least nominally Christian (and preferably Protestant) in faith, comfortably situated in the middle- and higher-income brackets, largely domiciled in suburbia, fundamentally loyal to the Established Order, and heavily imbued with the transcendent, incomparable glory of Western civilization.”

A particularly problematic term in the LCSH list is “**illegal aliens**.” In response to a student-led protest over the use of this term in the library catalog at Dartmouth College in 2013, the Library of Congress decided to change this subject heading to “**undocumented immigrants**” in 2016. This change, however, was rejected by Congress. Since that time, some libraries have made this switch in their own local catalogs.

The book calls for the elimination of many egregiously-offensive LCSH terms, including “YELLOW PERIL” (a racist “affront to the people so labeled”), “MIXED BLOODS” (a subdivision of “Indians,” it “represents shoddy science and the White Man’s hauteur”), and “MAMMIES” (“antebellum plantation slang” insulting to African-American women).

Berman addressed not only identities but also phenomena, such as the LCSH term “LYNCHING.” Astonishingly, the only “xx” entry under this term was “Criminal Justice, Administration of.” Berman rightly called for the immediate addition of several other “xx” entries for “LYNCHING”: “Homicide,” “Murder,” “Offenses against the person,” “Terrorism,” and “Violent Deaths.”

Database Indexing & Retrieval

More and more library materials are digitized and accessed through databases, introducing an additional concern for critical librarianship. How are these materials indexed and retrieved? Do these operations aid critical research or hinder it?

In 1989, Professor Richard Delgado of the University of Wisconsin School of Law and Jean Stefancic, Technical Services Librarian at the University of San Francisco Law Library, published *Why Do We Tell the Same Stories?: Law Reform, Critical Librarianship, and the Triple Helix Dilemma* in the *Stanford Law Review*. This article explores how the LCSH system, law journal indexes, and the West Digest System comprise the classification system that legal researchers use to find and describe the law and legal ideas. Delgado and Stefancic argue that this system inhibits looking at the law in new, fresh, critical ways because it “replicate[s] preexisting ideas and approaches[,]... mak[ing] foundational, transformative innovation difficult.”

Adding to the challenges in today’s database landscape is the use of algorithms to index and locate materials. These algorithms presumably work in ways meant to “help” researchers get “relevant” search results. Critical scholarship on this topic by law librarians reflects two major areas of concern. First, if these algorithms favor crowdsourced results, how does that hinder a critical researcher’s ability to view problems and create solutions with a fresh perspective? Second, not only is the exact operating procedure of the algorithm something of a mystery, but the algorithm incorporates its programmer’s inherent biases. How does this lack of transparency cloud a researcher’s critical lens, and can any biases inherent in the algorithm be overcome?

Our Responsibilities

We who work in libraries must view the selection and description of library materials through a critical lens that recognizes inequity and injustice, and work to change library infrastructures that demean, discriminate against, injure, and exclude people.

To fulfill this obligation, we must first acknowledge that libraries were created to reflect and further a white male hegemony. This acknowledgment creates two responsibilities:

Responsibility #1

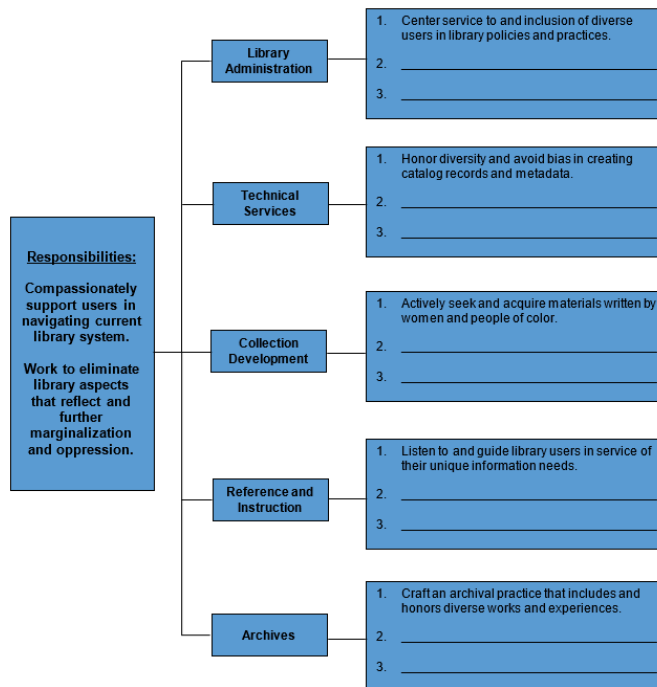
We must work compassionately with our users to help them maximize their success in navigating the library as it currently is.

Responsibility #2

We must work to eliminate aspects of the library that reflect and further societal marginalization and oppression.

Critical Librarianship Across the Library

What can people who work in libraries do to fulfill these responsibilities to our users? The chart below can be a helpful tool in starting a conversation about this.



CRITICAL LEGAL STUDIES

What does it mean to call legal studies “critical”? In a 2012 article in the Harvard Journal of Racial and Ethnic Justice, Law professor Lolita Buckner Inniss defined it as follows: “Critical, in this sense refers to closely inquiring into the nature of a thing or idea, not necessarily to alter it or undermine it, but rather to problematize it, that is, to expose vital questions and problems to a thing or concept.”

In the same article, Professor Buckner Inniss goes on to describe three key characteristics of critical legal studies, which can be characterized as follows:

Using law to solve problems requires recognizing and honoring multiple identities and interests across a spectrum	Legal principles cannot be universally applicable, unless such application empowers historically marginalized and oppressed people.	Law must not be viewed in a binary sense, in which people make right or wrong choices regardless of their personal circumstances.
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This section provides an overview of critical legal studies as an academic discipline. It then discusses various manifestations of the discipline, including critical race theory. It concludes with a brief introduction to the concept of intersectionality.

Historical Development

Legal thought in the United States developed in three stages. The first, Classical Legal Thought (1800s-1920s), also called legal formalism or legal orthodoxy, centers on a uniform,

impartial process of legal reasoning. It was mainly concerned with creating a system of fundamental principles about morality, society, and justice to address legal issues. This was followed by the Legal Realism movement (1930s-1960s), which introduced the idea that social forces can and should influence legal change. Influenced by developments in the social sciences, legal scholars explored how law and policy could be crafted to further the public interest.

Beginning in the 1970s, critical legal studies developed as a way to view law through an even broader lens than legal realism and to analyze systemic problems and inconsistencies in legal theory. Scholars of this emerging discipline were encouraged to explore radical alternatives to the current legal order.

In 1982, the first-ever critical legal studies symposium was held at Stanford Law School. The symposium issue published in January 1984 by the Stanford Law Review includes many articles considered fundamental works of the movement.

Critical Race Theory & Critical Legal Studies Sub-Disciplines

In 1995, Professor Derrick Bell, the first tenured African-American faculty member at Harvard Law School, developed critical race theory. Professor Bell defined the discipline as “a body of legal scholarship, ... a majority of whose authors are both existentially people of color and ideologically committed to the struggle against racism, particularly as institutionalized in and by law.”

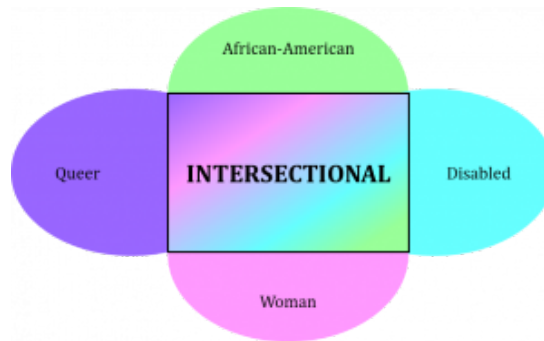
Critical race theorists explore subjects, events, groups, laws, and legal principles, including but not limited to civil rights, voting rights, housing, and employment discrimination, policing, and mass incarceration, through the lens of historical and current injustices that the American legal system inflicts on African Americans. Critical theorists aim to expose injustice and identify alternatives to the current legal order to eliminate those injustices.

Today’s legal scholars explore many areas of law critically. Critical legal studies have emerged for many other racial/ethnic identity groups: Latina/o/x critical theory, Asian critical theory, critical Indigenous studies, and critical whiteness studies. Feminist and queer legal theory scholars explore how the law discriminates against people based on their sex, gender, and sexual orientation. Legal scholars are also engaged in critical disability studies, which explores injustices experienced by people with physical and mental disabilities.

Intersectionality

Many people identify with more than one demographic that experiences discrimination, bias, and oppression, not only in society at large but also in the legal system. In scholarly literature,

the term “intersectionality” is used to analyze issues related to identifying with more than one marginalized group.



Professor Kimberle Williams Crenshaw established the concept of intersectionality in a 1989 University of Chicago Legal Forum article, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Policies*. According to Professor Crenshaw, the critical legal studies scholarship up to that point “erases Black women”: critical race theory focuses on the legal system’s treatment of “sex-privileged” Blacks (Black men), while feminist legal theory focuses on the legal system’s treatment of “race-privileged” women (white women).

Why is a separate category like “intersectionality” needed? Professor Crenshaw argues that “the intersectional experience is greater than the sum of racism and sexism.” Intersectional scholarship provides a better framework for focusing on the unique inequities and injustices the legal system creates and perpetuates for Black women.

DIVE DEEPER

In addition to the works cited in this chapter, please consult the following for additional information on this topic.

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CHAPTER 5.

ADVOCATING FOR THE LAW LIBRARIAN PROFESSION

PAUL J. MCLAUGHLIN

Though law librarians have been acknowledged as instrumental in legal education and law practice, questions about the need for law librarians and law librarians' ability to adapt to new demands of conducting and teaching legal research have been raised.ⁱ Law librarianship also faces debates as to whether it should be considered a distinct profession by those who do not see law librarians as having specialized qualifications that set them apart from other librarians.ⁱⁱ This chapter will discuss the need for law librarians to advocate for their professions so they can show how they are needed in legal education and by society and they are distinct from other librarians as legal professionals to ensure that they can effectively advocate for themselves and their patrons on a variety of issues.

Key Concepts

- Law librarians face challenges being seen as professionals.
- Law librarians must advocate for their positions and profession.
- To advocate effectively, law librarians must focus on their strengths.

LAW LIBRARIANSHIP'S QUALIFICATIONS DEBATE

Challenges to the Standing of the Law Librarian Profession

Law librarianship does not have an authoritative set of standardized training and skill qualifications for academic or firm librarians anywhere in the world.ⁱⁱⁱ Organizations such

as the American Association of Law Libraries and the American Library Association have published lists of competencies that librarians should have but have not provided guidance as to what course or degree requirements would show a law librarian having received the training required to meet those competencies.^{iv} Among the competencies that law librarians should have, advocacy skills are considered a key topic in law librarians' education.^v The lack of an established set of core skills and the lack of a standardized aptitude test for law librarians has been used to back arguments that law librarianship does not have a core of specialized knowledge that distinguishes it as a profession by those who do not see law librarianship as a profession unto itself.^{vi}

Law librarians are often treated in the same manner as clinical professors and legal writing instructors and not given full faculty status.^{vii} Because they are not classified as full faculty members, law librarians often receive less pay, may not take part in school governance, and cannot seek to gain tenure. Also, their academic publications are not given the same weight as other legal scholars.^{viii} Their lack of full faculty status leaves many law librarians without an opportunity to contribute their knowledge and help their schools meet modern curriculum requirements or to speak to the importance of law librarians' and their libraries as schools seek to cut costs by reducing libraries' budgets and staffing during law school administrative and faculty meetings.^{ix}

The Need for Law Librarianship to be seen as a Profession

Law librarians must be seen as full professionals to help advocate for their patrons and expand access to the court system and legal information.^x Law librarians have influenced legislation concerning issues such as open access to government documents, privacy rights, and making legal information available online.^{xi} A central reason for librarians' success in shaping legislation that affects libraries and society is that legislators tend to view librarians as experts on information and impartial purveyors of knowledge.^{xii}

Law librarians cannot benefit their schools and use their talents to the fullest extent without being seen as professionals and being treated as faculty members.^{xiii} Including law librarians as full members of a school's faculty can have a variety of benefits for schools.^{xiv} With the American Bar Association's and hiring attorney's calls for law schools to instill law students with practical skills, law librarians who are placed in faculty positions that allow them to instruct law students in setting such as legal clinics can have a greater chance to help their schools in meeting their education requirements, prepare students for the practice of law, and help those in need access the legal information and services they need.^{xv}

Beyond serving as instructors, law librarians often write on the subjects of legal bibliography, information, and research, but they are also encouraged to write on other legal matters.^{xvi} Without having full faculty or professional status, the publications of law librarians are not

given the same weight that publications of other members of their organizations receive, which not only diminishes law librarian's contributions to legal scholarship but also does not allow their school to get the full benefits of having a member of their faculty publish.^{xvii} The lack of full recognition for their professional contributions and scholarship also puts law librarians at risk of being seen as expendable, as more pressure is placed on schools to prove their academic impact in various ranking systems.^{xviii}

LAW LIBRARIAN ADVOCACY ESSENTIALS

Advocacy Fundamentals

Before any advocacy project begins, the goals for the project should be set; research should be done as to who to contact and what the best method of contacting them is; and what professional rules and restrictions apply to the project.^{xix} Defining the central concerns and ideas of an advocacy project so they are understandable to those who are not familiar with the issues being addressed and so they can be presented as discussion points is also needed before starting an advocacy project.^{xx} Beyond having central talking points, an advocacy project should have corresponding statistics and any necessary financial figures that show the need for changes to be made in a clear and easy to understand manner.^{xxi}

After preparing talking points and gathering and organizing relevant data, law librarian advocates will need to do research on who they need to contact to present ideas to, find out what communication methods work best to reach the determined important contacts, and personalize messages sent to them.^{xxii} Building a friendly relationship with an important contact's supporting staff is also key for any advocacy project since supporting staff can have a powerful influence on how a message is received and regarded by the individual you are seeking help from.^{xxiii} As part of the research on who to contact for help on an issue, law librarians must research the laws and rules that govern the individuals they are reaching out to to avoid missteps that could hinder their advocacy project or cause professional repercussions for the people they are trying to contact.^{xxiv}

To seek allies and get their messages out, law librarians can use a variety of traditional means to advocate for themselves and for others, including creating legislation and lobbying, engaging in litigation, and creating educational outreach programs on topics.^{xxv} Law librarians should also seek creative and new means of spreading information, such as online publishing.^{xxvi} Law librarians have embraced using social media platforms, creating advocacy web pages or websites, and setting up blogs to spread their messages. They should continue to look for new platforms and technologies to advocate through.^{xxvii} Law librarians must be aware their social media messages must conform to their jurisdiction's laws and professional

rules so they do not violate their professional ethics obligations or inadvertently publish information that could be held as the unauthorized practice of law.^{xxviii}

While law librarians can advocate for themselves and their patrons on the state and national levels, law librarians can also advocate within their own communities and law schools.^{xxix} Law Librarians should reach out to their school's adjunct faculty, administrators, clinic directors, full-time faculty, and local legal groups and practitioners to inform them of what their libraries have to offer and how librarians are key to helping them best use their library's resources.^{xxx} Law librarians should emphasize to local and school leaders how the services they provide serve their communities and schools in a variety of ways, including supporting their school's legal clinics, assisting with faculty scholarship and teaching efforts, aiding students to learn the skills they will need to succeed in their studies and in practice, and helping community patrons get the legal information they need.^{xxxi} Law library directors, in particular, should be involved in advocating with their school's administrators, faculty, and local legal community about what law librarians can do for their schools' educational programs so they can help develop their law school's curriculum to meet the American Bar Associations' and potential student employer's expectations for graduating law students research skills.^{xxxii} When discussing the value of law libraries and librarians, beyond using basic usage, visitor data, records of teaching sessions, and reference statistics, law library directors and librarians should emphasize how their unique qualifications and skills help the law school's faculty perform their duties more effectively and make valuable connections for their law schools in the academic and professional realms.^{xxxiii}

Engaging in advocacy projects can require a significant investment of time and resources. Still, law librarian advocates have a variety of sources available to them that can provide guidance and materials to make advocacy projects less demanding.^{xxxiv} There are several active librarian and law librarian professional groups around the world, such as the American Association of Law Libraries, that have advocacy project tool kits and resources available online.^{xxxv} Along with providing insights and guides on how to go about an advocacy project, professional groups can allow advocates to contact others seeking to make similar changes so information and experiences can be shared and possibly create unified efforts to affect changes.^{xxxvi}

Key Concepts in Advocating for the Law Librarian Profession

Advocating for the law librarian profession requires librarians to understand and articulate to others the importance of the fundamental skills that librarians possess, their key roles in legal education, how they support the legal profession and benefit society to those who can make changes.^{xxxvii} To advocate for their profession, law librarians must adapt how they reach out to influential leaders and their communities using traditional methods and new educational programming and social media for their community patrons and students.^{xxxviii}

Law librarians can also use scholarly information sharing platforms, such as online institutional repositories, to provide legal information to a wider patron base and make connections that can boost their school's academic standing while demonstrating the value of their libraries and librarians to their schools.^{xxxix} Law librarians can distinguish themselves from other specialty librarians, such as business or medical librarians, and other legal professionals due to the majority of legal librarian positions requiring applicants to possess both a degree in law and a master's in library science.^{xl} Having training in legal doctrine and the information sciences provides law librarians a specialized knowledge base and a unique set of skills they can use to aid and teach others.^{xli}

CONCEPT IN ACTION: ADVOCATING FOR AN INSTITUTIONAL REPOSITORY

Ashley, an academic law librarian, had become a supporter of open access legal scholarship while studying to earn her Master's in Library and Information Science. Ashley had completed law school and knew the legal sources available to law students, legal professors, and practitioners. While working on one of the required projects that she needed to complete to complete her studies for her Masters, she ran into many obstacles trying to access legal journals and other legal sources due to her university not subscribing to the legal publications that she needed and the sources not being available online.

When she found out that an influential magazine that published law school rankings was going to implement a new ranking system for law schools based on each school's academic impact, she sought ways that the school's library could help her school's faculty publications gain more readership. While looking through a variety of law library journals, newsletters, and blogs, she became convinced that her library could not only support the school's faculty scholarship and expand their readership but could also support open access to legal materials by creating a free to access online institutional repository of the school's faculty publications.

Ashley knew that her idea might face challenges due to the possible costs of starting a repository and finding ways to convince the school's administration that the repository could be an asset to the school. After gathering several journal articles on the positive impacts of institutional repositories for law schools and access to justice efforts, how-tos on the creation of institutional repositories, and vendor information for possible repository platforms, Ashley went to the dean of her library to present her idea of the library creating an institutional repository for the school.

The law library's dean, Sam, agreed that an institutional repository could be a boon to the law school but was concerned that its administration and faculty would not support it. Sam worked with Ashley to create an idea pitch for the institutional repository that would be

presented during the next faculty meeting. Sam was the only librarian at the school to hold faculty status, so she had to be the one to present Ashley's idea during the faculty meeting.

After the faculty meeting, Sam met with Ashley and told her that while the idea for the repository would be allowed to face a vote during the next meeting, there had been questions raised as to whether an institutional repository would have the impact on the school's scholarship that would justify its cost and whether the school's librarians had the technical knowledge to start and maintain an online repository. Undeterred by the lukewarm reaction of the school's faculty, Ashley and Sam worked to find ways to advocate for the institutional repository with the school's administration and faculty.

Ashley reached out to librarians at other law schools who had started their own repository. She gathered the data and insights provided by the other schools' librarians and materials and data sets on institutional repositories' positive influence on the author's academic impact factors from academic law library journals. She compiled them into an easy-to-understand report. Ashley then passed the report to Sam, who used the information to reach out to influential faculty members and the law school's dean and convey the many possible applications and impacts that the repository could have for the school. Ashley and Sam worked together to contact the faculty advisor and the students involved with the school's law journal. Using the information Ashley had collected, they demonstrated to the law review's editors and staff that the repository would not only help the school's faculty's publications but would allow the law review a new way to share their work with scholars around the world.

At the next faculty meeting, thanks to Ashley and Sam's efforts, the faculty voted to support creating an institutional repository. The launch of the school's repository did have a couple of glitches that the school's librarians worked through but was an overall success. After enough time had passed, Ashley and Sam drafted a newsletter. They circulated it to the school's administration and faculty, showing how many downloads each faculty member's works had received along with information on where in the world and which organization had downloaded the faculty's works. Using the new data, Ashley and Sam began to reach out to other law schools that did not have repositories with their collected data and experiences to encourage them to consider starting their own repositories to help their own schools and to bolster the law librarian profession's goal of expanding access to legal materials and scholarship.

Law librarianship requires knowledge of legal information, navigating the specialized way legal information is organized, and bridging the gap between older materials in print format to working with the ever-changing electronic legal information and technology landscape.^{xlii} Law librarians are some of the few legal professionals who receive training on teaching

methods as part of their education in library science and have been effective in instructing others.^{xliii} Due to their specialized knowledge and training, law librarians have been asked to teach legal research to law students and legal professionals with a variety of backgrounds in person and through electronic means.^{xliv}

Law librarians' unique knowledge and skillsets have made them central to many school's efforts to train law students in the practice-ready skills required by the American Bar Association and hiring practitioners for law school graduates to have.^{xlv} Legal writing instructors are needed to teach certain aspects of legal writing, but they do not have the level of expertise as law librarians in working with the various sources of law and transferring information found in legal sources into legal scholarship or functional practice documents.^{xlvi} Law librarians' unique skill sets allow them to help students meet the American Bar Association's academic writing requirements with their legal scholarship and academic writing knowledge.^{xlvii}

Beyond possessing instruction skills, law librarians must have knowledge in management and technological trends, which allows them to prepare their school's students for the practice of law in a variety of ways.^{xlviii} Law librarians have been called upon to train and supervise student research assistants who not only gain legal research experience but also get introduced to new legal research technologies and specialized techniques in finding materials.^{xlix} By training students in the practical skills and the technologies they will use in practice, law librarians can be central to a school's efforts to help students transition from academic research and writing to being able to research and problem solve real legal issues.¹

To advocate for the law librarian profession, law librarians must understand and be ready to discuss the value of law librarians to those who have influence.^{li} Law libraries and their librarians face many funding and practical challenges as law firms and law schools seek to enhance areas that draw in funds and the American Bar Association relaxes the requirements for law schools to have law library collections of certain sizes and compositions.^{lii} Detractors of law libraries have argued that as the practice of law shifts more towards using electronic materials, law libraries will not need the space they currently occupy and might be done away with entirely.^{liii} Critics of law libraries have also stated the lack of physical collections in libraries will cause law librarians to become obsolete since legal resources would no longer need specialized care keepers and organizers whose technical skills do not meet the demands of contemporary legal practice.^{liv}

To counter dismissive views of law libraries' and law librarians' contributions to the practice of law, law librarians must be able to point out that law libraries have successfully adapted to the new demands of the legal profession in a variety of ways and now not only help patrons and find the information they need but also help them learn how to use online legal research platforms.^{lv} Law librarians can also give examples of how law libraries have adapted to allow

space previously taken by print sources to be turned into student study areas, by allowing their librarians more opportunities to become involved in the teaching of law students, and by creating online repositories that allow their law schools' faculty to have their scholarship published on platforms that afford them a wider readership base.^{lvi}

Beyond using traditional advocacy methods, librarians can use various new platforms to reach out to potential advocacy contacts. Law librarians have used various online tools, including blogs, online guides, podcasts, social media, and wiki pages to provide information about their library's collections and services and promote their activities and outreach programs.^{lvii} These same tools can be used to advocate for the law librarian profession by allowing law librarians to reach a larger number of people and present information and issues in ways, such as online videos and audio feeds that traditional advocacy channels do not allow for.^{lviii} However, there are issues that law librarians must be aware of and plan for when using interactive and online platforms for advocacy activities. When using platforms that allow patrons to respond to posted information, law librarians must put procedures in place to ensure that their patrons' privacy is protected and follow the rules and laws of their jurisdiction that prohibit the unauthorized practice of law.^{lix}

CONCLUSION

Law librarianship has not been seen as a profession by many critics. Those who do not see law librarianship as a profession with its own skillset often point that law librarians do not have a defined set of educational qualifications they must possess nor a standardized skill assessment, such as a bar exam, that allows them to distinguish themselves from other librarians. Law librarians have been treated as less than full members of their law schools and are often not provided the same tenure opportunities or have their scholarship be given the same weight as full faculty members. Without being seen as professionals in their own right, law librarians cannot expect to receive the same pay and benefits that those who are recognized as legal professionals do, and their efforts to help their patrons and their schools will continue to be devalued. Without having professional status, law librarians will also face a variety of challenges, such as not being able to participate in their school's governance and ensure that their libraries receive the resources needed to support their communities and patrons fully.

To bolster their reputation in the legal profession and be in the best position to advocate for themselves and the needs of their patrons inside and outside of their libraries, law librarians must advocate for law librarianship to be seen as its own profession with a specialized skill set and educational requirements. To advocate effectively, law librarians must research which influential people they need to contact, what ethical and organizational rules govern their advocacy activities, and what laws or rules control their contact's positions, so there are no legal or professional repercussions from any advocacy activities. Law librarians must be able

to discuss the issues they face in a clear, effective manner and, when possible, provide data that makes their position meaningful to those they are contacting.

To advocate for the law librarian profession, advocates must know, understand, and be able to articulate the flexibility and strengths of the skill sets that law librarians possess. Advocates for the profession must also know the challenges that the law librarian profession is facing and be able to discuss how they and their libraries are preparing to face such challenges and, when able, show how they and their libraries plan to use the opportunity for change to expand what the library can do for its patrons. Law librarians must also use a combination of traditional and contemporary communication methods to reach out to their community base and potential advocacy partners while following the ethical and legal guidelines of their profession.

DIVE DEEPER

If you would like more information about advocating for the law library profession, the following sources are great resources:

- Paul T. Jaeger et al., “Waking Up to Advocacy in a New Political Reality for Libraries,” *Library Quarterly* 87, no. 4 (2017).
- Joeline Cook, “Advocacy AALL Style: Inspiration for Application in Australia,” *Australian Law Librarian* 22, no. 3 (2014).
- Stacy Etheredge, Peggy Roebuck Jarrett, and Karen Westwood, “The Ins and Outs of Advocacy,” *AALL Spectrum* 22, no. 4 (March/April 2018).
- Stephanie Burke, “Took Your Own Horn- Law Librarians Should Communicate the Value of Their Profession out of Its Ranks,” *AALL Spectrum* 8, no. 5 (March 2004).
- Gerald Fowke, “Librarians Before Congress: Advocacy and Identity,” *Legal Reference Services Quarterly* 37, no. 3-4 (2018).

CHAPTER 6.

POLICY DEVELOPMENT & STRATEGIC PLANNING

NATHAN A. DELMAR AND THERESA K. TARVES

When considering what will guide a law library's mission, goals, values, and everyday operations, no two things are more important than policy development and strategic planning. Both exercises provide a framework for law librarians to work within to ensure the success of its services within its organization and for its patrons.

While not often recognized as one of the most gratifying aspects of librarianship, policy development can be one of the most impactful exercises in the profession. Properly-executed, well-considered policy serves to guide everything related to library development and usage while mitigating areas of confusion and conflict for all stakeholders in a library. Strategic planning helps law librarians and other law library employees to understand the law library's mission within its organization, how to provide value-added services that meet patron expectations and gives law librarians goals to work towards to ensure the law library's success.

Key Concepts

- Stated policy mitigates confusion among law library stakeholders and guides librarians in various situations.
- Librarians can develop good policies by leveraging existing policies at other libraries.
- A policy has the most impact when the right people have ready access to the needed policies.
- Plans should be based on key stakeholders, end goals, and budget considerations.

When wholly considered, policy development and strategic planning involve the entire library and its patronage, creating an inclusive effort and investment to make the law library the most it can be.

POLICY DEVELOPMENT HOW POLICY HELPS

Law library policies act as the instruction manuals to how a law library functions. Policy is collected information on how the library will act in various situations. Those situations can be varied to the point where policy can be collected and written for nearly any library-based context. In situations both routine and abnormal, the predictability gained from policy is a strength that can be relied on by the library's staff and its patrons.

One of the first things that should come to mind in creating effective policy is thinking about what impact a policy document can have. It's natural to question how impactful a written policy can be to solve problems that libraries face. Policy benefits a library by allowing librarians to focus on their individual roles and mitigating potential issues. Both benefits allow librarians to focus on more significant issues and projects rather than the minutia that often distracts from the work that directly impacts a library's patrons.

Policy in Terms of Issue Mitigation

In its most useful sense, well-executed policy helps prevent issues that would cost a library anything from time, effort, money, or the goodwill of its patrons. But how does it perform this role, and what practical situations can a policy benefit its institution in preventing conflict and problems?

First, policy performs these roles by guiding actions and setting expectations. A clear guidance document allows librarians to act as a unified whole in representing the services a library can and will offer to its patrons. That guidance is also helpful for librarians when it comes to navigating the variety of services a library provides. It is unrealistic to expect to remember how to implement every policy as a librarian; a well-constructed collection of guidance documents allows us to convey correct information to patrons accurately. This is important as it lends librarians confidence that they are administering to their duties well, and it prevents frustrations from patrons who might not know what they can and cannot do at the library.

The practical situations where a policy benefits the library are many and impact a variety of stakeholders. Policy documents can help librarians guide public patrons, students, alumni, and professors to understand exactly how the library can help them get the resources they need. Good policy extends beyond the primary mission of the library, though. Policy can touch everything from advertising library-sponsored programs to soliciting or managing

donors and donations to navigating the library's place in the whole law school's ecosystem. The critical factor that a good policy lends is clarity. That clarity allows the library to assert its identity and purpose through its organized staff.

CONCEPT IN ACTION: POLICY GUIDING ACTION

One morning a professor emeritus came into the library to ask about donating her law books. She has a few specialized law books that the library does not have in their collection, but mostly outdated textbooks she used for teaching. Knowing that gifts are costly to store and process for the library, the librarian at the reference desk was about to say he could not accept the donation. Before he did, he remembered there was a gifts section in their collection development policy. He checked and saw that the policy stated that the library accepts all donations from professors, including textbooks. The librarian accepted the professor's donation, and the professor left feeling appreciated and happy to get rid of her old books.

Policy in Terms of Enabling Librarians

Properly administered policy allows librarians to dedicate themselves to fulfilling their library roles rather than helping each other administer decisions from the top down. Essentially, it allows library management and non-managerial librarians to focus on helping patrons rather than worry about administering decided policy correctly.

A well-developed library policy and organized guidance documents about the policy also help in moments of transition. Rather than dedicating large amounts of supervisory time to helping new librarians learn the fine details of working in a specific library, a detailed guidance document of policies encourages new hires to learn the inner workings of a library on their own during onboarding. This allows the new librarian a sense of independence and frees up supervisor time to focus on getting a new librarian up to speed on aspects of the job that cannot be entailed in a general guidance document. That prioritized management also enables librarians in management roles to balance their responsibilities without short-changing themselves or the librarians they supervise.

Policy can also help in moments of chaos or crisis. If a patron has a health-related crisis in the library, having a guide to action can prevent a panicked paralysis of a librarian who does not know what action to take. Such a policy document has the potential to be lifesaving.

HOW TO DEVELOP POLICY

Don't Reinvent the Wheel

How does a librarian begin to tackle the issue of creating policy that will impact an entire institution? The comfort here is that no librarian or even a group of librarians must go through this process alone. The field of law librarianship is a highly cooperative one, and librarians can always look towards their peer institutions for exemplars in policy. There is a clear advantage to looking to your peers for inspiration. By examining the policies that govern other libraries, the person developing the policy need not necessarily have years of experience in the policy area.

Being new to a field or the profession should not be the only reason you turn to policy written by your peers. Even after librarians have developed a feel for the profession's challenges, they can benefit from their peers' experiences. The best policy is informed by experience. By examining our colleagues' policies, we might look to prevent any issues or take advantage of situations they had to learn by experience. Law librarianship should be viewed as a collective as well as an individual experience. In doing so, we benefit, and our patrons do as well.

All this does not mean that we should copy our policies blindly. Doing so would sell your library and its patrons short. The result would be a bloated policy, not tailored for a specific use. A proper policy document should be developed with your institution's experiences in mind while keeping an open mind towards incorporating other policies for future situations.

Where to Find Policies

Knowing to look for other policies is only half the knowledge required to leverage collective experience for your library's success. A librarian must also know where to look for these documents. Fortunately, these documents are often readily available. The most accessible documents are usually made available by individual libraries through professional organizations and, if not there, might be made available by individual libraries on their web pages.

Law librarians are fortunate in that we have an active and collaborative professional organization in the American Association of Law Librarians (AALL). Through the organization's Special Interest Sections (SIS), there are active efforts to maintain collections of policy documents from various libraries. The advantage of utilizing the individual SIS pages to find policy is that you are more likely to find policy relevant to your efforts. For example, if you are tasked with working on refining a collection development policy as a government law librarian (which is very well represented on the various SIS pages), it would be more helpful to navigate the Government Law Libraries Special Interest Section's (GLL-

SIS) dedicated webpage as compared to the Academic Law Libraries Special Interest Section's (ALL-SIS) page. It should be noted that these collections are built from individual libraries volunteering them. This collection method might make it challenging to get a comprehensive collection of libraries in a particular area or ranking, and these documents might not be entirely up to date.

Alternately, a librarian seeking to find poorly kept policies on various AALL pages can find success by going directly to the source. As discussed in the next and final section on policy, policy has little impact if no one can access or find the policy. For that reason, policy documents are often made available on library web pages. Since libraries maintain these sites themselves and the sites are one of the main ways they communicate to their patrons, it is a very good bet that the policy documents presented there are the library's current policies. When searching, it is helpful to remember that each library website is unique to that library, and navigation might be difficult depending on how that website is structured. When searching for a policy document, do not be afraid to use tricks like using a search engine to search for the library webpage's URL combined with search terms like "policy."

Do not be afraid to think outside this box when looking for policies that you can adopt at your institution! Searching outside law librarianship, in particular, can yield beneficial results. Aside from the AALL, the American Library Association (ALA) is also a helpful resource for creating policy. They offer manuals, guidelines, and other resources to help librarians make their own policies.

CONCEPT IN ACTION: RESEARCHING POLICIES

Halle is a librarian who has been on the job for about three years. Her boss tasked her with developing some baseline policies for a revision of their library's access policy. Halle knew that some policies were available on the web pages of other libraries. So, she gathered 15 examples of policies and broke them down into individual elements for access policies. Since Halle worked in a law library without public access, she discarded the elements that talked about public patrons and adapted the policies she liked into a cohesive access policy for her library.

POLICY ACCESS & MAINTENANCE

As we mentioned earlier in this chapter, a policy is only so helpful on its own. People need to be able to access policies relevant to them for that policy to have an effect. In addition, making policy is not the end of the process for applying it in your library. Policy maintenance is an important factor in how to get the most out of your efforts. This section details more about both of these concepts.

Policy Access

Making policy available to stakeholders who need to access it is critical to getting the most out of that policy. It is also helpful to ensure that people who do not need access to certain policies are not cluttered by policy documents they do not need to see. Naturally, this means that the people who need access go beyond the librarians themselves and often include patrons, institutional administrators, and other stakeholders. Making access policies readily available, or even highlighted, for the public benefits patrons as much as it benefits the librarians who have to enforce that policy. At the same time, highlighting the library's collection development policy or its employee-centered policies alongside its access policies might not prove as helpful to the public. These differing access needs mean that library policy should have a well-managed home for their policy documents. What form that home takes is something to be decided by individual libraries.

Stakeholders that need to access the most policy documents also benefit if those policies are made available in an organized format. Taking the time and effort to organize a guidance document that represents library policy is often very worthwhile. As mentioned earlier in this chapter, a guidance document can help librarians perform their duties well by offering easy access to all the policies they cannot immediately remember. It also serves as a useful training document for new librarians to get up to speed and be authoritative when offering reference service in a new environment.

Policy Management

Fully utilizing policy documents in your library requires that they be properly maintained and managed. Wholesale policy restructuring should not be a common occurrence, but regular review and revision should be. These revisions are best executed when the library's relevant specialists perform this review and then bring their suggestions to management. This results in the employees most impacted by policy change having a say in the matter while still involving those most responsible for shepherding the library's direction.

Policy should never be seen as set in stone. Revisions are natural as we learn from experience, and our field is ever-changing. Due to this, policy documents should be quickly available in a format that can track changes made over time. Shared drives, such as Google's, offer advantages when dealing with policy documentation. Documents in shared drives are accessible to various people in the library and are more difficult to lose or delete. Some drives track each new version and revision of your document so that users can go back and see what decisions were previously made regarding a policy. While it seems small, that institutional memory is crucial to future editors and people who will hold your position in the library. To further build this institutional memory, a good general practice is to have each employee

responsible for revising a policy document initial and date the revised document. That helps trace changes and who was responsible for certain policy administration over time.

STRATEGIC PLANNING

Oftentimes, new law librarians believe that strategic planning is best left to administrators, but this is not the case. A good strategic plan gathers the viewpoints of all law library employees, key stakeholders in your organization, and patrons. Multiple perspectives help create a comprehensive and inclusive strategic plan of the different viewpoints and roles of the law library employees and patrons. When starting out as a law librarian, do not assume that your voice is not important enough to speak to a strategic plan. Instead, ask those drafting a strategic plan if you can share your perspective during the drafting phases. The more perspectives heard during the drafting phase, the more the strategic plan will represent the goals and mission of the law library and its organization. Further, take an active role in implementing the goals of the strategic plan. By showing your commitment to taking actions that align with the strategic plan's goals, you can prove the value-add you provide to the law library and the organization.

What is Strategic Planning?

Strategic planning involves reviewing the law library's mission, values, and goals to form an actionable plan that will guide the law library's work and service for the years to come.

Purpose of Strategic Planning

Strategic planning may occur for various reasons. Perhaps it is because a new administration has come into the organization or law library, and they would like to realign the goals of the law library with those of the main organization. Or perhaps it is because the current administration decides that it is time to review and refocus the law library's goals. Or it may simply be time to review and revise the existing strategic plan.

Whatever the reason for creating a strategic plan, it should be viewed as a way to create goals that further the mission of the law library as patron needs, technology, access to resources, and the environment of the legal field and the organization have evolved since the last time a strategic plan was created. It gives law library administration a "tool designed to answer three simple questions in a library: Where is the library today? Where does it want to be in the future? How does it plan to get there from here?"¹ Further, it should help law library employees see both the bigger picture of the mission and goals of the law library, as well as provide actionable items that they can work towards that align with the law library's

and organization's core mission and values. A well-drafted strategic plan should provide the direction needed to move the law library forward to meet its stated goals.

Types of Analysis

It is important to consider the types of analysis that are often used when drafting a strategic plan. The two main types of analysis for strategic planning are SWOT (strengths, weaknesses, opportunities, and threats) and SOAR (strengths, opportunities, aspirations, and results). While other types of analysis may be used, these two types cover the large majority of the framework for drafting a strategic plan. While SWOT and SOAR are similar, they focus on different aspects of the law library and its services. SWOT analysis focuses on the following:

1. Strengths – This part of the analysis focuses on what the law library does well. Questions that might be asked include: What collections, databases, resources, and services do patrons like? Has the law library been recognized for its services? If so, by whom? What do law library employees think are their strengths?
2. Weaknesses – This part of the analysis focuses on what the law library may lack. Some questions that may come up in this part of the analysis include: Are there areas of the collection that do not meet the needs of patrons? What complaints have patrons or other stakeholders made about the law library? What areas of the law library could be better staffed, or are there important subject matters that lack expertise?
3. Opportunities – This part of the analysis focuses on where there are opportunities to improve. Questions to ask may include: How can the law library work with patrons and administration to better meet their needs? Are there resources that can be canceled to free up budget funds for purchases that will be better utilized by its patrons?
4. Threats – This part of the analysis focuses on what the law library should avoid now or observe for the future that may have an adverse impact on the law library's ability to provide services. Questions for this analysis may include: Is the overall organization in a good financial position so that the law library's budget will remain stable? Are there any technologies that may disrupt or change the way that the law library typically provides services?

By contrast, a SOAR analysis focuses less on weaknesses and threats and calls on those drafting the strategic plan to look more towards positive aspects of the law library and its organization.

CONCEPT IN ACTION: SOAR ANALYSIS

Jillian was recently hired to be a reference librarian in an academic law library. The law school administration recently changed, and they are asking all departmental units to create a strategic plan to show their mission, values, and goals for the next five years. Jillian has asked to be a part of the strategic planning team even though she is new to law librarianship as a profession and to the academic institution where she was recently hired. The Director of the law library has asked Jillian to begin to conduct a SOAR analysis specifically related to the services that the law library provides to students, and Jillian created the following framework to get herself started:

Strengths:

- The law library has been praised for its study aid resources which are highly used by its student patrons.
- Law librarians-led workshops have high attendance.
- The law library provides state-of-the-art technology and collaboration tools in its group study rooms.

Opportunities

- Focus collection development on student-centered resources to assist with class and exam prep.
- Develop a more robust workshop curriculum allowing students to earn digital badges.
- Update collaboration technology in group study rooms as the budget allows.

Aspirations

- Meet more student needs for course and exam prep.
- Have a collection that is student-centered.
- Administer a micro-credentialing program for the law library and other law school departments.
- Be the technology center of the law school and create a technology commons where students can use legal technology.

Results

- Solicit feedback students to better expand collections.
 - Choose a digital badge program and create additional workshop content with input from other law school departments.
 - Conduct a review of law school technology spaces and draft a proposal for creating a technology commons in the law library.
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The first two categories of SOAR – strengths and opportunities, focus on the same things and ask similar questions as these categories in the SWOT analysis, but the second two categories – aspirations and results, are where the two types of analysis really differ.

1. Aspirations – This part of the analysis focuses on what the law library hopes to accomplish in the future. Questions for aspirations may include: What does the law library desire to be known for? What changes can the law library make that will reflect positively on the perception of the law library?
2. Results – This part of the analysis focuses on how to measure whether or not it has

achieved its goals. Questions can include: What metrics and assessments can be used to show how the law library has met its goals? What value add has the law library provided to its overall organization?

Whichever method is chosen, it is essential for everyone in the strategic planning process to keep the goals and mission of the law library in mind and ensure that they fit into the overall goals and mission of its organization in a meaningful way.

The Planning Process

Creating a strategic plan may sound like a daunting process, but it doesn't have to be. Properly defining the purpose and scope of the plan, identifying key stakeholders, outlining end goals and actionable items, and considering the budget throughout the process will help make sure the process goes smoothly. More importantly, clearly defining a timeline with check-in points and action items along the way will help keep those working on the plan on track.

Define the Purpose & Scope of the Plan

Start the planning process by identifying the purpose for creating the strategic plan and defining the scope of the plan. As a new law librarian, you might not be involved in the initial stages of the planning process. However, it is still a good idea to review the purpose and scope of the plan throughout the process to make sure that any plans made are in line with the original purpose and scope. Some things to consider for the purpose of the plan are:

1. Why is the strategic plan being created?
2. What does the law library administration hope the outcome of creating the strategic plan will be?
3. What does the organization hope the outcome of creating the strategic plan will be?

When defining the scope of the plan, keep in mind the following:

1. Who is the audience for the final product? Is it just for internal law library purposes or overall organization purposes? Will the final product be public-facing, such as by being posted on the law library's or organization's website?
2. What will the final product look like? Will it be a physical written document, or will it align with the law library goals to create a website or digital only copy of the final strategic plan?
3. How long do you have to complete the strategic plan?
4. What is the budget for creating the strategic plan?

5. Is there long-range budget planning that needs to occur to meet action items in the final strategic plan?

While defining the purpose and scope of the plan, it is vital to keep in mind both the mission and values of the law library and the overall organization.

Identify Key Stakeholders

Identifying key stakeholders to be involved in the strategic planning process is vital to ensuring that the final plan addresses the needs of the employees, organization, law library patrons, and any external stakeholders involved with the law library. It is important to learn about the needs of all those involved in working and using the law library's services to form a fully developed strategic plan. Ensuring the voices of the right stakeholders are heard is vital to creating a strategic plan.

The key stakeholders will likely come from the following groups:

1. Law library administration
2. Law librarians and law library staff
3. Departmental administrators
4. Organizational administrators
5. External stakeholders
6. Patrons

The strategic planning team should likely include one law library administrator and at least one other law library employee. The remaining members of the team should try to capture the other key stakeholder groups. If possible, try to include at least one patron on the team since they are the main beneficiaries of the law library's services. Suppose all key stakeholder groups cannot be represented on the team. In that case, those on the team can learn key stakeholders' needs by doing surveys, focus groups, and interviews to gather the information needed from each of these groups.

A commitment to carrying out the action items in the plan "can only be achieved if all library staff identify with the plan, and they are motivated to produce the projected results. As a result, strategic planning should not be carried out in isolation by specialists alone but rather in an inclusive manner in which the implementers and stakeholders are dynamically involved. If structured in a participatory manner, the formation of the strategic plan in itself turns into a learning experience. It forms a process of opening up communication and discourse, for stimulating understanding and ownership in what is being planned for and spreading a spirit of strategic thinking throughout the whole library."ⁱⁱ In this way, getting

the key stakeholders involved in the planning process is vital to creating end goals and action items.

Outline End Goals & Action Items

Once the plan's purpose and scope are defined, and the key stakeholders are identified, the strategic planning team must outline the plan's end goals and the action items. This should be an iterative process that considers the feedback gathered from the key stakeholders and keeps in mind the larger mission and values of the law library and its organization.

Grouping goals into like categories can make it easier to define goals that relate to the values of the law library. For example, the categories may be related to collection development, new technologies, public services, technical services. These categories must make sense for the particular organization. Within these overarching categories, goals should be defined that are reasonable and attainable.

Be careful not to set too many goals. "[T]he number of goals that any library can realistically implement in a three- or five-year period is limited. The planning team members should reach a consensus on the top five to ten goals for each category and prioritize them accordingly."ⁱⁱⁱ Keep in mind law library staffing and the time frame set out in the plan to complete these goals. Working on ten goals over five years with a larger staff might be feasible, but it would be much harder to work on ten goals over three years with a leaner law library staff. Do not set yourself up for failure by setting out too many goals.

Further define each goal with some specific action items that will provide a jumping-off point for the law library employees who will need to implement the plan. Ensure that the action items are discussed with the employees who will be responsible for them to ensure that they are a reasonable starting point. As always, keep the law library's mission and values and the organization in mind while creating goals and action items.

Consider your Budget

Two potential budget factors come into play when drafting a strategic plan. One is related to creating the strategic plan itself, and the other relates to the overall budget of the law library and its organization.

First, is there a budget available to undertake the strategic plan process? If so, this can change the way that the strategic plan is created. Perhaps consultants will be brought in to help define the purpose and scope of the plan and conduct the SWOT or SOAR analysis. A consultant may also be hired to come on at the end of the project to review and help with the plan's presentation. There may also be a need for a budget to market the new strategic plan to patrons and external stakeholders. Smaller budget needs may include printing the plan in color and on high-quality paper. These budget considerations will depend on your

law library, organization, and the purpose and scope of the plan. If there is no budget for creating the strategic plan or the budget is small, that is ok. The strategic plan team will create a strategic plan with the resources available to them.

Second, and even more important, is to keep the overall law library and organization budget in mind throughout the strategic planning process. It is important not to create goals that will be unattainable because the law library does not have the budget funds to realize them. This could include purchasing new databases, collections, seating or furniture, technology equipment, hardware, and software, among other things. For example, committing in the strategic plan to upgrade the law library technology could be a large financial undertaking. If the law library does not have this in its budget, then this goal will be unattainable from the start. Even if the law library has budget challenges, it is still possible to create attainable goals in the strategic plan that can be met without undertaking large purchases as long as the budget limitations are considered throughout the drafting process.

Implementing the Strategic Plan

The final step is to implement the strategic plan. In many ways, this is the hardest part of the strategic plan. While working on the everyday minutia of running a law library, it can be difficult to keep the mission and goals of the strategic plan in mind. However, a strategic plan is only as good as its implementation, and working on action items within the plan is critical to the plan's success.

As a first step, build action items into the strategic plan that will help those implementing the plan's goals to have a starting off point. Further, once the plan is completed, make the first post-plan meeting a time to assign goals and action items to a person or team to complete them and set an initial round of timelines.

While working on action items, individuals and teams should be collecting data that can help with assessing the success of the plan. "Assessment refers to methods or tools that educators use to evaluate, measure, and document the academic readiness, learning progress, skill acquisition, or educational needs of students. In law libraries, it refers to evaluating, measuring, and documenting progress made toward meeting stated program, space, collection, and other goals. Assessment requires data."^{iv} It may seem daunting to collect data, but it is very likely that the law library is already collecting most, if not all, of the data needed to assess whether it is meeting its goals. Circulation statistics, usage stats for databases and equipment, gate counts, and other information is already being collected. The law library can also periodically collect additional data through patron surveys, focus groups, and feedback from organizational administration and external stakeholders. Assessing the success of the strategic plan is important to ensure that you're meeting the plan's goals.

A strategic plan helps formulate the law library's mission and goals for many years. Spending the time to create a well-thought-out plan will serve the law library and its employees by providing a set of goals to work towards and action times that lead the services that the law library offers. A strategic plan is a valuable tool for all levels of law librarians to both get involved in the creation process and to use the plan to guide the law library to meet its goals and align it within its organization.

DIVE DEEPER

Policy Development

- *ALA – Library Policy Development: General*
- *AALL – Policy Pages*
 - Collection Development Policies
 - Law Library Policies
- *OCLC – WebJunction: Policies*

Strategic Planning

- Caroline Young, et al., "Strategic Planning" in *Legal Research and Law Library Management*. Law Journal Press: 2020.
- Michelle Cosby, "Strategic Planning: Using SWOT or SOAR Analysis to Improve Your Organization," *AALL Spectrum* 23, no. 2 (November/December 2018): 20-23
- Roberta F. Studwell, "The Strategic Academic Law Library Director in the Twenty-First Century," *Law Library Journal* 109, no. 4 (Fall 2017): 649-672

CHAPTER 7.

ACCESS TO JUSTICE

BRIAN R. HUFFMAN

This chapter will discuss the key players in the A2J movement, given that partnerships and curated resources are paramount in any A2J endeavor. Next, the chapter will cover various models of delivery we provide public-facing A2J efforts. A case-in-point for a concept in action collection development will be discussed in greater depth. The chapter will conclude with a discussion of issues that have been on the horizon for the A2J movement.

Key Concepts

- Access to Justice is a universal concept that touches all types of Law Libraries.
- Law librarians must understand the partners who help provide meaningful Access to Justice.
- There are various service models used to facilitate Access to Justice.

BRIEF HISTORY

The American Access to Justice (A2J) movement started sometime at the turn of the last century. Roscoe Pound spoke about A2J in his address to the American Bar Association (ABA) in 1906.ⁱⁱ “Our administration of justice,” he said, “is not decadent. It is simply behind the times.”ⁱⁱ This movement has greatly impacted the American legal system. It has brought an awareness that the average public has a deep-seated need for justice, and barriers prevent meaningful access to justice. These barriers include lack of education, lack of financial resources, lack of legal information and assistance, lack of access in the normal meaning

of the word (no lawyers or Law Libraries nearby), and in some instances, lack of ability (physical/mental challenges).

As Steven P. Anderson stated, “The primary goal of the “Access to Justice” movement is to improve the quality of participation in the justice system by all. It also envisions an even “playing field” for the disadvantaged by removing barriers to access, such as income, literacy, mobility, and language, for those individuals with civil legal needs.”ⁱⁱⁱ

The concepts in this chapter have been frustrated since March 2020 by the advent of the coronavirus pandemic. Offhand, there are at least two recent concerns due to COVID-19: The disappearance of public technology; and the diminishing value of print collections. These are not new concerns, but the safety and health concerns make it more difficult to provide complete access for those disadvantaged by the “digital divide.” The digital divide occurs when the underrepresented and disadvantaged lack similar access (to books, eBooks, databases, etc.) due to poverty, lack of education, or disability.

KEY PLAYERS

Access to Justice involves self-represented litigants (SRLs), the law, and the justice system (courts, agencies, and possibly the legislature). There is the process and the law. SRLs are generally not familiar with any of it. That is why we have lawyers. But many people lack access to legal representation because they do not know where to find it and cannot afford it.

In addition to the parties to a lawsuit, lawyers, judges, and legal service providers play a key role. Legal service providers can be non-profits like Legal Aid or larger organizations like the Legal Services Corporation. Some providers specialize in an area of law, such as family law, domestic abuse, landlord-tenant. Many have income requirements and will not take fee-generating cases like personal injury or wrongful death.

Additionally, there are state and local bar associations which may have lawyers who specialize in areas of the law and who are available to take cases for free (pro bono) or at a lower fee. Some Law Schools also provide clinics in which members of the public can receive legal assistance in certain areas of the law (family law, criminal expungement, and landlord-tenant as examples).

Let us also not forget that public libraries are a vital resource. A person may often start their research efforts at a public library, which may have a limited legal collection. Only recently have public librarians been asked to come to the table and learn how to provide meaningful referrals for patrons with legal concerns.

It would be an error to exclude the important work the ABA and various state bar associations have done setting up and conducting the work done by Access to Justice

Commissions. Beginning with the first A2J Commission in 1994, in Washington State, these commissions bring together judges, lawyers, civic leaders, and other stakeholders with the goal of removing barriers to civil justice.^{iv}

Law librarians are gatekeepers and triage specialists of a sort. They must ascertain how best to help patrons when they appear at the library with their legal issues. A Law Librarian needs to know when best to lead a patron to resources for legal research versus getting them more immediate assistance with a lawyer. You see how a reference interview can become complicated quickly. And why Law librarians need to know something of the law to best mediate the potential avenues of assistance. They also need to know who the key players are and if they will take referrals.

PIVOTAL ORGANIZATIONS

Some essential organizations help create resources, foster partnerships and networking opportunities to build meaningful A2J initiatives. Four prominent organizations are Self-Represented Litigation Network (SRLN), Pro Bono Net, Legal Services Corporation, and the American Association of Law Libraries (AALL).

Most A2J organizations focus on civil matters. Civil matters are anything other than a criminal matter (i.e., a case where a fine, fee, or imprisonment could be the outcome). Civil matters are the focus primarily because criminal cases are afforded the right to counsel (attorney representation). Later in this chapter, there is a discussion on Civil Gideon and the movement to afford counsel as a right in civil matters.

The SRLN is a proclaimed leader in the 100% access to civil justice movement. They view equal protection and due process as guiding principles. They were formed in 2005 under the leadership of Richard Zorza. Mr. Zorza was the founder and Coordinator Emeritus of the Self Represented Litigation Network and a graduate of Harvard Law School. He was a former public defender, legal services attorney, and justice technology designer. What makes the SRLN stand out is its direct involvement in and participation by librarians. The author got his first taste in the A2J movement by representing Minnesota at the Public Libraries and Access to Justice conference in 2010, which was funded by the Bill and Melinda Gates Foundation. Richard Zorza chaired this conference.^v

Pro Bono Net (PBN) was started in 1999 by two pro bono leaders at large law firms in New York City. The internet was envisioned as a technology to help facilitate pro bono assistance to those in need. They focus on assisting disaster survivors, older Americans, and immigrants. PBN assumed management of LawHelp Interactive, a service that hosts critically helpful websites that contain online legal forms throughout 40 states.

Established in 1974, Legal Services Corporation (LSC) is the largest non-profit funder of civil legal aid in the nation. LSC provides grants to legal service providers. Training and technical assistance are also part of their service model. LSC is headed by a bipartisan board of directors whose 11 members are appointed by the President and confirmed by the Senate. The legal issues they assist most in are family law, housing and foreclosure, consumer issues, employment, income maintenance, helping military families, and disaster relief. LSC helped 1.8 million people in 2013.^{vi} This number could be as inaccurate as 50%, though, as many who seek help are turned away.

AALL also plays a significant role in the A2J movement. Special interest sections (SIS) like Legal Information Services to the Public (LISP) and Government Law Libraries (GLL) are comprised of active members who work at libraries where pro se litigants are assisted. These SIS'es also maintain helpful websites and toolkits that contain helpful guides or online pathfinders with state and federal legal research links.^{vii}

A2J SERVICE MODELS

There is no one model fits all approach when it comes to helping pro se litigants in the library. Choosing the ideal model is an exercise in knowing your audience and their needs, in addition to knowing what services and resources you have available that can assist patrons with their legal needs. This section outlines six possible A2J service models a library could utilize. The list is not mutually exclusive; a library may employ any number of these models based on needs and resources.

Partnerships with Service Providers

The most used and obvious model of providing A2J initiatives in the library is to partner with local legal service providers in your area. Get to know who the providers are, what legal help they provide, and their income or asset threshold guidelines. At the very least, you can build a network for referrals. You will learn where to send a child custody case versus a domestic abuse case. This kind of networking also helps libraries with their collection development plan, informing what resources may be needed and what may no longer be relevant.

Additionally, many libraries offer a space where legal service providers can hold clinics to provide information to the public (like workshops) or one-on-one interview opportunities. The library often has available space, parking, wireless internet, and the ability to print legal forms. It is almost like having a remote office for the lawyer who helps with these legal clinics.

Court/Law Library Self-Help Centers

Some libraries may be in or close to a courthouse. Many courts have implemented self-help

centers where the public can obtain court forms and perhaps access to lawyers who can provide limited advice on their cases.

The Law Libraries and Access to Justice report by AALL mentions three levels of service: basic, intermediate, and advanced.^{viii} The basic level involves providing space and books. The intermediate level would be a librarian or the equivalent, a list of referrals, core collection, curated websites, a system to note what is being requested, and basic equipment. The advanced level would have both the basic and intermediate components and access to an attorney on staff directing the operation of a self-help center. In this advanced level of service, the law librarians and the attorney will:

- Create tools such as research guides, videos, forms, and court practice tips for the most frequent issues
- Create workshops to address specific legal needs
- Address the patron's issue at their point of need
- Provide a neutral environment for discussing their needs
- Provide referrals to appropriate legal services agencies and other services as needed
- Partner with the court to design methods to assist the patron move through the court process more smoothly
- Partner with other legal services to provide effective referrals.^{ix}

Sadly, many under-funded, small, rural courthouse libraries can barely meet the basic level. Sufficient resources and space would be needed to fulfill the advanced level. True dedication on the part of court administrators, judges, bar associations, and legislators would be needed to accomplish this high level of assistance.

“Lawyer in the Library” Programs

A more innovative approach involves hiring and placing a lawyer in the library to assist pro se litigants. This approach is attractive to some who may lack adequate legal service providers in their community. There are potential drawbacks involved; namely, no one lawyer can be experienced in all the areas of law that patrons could possibly need assistance in. Also, the cost of a lawyer and the requisite malpractice insurance could be prohibitive for many budgets, especially if the library still maintains a space, computers, a collection, and access to research databases. If the library is able to recruit lawyers from law firms to do pro bono work by running clinics in the library from time to time, this might save library budgets, but it might not provide a stable, ongoing service the public could depend on.

Law School Clinical Work

The ABA established standards mandating that schools “require[] each student to satisfactorily complete at least . . . one or more experiential course(s) totaling at least six credit hours.”^x Many Law Schools provide an experiential learning opportunity in which law students may conduct intake, research, and limited scope representation of real-life parties. Law Schools have clinics for family law, housing, elder law, medical-legal partnership, criminal defense, environmental, immigration, and innocence projects (post-conviction criminal matters). The work these clinics perform greatly assists the community and can provide full representation for eligible clients.

In addition, Standard 302(b)(2) mandates that “[a] law school shall offer substantial opportunities for. . . student participation in pro bono activities.” Pro bono activities allow law students to conduct public service for no monetary remuneration. Students provide pro bono legal services under the supervision of an attorney, law school faculty, or another supervisor. Law students are encouraged to provide a portion of their pro bono service to persons of limited means or to organizations that serve such persons.

Clinics require trained lawyers and access to legal research materials. Academic Law Libraries can support the research needs of clinical work. Pro bono work done by law students also requires support from Law librarians and library collections. Law librarians also conduct legal research courses, advise journals, and perform instructional sessions in the library and for law courses. Their work assists A2J in the real sense that they are the suppliers and mediators of access to legal information. Libraries can be directly involved by providing space for in-person clinical consultations and workshops.

Training Public Librarians

Public libraries are essential partners in the A2J movement. Libraries are the cornerstone of a thriving democracy. They could well be the last public commons where anyone can come to learn and better themselves at minimal to no expense. Public library services are heavily utilized at times of economic and social crises. During the Great Recession, when the US suffered a housing crisis, public libraries were at the forefront, helping the public with answers to questions about unemployment, tenant-landlord, and foreclosure.^{xi}

Public libraries generally have little to no legal resources, and their staff knows little about the law. An opportunity was created that enabled Law librarians to train public librarians and provide online and recommended print resources to direct patrons for their legal needs. Law librarians have assisted in creating centralized websites collecting helpful online legal materials for patrons. Law librarians may be called upon to provide refresher workshops since legal reference can be infrequent at some public libraries. In some instances, public

libraries provided space where legal clinics could be held. Or programs such as “Law Librarian in the Library” were hosted. The partnership and training are of great benefit to the public.

Law Firm Pro Bono Support from Libraries

Many state bar associations have made it an aspiration of the profession to provide pro bono service to the community. To encourage this, some bar associations grant CLE (continuing legal education) credit for doing pro bono assistance. It is recommended that Librarians in Law Firms visit the ABA Standing Committee on Pro Bono & Public Service and Center for Pro Bono Directory of Pro Bono Programs to locate pro bono organizations in their local area.

Law librarians can curate meaningful centralized websites with current links, online forms, and host listservs for networking and discussion. Law Firm Librarians also have been known to provide invaluable organizational skills with their firm’s knowledge management applications. This expertise could result in a searchable intranet solution that can house forms, pleadings, memos, and other work product for pro bono assistance. And of course, Law librarians can assist by conducting legal research on behalf of volunteer attorneys of the Law Firm.

COLLECTION DEVELOPMENT

In addition to service models, librarians must consider the materials they collect. Do they meet the needs of their patrons? If not, do they have the support and ability to find meaningful/helpful materials for all patrons?

There are guiding principles every library needs when considering A2J collection development. Still, you are reminded that local decisions are paramount and should be based on available funding, partnerships, community needs, and your infrastructure. Be aware that maintaining a core collection of legal materials for many libraries may depend on sharing agreements with other libraries (consortia), along with effective referrals to local Law Libraries open to the public. Limited budgets necessitate reliance upon electronic government resources, particularly those that are official, authenticated, and provide permanent public access.

Another good practice is to collect materials for legal secretaries, paralegals, court clerks, and even sourcebooks for peace officers. These materials are good for explaining laws and specific procedures in plain language and may be more accessible for members of the public.

CONCEPT IN ACTION: DEVELOPING A2J COLLECTIONS

Gabriela is a librarian at a branch library in a large city in the state of Idaho. Patrons have been asking about evictions and divorce lately. She investigated the catalog, and all she found was a Nolo book from 2008: *Essential Guide to Divorce*. She is wondering how best to assist her patrons. It is clear, Gabriela needs materials on housing and family law. Legal research requires access to primary law and secondary sources. To help the public with A2J issues, Gabriela researched other organizations in case she needs to make referrals.

Gabriela is fortunate that AALL LISP-SIS has created a 50-state toolkit to assist.^{xii} Idaho has many online resources which will provide access to primary law since Gabriela's library has public computer terminals. Gabriela made use of a helpful online research guide authored by the University of Idaho College of Law.^{xiii} She added the link to her library website.

Gabriela also discovered LISP has also created a useful resource to assist with collection development of print and online materials.^{xiv} These collection development suggestions are broken down by federal, state, and general. Since many statutes and state case reporters are available online (do not forget Google Scholar for state case law), there will be little need to purchase expensive print collections. Gabriela's library focused on the general collection and acquired a law dictionary, updated books by Nolo (or some other plain language legal materials), and guides on the general principles of legal research. Nolo offers some of their collection online, which her library funds were able to afford.

Gabriela decided to go the extra mile by researching and locating a wide assortment of self-help materials and packets created by other Law Libraries and legal aid organizations or court self-help centers.

ACCESS BEYOND BOOKS

This chapter concludes by addressing three topics on the edge of A2J. These topics expand the horizon and push the envelope since the typical A2J subset concerns low-income individuals with "normal" legal problems. These topics discussed below add a wrinkle and provide a space to grow and expand the A2J movement in hopes of 100% equal access to justice. Librarianship is a service-oriented career. This section aims to provide future and present librarians with possible access to justice issues that may reshape our future and have been on the horizon for some time.

Civil Gideon

The American legal system has afforded criminal defendants the right to counsel when

charged with a crime. These rights were enshrined in the landmark case *Gideon v. Wainwright*. No such right to counsel exists in civil cases (any case other than criminal). There are a few growing exceptions where counsel can be court-ordered in cases involving minors, incapacitated parties, elders, and the termination of parental rights.^{xv}

There has been a movement to expand the right to counsel for civil matters known as Civil Gideon.^{xvii} Proponents of this right prefer it to be known as the “civil right to counsel” movement instead. The growing “justice gap” created by the high cost of litigation certainly justifies a deeper delve into this topic to expand A2J so all members of society can have a true and equal opportunity to afford themselves the justice the law grants them. The ongoing failure to address this concern makes it appear less likely to occur anytime soon. But one could well imagine the utility and advantage of a legal system where every litigant was adequately represented in court in all legal matters. It would streamline and narrow this chapter to issues of legal research and competent representation.

At present, all librarians can do is to have meaningful resources to address civil legal matters and excellent referrals to partners who can help when needed. Librarians need to make connections to court self-help centers, legal aid, and other legal service providers so library patrons can get the legal assistance they need.

Assisting Those with Learning & Physical Disabilities

Alongside the growing need to provide services and resources for SRLs, there has become a realization that access also means comprehension. No two SRLs are the same. Each may come from a different socioeconomic background. Librarians need to be cognizant of a patron’s potential learning or physical disability. It is recommended self-help materials and law forms be re-drafted in plain language and at a lower reading level. Additionally, one may need to consider the native language of the patron if English is not their first language (or if they can speak/read English at all). These issues can require additional materials in different formats and may even require adaptive technology to assist those with physical disabilities.^{xvii} Are our library spaces and technologies well-suited for only able-bodied individuals? Libraries should conduct space and technology assessments with all patrons in mind and not preclude those with learning or physical disabilities.

Patrons on the Edge: Homeless, Chemical Dependency, Mental Illness, & Potential Deportation

Libraries are accustomed to helping anyone who crosses their threshold. Librarians, especially in large urban areas (but not exclusively), have become acquainted with what this section refers to as “patrons on the edge.” These individuals may have more than just a legal

problem: they may live on the street, have a chemical dependency problem, or may have a mental illness. Perhaps they have two or three of these obstacles in life. Law librarians need to be aware of possible resources and the unique challenges faced by these individuals. Many public libraries have retained the service of a social worker to help disadvantaged patrons.^{xviii}

One possible avenue is the various special courts some jurisdictions have set up to assist these individuals: drug court, homeless court, mental health court, and veterans' court. These courts often involve local service agencies who are the gateway for participants to enter court voluntarily. Prospective participants work with a caseworker to design a plan to move towards self-sufficiency. Research your community and discover if these resources exist or if there are those who may advocate for the creation of such programs.

Deportation is a grave situation facing many living in America. Immigrants' Rights clinics have several projects to expand access to justice for immigrant communities. Clinic students can develop key policy reports, advocate for lawyers in removal proceedings, and write pro se guides and public education materials to enable immigrants to know more about the laws so that they can represent themselves in the absence of meaningful access to counsel. Law librarians can find print and online resources to assist with these clinics.

CONCLUSION

This chapter has provided background and introductory material on the Access to Justice movement in America and the role librarians play when providing service to their community. We have a long way to traverse, but we know the goal and have some tools to help us achieve justice for all. There are many possibilities on how to achieve justice. With tenacity, fortitude, and good spirit, we can make this goal come to fruition. If we strive to perfect and improve our legal system by affording everyone equal access, we can look forward to a day when all people will have access to justice.

PART II.

ACADEMIC LAW LIBRARIANSHIP

CHAPTER 8.

REFERENCE WORK

ANNALEE HICKMAN, JANET KEARNEY, AND KELLY M. LEONG

In doing reference work, reference librarians direct, instruct, teach, assist, advise, and answer questions for patrons. In a catch-all definition, reference work encompasses reference librarians connecting patrons with resources, referrals, and answers to any library-related or research request. In academic law libraries, most reference questions are uniquely focused on legal resources, and reference work tends to be performed by librarians with law degrees and library science degrees.

In this chapter, we will discuss the following areas of reference work in academic law libraries: the basics of reference services, including the reference interview; typical reference questions and difficult reference situations; unique reference services for specific patrons (law students, law faculty, other academic community members, and the public); and reference tracking and data.

Key Concepts

- The reference interview is used to determine a patron's reference question.
- There are typical reference questions and answers, such that you can prepare for your first reference desk session.
- Each patron type will have unique reference service needs.

THE BASICS OF REFERENCE WORK

Reference Services

Reference services are offered in a variety of formats, including in-person (both drop-in and by appointment), email, online chat, phone, and video calling. Many academic law libraries limit some or all of these reference formats to law students and law faculty only. Remote reference services, through email, online chat, phone, and video calling, are becoming increasingly popular, and reference librarians may be tasked with staffing the physical reference desk for drop-in reference, while also responding to remote reference services at the same time.

Reference Spaces

Reference spaces in academic law libraries resemble many similar spaces in other libraries. Common reference spaces include a reference desk, which can be either standalone or combined with other service points, such as circulation and/or IT; and a reference office, which could either be a standalone reference office or in the offices of individual reference librarians. Less common reference spaces include tabling outside the library and ad hoc training given in doctrinal classes.

Regardless of how the reference space appears, it tends to be equipped with useful reference materials. A computer is generally a must-have so that the librarian can demonstrate research to the patron. Many reference desks provide a second monitor or the capability to rotate the monitor in order to demonstrate online research efforts to patrons. Additionally, print reference materials are still commonly used and tend to be located at or near the reference space.

The Reference Interview

The reference interview in academic law libraries is a complicated exercise, requiring reference librarians to parse out the type of question being asked and the type of patron asking the question. Questions may be academic legal reference questions or practical legal reference questions. Patrons may be law students, law faculty, non-law university students, attorneys, paralegals, or public patrons from the community who have no legal background. Understanding the categories to which the question and patron belong will influence the resources suggested and the manner in which those resources are explained. For example, answering academic legal reference questions may require different resources than practical legal reference questions. Additionally, an attorney may need less explanation on how to find

and use a resource than a public patron who has no legal background, even if both patrons want to find the same case.

The reference interview should include the following questions:

- Are you a law student? If so, what year are you? Or are you an undergraduate student? Attorney? Paralegal?
 - In this step, the reference librarian determines what type of patron they are working with so that the librarian can assess the patron's legal background. Knowing the category of patron type also allows the librarian to know what library resources the patron can access. For example, law faculty members and law students may have access to more electronic resources through library licensing agreements than the other patron types.
- For what purpose are you asking this question?
 - In this step, the reference librarian determines if the question is an academic legal reference question or a practical legal reference question.
- What research have you already carried out? Which search terms did you use? What resources have you already consulted? How did you search within those resources?
- What deadlines or restrictions do you have for completing your reference question?

The reference interview is dependent on the sharp listening skills of the reference librarian. The librarian must listen attentively to the patron and how the patron describes their information needs. Additionally, the librarian should use, when possible, body language and nonverbal cues to indicate to the patron that they are listening and, in turn, should look for body language and nonverbal cues from the patron as well to help assess the patron's understanding.

CONCEPT IN ACTION: EMAIL REFERENCE

Wednesday morning, when the reference librarian checked the reference email, they saw that a third-year law student had emailed during the night. The 3L wanted to know how to find the state legislative history for a particular statute. When responding, the librarian included a couple of links to research guides about that particular state's legislative history but suggested that the 3L make an appointment for a video call with them due to the complicated nature of legislative history research. The video call would allow the librarian to share their screen and walk the 3L through the process to find the specific state statute's legislative history.

The reference interview will vary depending on the reference format and may require more

granular questions. For example, the reference interview in an online chat requires more questions to be asked because the reference librarian does not benefit from visual cues that may help them determine how much explanation for a resource they need to give. The online chat also may be the most difficult reference format for sharing information due to the purely online and text-focused format. For complicated legal issues, the reference librarian may need to refer the patron to a different format, such as following up through an email, a phone call, a meeting in person, or a video call that would allow the reference librarian to share their screen and show the patron resources synchronously.

Cultural Competency

It is important to be culturally competent when carrying out reference services. The *Diversity and Inclusion* chapter in this book provides information and advice that should be applied when doing reference work. Reference librarians, along with circulation staff, are often the face of the library, and they are the primary contact points for patrons. As a primary point of contact in the academic law library, the reference librarian must treat all patrons with dignity and respect using the tools of cultural competency.

As applied to reference work, librarians should strive to:

- prevent cultural differences from creating tension with the patron or affecting the reference interaction,
- have empathy,
- demonstrate equity,
- embrace diversity, and
- learn and respect differing views experienced through the reference interaction.

REFERENCE QUESTIONS

Reference librarians encounter numerous types of questions in each reference space and format. This section will introduce the most popular categories of reference questions and the most difficult situations across all patron types.

Typical Questions

While a day in the life of a reference librarian at an academic law library is rarely typical, the most frequently asked questions can be grouped into the following:

1. **Citations: How do I cite this case? What does this citation mean? Why is *The Bluebook* so horrible?**

Law students, primarily first-years and LL.M. students writing their first memos and briefs, often ask reference librarians how to cite a particular source using *The Bluebook*. The level of *Bluebook* instruction varies widely across law schools, and students come to law school with varying levels of general citation skills. In a first interaction with a student on this question, it is appropriate to explain how *The Bluebook* is organized and how to find the specific rules using the source type, table of contents, and index. Advising the student that the suggested citations in databases do not usually comply with *The Bluebook* is helpful too. Reference librarians vary on how much detail they provide to students, but it is generally best to give guidance rather than telling the student exactly what to do. If a librarian does that, they may quickly find themselves feeling like a citation-generating machine. It is not just law students, though; law faculty will often ask librarians to do this as well.

2. Access: Where is this book? How do I find this particular article? Does the library have a database on arbitration?

The most common type of information literacy instruction reference librarians provide is showing patrons how to find library materials. For students, it is appropriate to walk them through the process of using the library catalog or other resource finders the law library may provide such as database lists, journal lists, or research guides. Although these may seem like direct questions, it is still appropriate to conduct a reference interview with students to determine their information needs; often, the patron has a reference need beyond the particular book or database. For example, a student writing a seminar paper may have a book reference from a faculty member, but in addition to this one book, they will also need to navigate library resources to continue and expand their research. This is critical to empower the students to be information literate with library resources.

CONCEPT IN ACTION: UNDERSTANDING THE NEED BEHIND THE REQUEST

One afternoon, a slightly harried-looking second-year law student rushed up to the reference librarian at the reference desk. The student said, “I need this book on online gambling laws—does the library have it?” While the librarian started pulling up the catalog to search, they asked, “Interesting topic. Is this for a seminar paper?” With that simple question, the student explained their 30-page comparative law paper on online gambling in multiple jurisdictions and how their professor recommended the book. The librarian said, “It sounds like you’ll need a few more resources. Do you have a few minutes to discuss finding other similar sources and some helpful library resources?”

For faculty, it is more common for the reference librarian to pull (or coordinate through other library staff) materials directly, rather than explain the process of finding materials, unless it is specifically requested.

3. Legislative History: How do I find the legislative history of this law?

This is a common question from both law faculty and students, but each group asks the question with differing levels of background knowledge, which affects the outcome of the reference interview. For students, there tends to be a greater misunderstanding of what legislative history is, when it is needed, and how to find it. It is critical to conduct a thorough reference interview to understand why the student is looking for legislative history information, which in turn will direct how the reference librarian navigates them through the process. Generally, the librarian wants to direct the student first to secondary sources discussing the history, then to compiled legislative histories, before turning to how to create a legislative history from scratch. Most student research needs will end before they need to construct a complete history on their own. For law faculty, they may understand the mechanics of legislative history but tend to lean on the librarian to conduct the research because it can sometimes be time-consuming and overwhelming.

4. Dockets and Court Filings: Does the library have PACER? Where can I find this amicus brief?

For these questions, it is critical to set expectations for what is actually available, particularly when the request concerns state dockets. Depending on the library's resources and the patron type, federal dockets and full-text court filings since about the year 2000 are likely available on Bloomberg Law (exact years of coverage vary, and historical content is sometimes added). Lexis and Westlaw have dockets as well and vary in their coverage of the full text of filings. Most libraries either do not have student PACER accounts, allow only law faculty to make PACER requests, or require that PACER requests go through the library. The more recent a case is, the more likely it is that the federal court website will have the court filings for free. For state courts, the availability varies widely based on the state, level of court, type of case, and date. A good starting point for determining where to find these materials is a research guide from a law library in the particular state. Subscription databases, such as Lexis or Westlaw, should also note what coverage they include. Many patrons, particularly first-time docket users, expect that dockets and the full text of all associated filings should be easily available online but that they are simply looking in the wrong place. While it is fully possible such patrons are indeed looking in the wrong place; it is often more likely that the information is not available or is much more difficult to track down, so set expectations for the patron.

5. Foreign and International Law: Where can I find the laws of China? In English? Where can I search all cases from France? In English? How can I search all human rights cases?

While some libraries have specialized librarians (typically titled Foreign, Comparative, and International Law Librarian or some variation thereof), all reference librarians should be able to get the patron started on research in this area using a research guide that provides basic background information and guidelines on finding materials. The best place to begin is

GlobaLex, which is a free website that has guides on foreign countries and international law topics, often from experts in the regions. Other helpful guides can typically be found from law libraries that have large international collections (like Michigan, Yale, and the Library of Congress). As with other areas of the law, the librarian should direct patrons to secondary sources while keeping in mind that the patron may need to search beyond the typical U.S. resources by using databases and finding aids for journals published in other countries (such as the Index to Foreign Legal Periodicals on HeinOnline). It is also more likely that the helpful books patrons want on these topics are not available online unless those books are from a major publisher (like Oxford, Cambridge, or Elgar). When researching foreign law, a recommended subscription database is Brill's *Foreign Law Guide*. For public international law topics, see *Max Planck Encyclopedias of International Law*.

6. Interdisciplinary Materials: Where can I find business information on a company? How can I find environmental science articles?

Although many academic law libraries maintain a collection of interdisciplinary materials, they are understandably most often geared towards law-related materials. However, patron questions are not always so confined. For example, students looking for business information on a company may find the profiles from the typical legal research databases sufficient, but they will not be able to find industry profiles or market analyses. Many patron questions can be answered using library resources from other units of the university, like the university library or a business school library (or a medical library, science library, etc.). The reference librarian should determine if their law library maintains its own catalog of materials or has a combined catalog with the university's other libraries. In an environment with separate catalogs, be familiar with how to search for resources from other university libraries. If the reference librarian has questions on navigating the resources or has access issues, they should reach out to the librarians working in these other libraries for help. Often, these librarians can help the reference librarian answer the original reference question. Typically, university libraries provide access to frequently used resources like newspaper, business, and science databases and broader periodical databases.

7. Technology and Directional: Where is the bathroom? How do I use the printer? How do I format my Word document? Why is the printer broken?"

Be prepared to answer more of these questions at the beginning of the semester and also at the end of the semester, when the demand for printing increases, and even those students who studiously avoided the library during the semester are inclined to visit as they prepare for exams. Reference librarians will learn more about their library during these time periods than they could ever remember from their new employee onboarding.

Difficult Questions

While the typical questions are likely to be the most frequent, they are far from the only questions reference librarians will ever see. The most difficult questions to handle are those that the reference librarian has never encountered, those that require a follow-up, or those that require the reference librarian to gently say no. We will address each of these questions in turn.

Unknown Areas

Repeat after me—"I don't know." There is no harm in saying this! All the reference librarian can do is admit it, commit to trying to find the answer and follow up, and then actually follow up. Reference librarians can say, "I am not sure about that. Let me find out, and I can get back with you. What's the best way to contact you?" It is that simple. Remember to conduct a thorough reference interview; an "unknown question" can often be a simple miscommunication of the final goal.

Reference librarians will likely find themselves asking more reference questions than they did as law students. This might mean asking fellow reference librarians or using the contacts that reference librarians have made in the profession (such as former classmates, colleagues, or a professional organization). It may require reference librarians to reach out to other libraries for assistance. For example, use the online chat service at the main university library if the question is about navigating a business database, or call the reference desk at a library that specializes in that area. Follow the advice given to patrons when they encounter an unknown area: Is there a research guide you can start with? Can you find a secondary source using a finding aid?

Following Up

Often, reference librarians will receive questions that will take them longer to research or that require them to take extra time to give the patron literacy instruction. Take, for example, the legislative history question mentioned above—while it may not take too long to discuss the various databases that compile legislative history, what if the reference librarian needs to advise the student on how to construct a legislative history from nothing? Regardless of the reference format, the best way to handle this question is to communicate clearly with the patron what they can expect. If it is just a matter of timing, tell them how long it will take to get back to them. If the student dropped by quickly, but it will take longer than they anticipated, ask them to set an appointment to follow up. While the reference librarian can welcome the student to come back to the reference desk in that scenario, it is more likely that the student will have a follow-up interaction by setting an appointment.

Setting Limits & Saying No

One of the big issues that reference librarians encounter in a service-based profession is that they want to provide services, no matter the obstacles. But reference librarians cannot and should not provide every service. Thus, it is critical that reference librarians set limits for what they are willing to do. If a faculty member asks the reference librarian to make copies, even though it is someone else's job, and the reference librarian agrees to do it, then the faculty member will likely make it the reference librarian's job to make copies from thereon out. If the reference librarian has a request from a faculty member (usually) or from a student (sometimes) that could be beyond the scope of services the reference librarian provides, they should ask their supervisor. This may be awkward when the patron is with them, but it is better to be uncomfortable than to promise something that the reference librarian cannot deliver or to overextend themselves.

A big part of setting limits and saying no is offering alternatives and explaining why the request cannot be completed as originally imagined. The time it takes to complete a project is a common obstacle. A request from a law faculty member sometimes cannot be answered as quickly as they would like, often due to the nature of the request or logistical constraints on librarian time. When requests come in from a faculty member, ask for a timeline or provide one: "I can get this to you by Friday," or "When do you need this done? Realistically, I can complete it in two weeks." If a requested project cannot be completed in a faculty member's timeline, explain the practical limitations. Tell the faculty member what can be provided realistically within their timeframe and suggest breaking it down into smaller projects.

CONCEPT IN ACTION: SETTING REALISTIC EXPECTATIONS

One Monday morning, the reference librarian and the library intern were working at the reference desk. A law faculty member came in with a number of books and papers and approached the reference librarian. The faculty member said, "I'm updating a casebook and need to find updated case references for every case in these three chapters older than 2015." The reference librarian said, "Sure, it will likely take me until Friday." The faculty member responded, "A whole week?!" The reference librarian responded, "Unfortunately, yes. Some of my time this week is already dedicated to other projects, and I'd like to keep my promise to you for when I can finish your request. I think Friday is doable."

Reference librarians will consistently run into issues setting limits, particularly while navigating projects that may be difficult or impossible. The job of the reference librarian is to provide information, including analyzing the limits of resources and being able to explain how things may or may not work to the patron. For example, if a faculty member requests a docket search of intermediate courts of appeals in all fifty U.S. states and expects that it can

be done in a few hours, it is the job of the reference librarian to explain, not just that there is not a single reliable resource for this, but what steps might be taken to provide the needed information. The concept of setting limits and saying no is easier said than done. It may take time and practice to feel comfortable.

UNIQUE SERVICES BY PATRON TYPE

Reference librarians working in academic law libraries focus their work primarily on law faculty and law students. Still, they may also work with other members of the law school and university communities, along with members of the general public, including local attorneys. Providing reference services to each of these patron groups may require a different approach. In this section, we will discuss each patron group and the specialized considerations when serving their information needs.

Law Students

Law students have a diverse set of reference needs that are often tied to upper-level coursework, like seminar papers, and extracurricular activities such as journal membership and externships. First-year law students will also require a basic introduction to legal materials and search techniques.

Law Journal Members

Journal members are the heaviest users of law library reference services after law faculty. As such, it is advisable to build a solid training program for journal students. Such a program requires continual outreach due to yearly changeover in editorial boards. It is common at many law schools for reference librarians to provide in-person training to the law school's journal members focusing on basic research skills. In some cases, librarians provide specialized training for journals that cover a specific area of law, for example, an environmental law journal.

Beyond basic training, reference assistance for journal students will focus on two primary areas: 1) assisting journal students in writing a scholarly article for publication and 2) reviewing the citations of all articles selected for publication in the journal, referred to as source-pulling and cite-checking.

Assisting journal students with writing a scholarly article will require various types of reference assistance. At the early stages, journal students will often seek assistance with finding a topic to write on and then ensuring that the chosen topic has not been written on, known as a preemption check. Generally, for topic selection, the librarian will suggest different current awareness resources in the chosen subject area for the student to review. As

for preemption checking, this sounds more onerous than it is. With the size of legal academia, most subjects have been written on, but as long as a student provides a differing analysis or solutions that are not identical to another author's, then the topic may be viable. There are many library research guides that provide information on the process of topic selection and preemption checking.

Cite-checking is a process by which all citations of an article selected for publication by a law school journal are confirmed to support statements in the article and formatted to meet the citation manual of record for the journal (usually *The Bluebook*). To confirm that a cited source supports information in the article, students need to locate the source (commonly called source-pulling), and this is when most journal members will come to the reference librarian for assistance. Most journal students do their best to locate sources on their own and only come to the librarians for assistance after an exhaustive search has failed to locate the source. This occurs most frequently with uncommon sources, historical materials, or foreign and international sources. Catalogs can be tricky, and sometimes it is as easy as demonstrating how to refine a search in the catalog, but other times, the librarian may need to refer the journal student to interlibrary loan to retrieve the source. It is important to note that some journal students wait until just before their cite-checking assignment is due to perform the work, and as a result, last-minute requests are frequent.

Students Enrolled in Research Classes

While performing reference services, librarians are likely to encounter students that are enrolled in basic or advanced research classes. As part of basic legal research instruction and their writing course, first-year students will often need to perform legal research and, during that process, are likely to approach the reference desk with questions. These questions range from a simple "Where do I find this?" to complicated questions about court structure and precedential authority. First-year students are often unsure whether to ask the reference librarian or their writing instructor. The reference librarian should feel comfortable referring the student to their writing instructor for questions related to writing, particularly questions related to writing style.

Beyond first-year students, second- and third-year law students may be enrolled in advanced legal research classes requiring completion of in-depth research assignments. When assisting law students with research assignments, it is important to guide these students through the research process without completing the work for them. There are always one or two students that will attempt to have the reference librarian complete their work. The reference librarian will want to provide as much help as possible but must resist the temptation to complete the assignment while still guiding the student to appropriate resources. Rely on the reference interview as discussed. Particularly, asking the student to summarize the steps they have already taken gives them an opportunity to reflect—an important part of learning that

may help them identify their error. It will also give the reference librarian the opportunity to offer guidance within the framework of the research the student has already performed.

Students Writing Scholarly Papers

Most law schools require students to complete writing requirements that involve well-researched papers. These students will often encounter similar issues as journal students and need assistance with topic selection and preemption checking. Depending on the topic of the paper, the reference librarian may need to assist these students with locating not just legal resources but resources across disciplines. Legal scholarship is becoming interdisciplinary and requires basic knowledge of resources in other disciplines. Some of the most common disciplines are sociology, psychology, criminal justice, history, and philosophy. When possible, it is advisable to consult the subject specialists in other libraries at the university to assist in locating library resources for students.

Law Faculty

Academic law librarians provide a significant amount of reference and research support for the law faculty. Academic law librarians tend to offer more in-depth reference services than librarians at larger university libraries in part due to the often smaller librarian-to-faculty ratio in academic law libraries. Faculty research services may include annotated bibliographies, in-depth research, ad hoc bibliographic instruction, and training for faculty research assistants. Particularly with law faculty services, any given interaction between faculty and academic law librarians will include reference and research aspects, and it can be difficult to separate them.

Annotated bibliographies and in-depth research assistance for law faculty are two of the most primary aspects of reference work in an academic law library. Annotated bibliographies (also known as literature reviews) are often the first step for a faculty member beginning a new research project. Annotated bibliographies for law faculty require skillful research of the literature in a specific area, along with time to review the materials and write a synopsis of each source. The reference librarian's role is to evaluate, select, and summarize appropriate resources that best serve the faculty members' information needs. Both annotated bibliographies and in-depth research take time to do well.

Law faculty often hire law student research assistants that perform research work throughout the year, though they are most often hired at the beginning of summer. While students generally receive basic research instruction in their first year of law school, they tend to require more advanced research skills as a research assistant. Research assistants are likely to approach reference librarians with questions about appropriate research strategies, resources, and obstacles they have encountered in their research. Faculty may require that

research assistants meet with a librarian prior to beginning their research or recommend consultations with librarians to overcome research issues.

Faculty may also approach the reference desk with last-minute research and reference requests. Some of the most common last-minute requests are materials for instruction and information to support media interviews. Unlike in-depth research efforts that support faculty scholarly work, these requests require speed and accuracy while meeting fast-approaching deadlines. These interactions require that the reference librarian can quickly create a search strategy, identify appropriate sources, and seek assistance from other librarians, if necessary.

Although these are common faculty services provided in an academic law library, always expect the unexpected from faculty. Out-of-the-ordinary faculty reference requests are fairly common and keep law librarianship interesting.

Other Law School & University Community Members

Academic law librarians also provide reference services to other law school departments and the university community as a whole. As part of the greater law school and university community, relationship building is an integral part of academic law librarianship. Building relationships with other departments and other librarians across the university often begins with a reference question that manifests into an ongoing relationship.

CONCEPT IN ACTION: RESEARCHING

The law school is contemplating adding a new law student competition with a cash prize. In considering this new competition, the administration approaches the library to gather information on other peer schools running similar competitions and asks that you gather as much information as possible. This information will be used to determine whether they will offer the law student competition. To gather this information, the librarian will compile similar law student competition information from peer schools, often in the form of a spreadsheet, from web searches, and contacting other schools via email or phone.

Increasingly, academic law librarians are called upon to provide reference assistance in the form of competitive intelligence for law school departments. Competitive intelligence is the gathering and analysis of information to support institutional decision-making. Competitive intelligence projects in the academic law library regularly include gathering information on programs offered by other law schools for the career services, development, and student affairs offices.

Most academic libraries are open to the entire university community and, more often than not, share resources with the university libraries. For reference services, this means that reference librarians have access to resources across disciplines and that librarians may be asked questions by university community members that do not have a foundation in legal research or access to databases such as Bloomberg Law, Lexis, and Westlaw. When working with members of the university community, it is important to conduct a thorough reference interview. These individuals may not have experience with legal questions and materials, so performing the reference interview will help reference librarians elicit the information needed to assist them. Take time to explain each resource's purpose and how each resource is most effectively used to answer the question.

The Public

Local Attorneys

Local attorneys are often granted permission to use local academic law libraries as part of a library's access policy or as alumni of the law school. Local attorneys are generally skilled in legal research and require minimal assistance with locating and using legal resources. However, it is common for local attorneys to visit academic law libraries when their firms do not have access to certain materials. This often arises in the context of expensive legal treatises, legislative history, or public access to legal databases, such as HeinOnline or Westlaw. In most instances, the local attorneys have either called or searched the catalog for a specific resource and will approach the reference desk for directional information or to learn how to use a specific database.

General Public

Academic law libraries have diverse policies on access to the physical library for public patrons that range from free access to no access. Within this spectrum of access to the physical library, libraries may also have specific access policies for print materials and electronic resources. Most academic law libraries that provide physical access to the public tend to offer some very basic reference assistance, such as access to reference librarians, public computer terminals, and print materials. Often patrons request access to paid databases such as Lexis, Westlaw, and PACER, but many academic law libraries do not purchase public access to these databases due to cost.

When assisting public patrons, reference librarians should be knowledgeable about free and low-cost resources. Some of these resources may include federal, state, and local government websites such as those of legislatures, city councils, and agencies. Additionally, most case law is available on Google Scholar. Even if an academic law library is not open to the public, reference librarians may receive phone calls or emails from public patrons asking for

assistance. In these instances, it is helpful to have a list of contact information for public law libraries, a local attorney referral service, and legal aid programs.

All reference librarians should be aware of the unlicensed practice of law standards in their state. These unlicensed practice of law statutes vary by state and directly impact the amount and type of assistance reference librarians may provide a patron. For example, reference librarians may only be permitted by law to demonstrate how a legal resource may be used to look up a legal question and may not be able to provide a patron with search terms. Although it may feel awkward, tell patrons that reference librarians cannot answer specific legal questions because it is prohibited by law and then follow through by pointing patrons to the resources that may answer their questions, usually free and low-cost legal resources. Reference librarians may receive pushback from some patrons, so it is important to be consistent with this message.

REFERENCE TRACKING & DATA

Academic law libraries track reference transactions as required by various higher education oversight organizations and other data-collecting publications such as the U.S. News and World Report. Defining what constitutes a reference transaction will vary based on the institution and the various reporting requirements of organizations and publications such as ACRL and U.S. News. A reference transaction generally includes any interaction that involves the knowledge, use, recommendation, interpretation, or instruction in the use of one or more information sources, usually by a librarian, but it can be performed by any member of the library staff.

Academic law libraries use various methods and systems to track reference transactions. Regardless of the method, library staff will likely track all of their transactions, including reference, directional, access, circulation, and others. The two most popular methods are sampling and real-time data collection. The sampling method tracks reference transactions for a specified amount of time per week, month, or year. It may be one day per week, one week per month, or a few weeks per year. The real-time method asks staff to track all of their transactions at all times. Systems for tracking reference transactions can be simple data entry sheets where staff place hash marks in the appropriate box, or a library may subscribe to a data collection software such as Gimlet or Springshare's RefAnalytics. The information collected can also vary widely from library to library, but most often, libraries collect: who asked the question (e.g., student, faculty), when the question was asked, how the question was asked (e.g., in-person, email, online chat, phone), where the question was asked (e.g., reference desk, circulation desk), and how long it took to answer the question.

The collected reference data is beneficial beyond the necessary reporting requirements and is often used to make internal library decisions. Whether or not the data can be used will be

dependent on which data is collected. Libraries should regularly evaluate the data they are collecting to determine if it meets reporting needs, supports library decision-making, assists in demonstrating library value, and provides frequently requested data from the law school or university. Examples of internal library uses include setting library hours, scheduling library staff, and informing the creation of library materials like research guides. In addition to internal library use, collected data can be used to inform the law school and university of library efforts, such as publishing the number of reference transactions in a given year or the number of faculty research projects completed by the library.

All reference librarians, regardless of whether they serve as administrators, should understand the role of reference tracking and data in their libraries and use tracking tools consistently. While the collection of library data is an administrative task that is often overlooked in the discussion of reference work, it is a vital part of our quantifying the daily and intellectual work of the academic law library and highlights the library's role in the life of the law school.

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CHAPTER 9.

TECHNICAL SERVICES

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Technical Services departments manage the library's physical and electronic resources, including all the recordkeeping relating to the resources. Processes include acquisitions, cataloging, electronic resource management, and serials management. Technical Services librarians work closely with publishers, vendors, and collection development librarians in negotiating license agreements, creating approval plans, generating order service plans for the facilitation of data exchange between vendor platforms and the library service platform (LSP), making local cataloging specifications and modifications for services, and troubleshooting electronic resources issues.

Key Concepts

- Working in law library technical services requires special tools and skills and differs from other libraries in essential ways.
- Acquisition processes utilize different vendor platforms, purchase orders, and models.
- Web technologies are inspiring innovative services and methods for providing patron access to information.
- Licensing and providing access to electronic resources is taking up an increasingly large portion of library resources.

Depending on the size of the library's collection or budget, the work can involve a few people or several people. Over the years, technical services have evolved from mostly print resources

management to mainly electronic resources management. Some skills are transferable from the print environment to the electronic environment, but employees need to understand how electronic resources are managed as well as how the library's patrons use them.

ACQUISITIONS

Acquisitions includes the processes involved with purchasing or licensing content for the research, learning, or teaching needs of students, faculty, and other constituencies. Processes include ordering, negotiating, renewing, or canceling titles; paying for resources; and maintaining records. Acquisitions are guided by the library's collection development policy and usually led by a librarian who understands acquisitions processes and how to make the resources discoverable and accessible.

Types of Orders

Academic law libraries initiate different types of orders. Firm orders are one-time orders for monographs or other resources not normally updated. Subscriptions are orders for resources published on a regular frequency, such as journals or databases that offer service on an annual basis. Standing orders are for titles that are updated but not necessarily on a set frequency. Approval plan orders are usually for monograph titles received on an approval plan. Package plan orders allow the library to receive all publications published by the publisher. Bundled orders include print and electronic subscriptions that are purchased as a package.

As the law changes, publications must incorporate the changes in a timely manner. Because the law can change at any time, publishers sell print primary resources and treatises as standing orders, which means that the publisher or vendor automatically sends any new content as it is published. Some libraries choose to receive a notification, instead of the material, when there is a new update. The library then decides whether to purchase the update. If the library fails to respond to the notification, it will miss the update, and the set becomes outdated.

Libraries set up approval plans with vendors to automatically receive titles or notification of new titles published based on certain library-selected criteria. Criteria may include or exclude certain subjects, call numbers, formats, costs, publishers, series, and more. Approval plans can be for print books, e-books, or both. Libraries choose and only pay for the titles they keep.

Package plans include both serials and monographs published by a specific division or section of the publishing company. The library automatically receives the publications, and the charges will vary based on what titles are included in the shipment.

Legal publishers who sell both print and electronic resources may bundle orders for libraries so that the library can have both formats. For example, Thomson Reuters offers various plans that allow libraries to purchase discounted print materials if they also purchase electronic content, such as Westlaw Patron Access. Publishers include a reduced annual price increase if a library purchases a bundled deal. While these bundled plans are considered cost savings, they also require the library to sign a multi-year agreement. The downside to multi-year agreements is that those titles included in the contract are not ideal candidates for cancellation when budget issues arise.

Purchase Models

Libraries use a book vendor that sells books published by several different publishers to purchase print or electronic books. Book vendor databases provide bibliographic, access, and cost information about books they sell. The databases provide a platform for libraries to order titles and obtain collection development reports (costs, titles purchased in specified call number ranges, subjects, series, formats).

Book vendors sell e-books using a variety of purchase models. Some vendors sell e-books as individual titles or e-book packages that can be digitally borrowed or accessed by one user or simultaneously accessed by multiple users or an unlimited number of users. Some sell Digital Rights Management (DRM)-free e-books and some that are not DRM-free. Vendors may sell the e-books with perpetual access, metered access, or some other type of leased access. Metered access limits the number of check-outs or the time period in which the library may have access to the book. Vendors may charge annual hosting fees for access to the e-book platforms used to read the digital editions or they may charge the purchase price each subsequent year of access.

Demand-driven acquisition (DDA) and patron-driven acquisition (PDA) plans are two types of just-in-time purchase models that allow libraries to make titles discoverable to users through the catalog. The vendor only charges the library when a substantial use triggers a purchase. Substantial use options are defined by the vendor and include events such as downloads, time spent accessing the e-book, number of short-term loans, and more. Libraries set up specifications similar to approval plans and activate or import bibliographic records so that they are discoverable in the library services platform (LSP). Once the content is used, the vendor invoices the library for the e-book. If the e-book is not used, the library does not pay for it and the records are removed from discoverability at the end of the license term. Plan models vary among vendors but using this acquisition method allows users to participate in collection development unknowingly. And it ensures that the library only pays for what is used.

CONCEPT IN ACTION: DEMAND-DRIVEN ACQUISITION

Marcella, a 2L, searches the library catalog for the book *Global Health Law*. She finds a link for an e-book and opens it. This e-book is part of the library's DDA collection, but she is not aware of this. She downloads Chapter 2. The download is considered a substantial use, triggering a purchase. The e-book is removed from the DDA collection and made a part of the regular e-book collection. The library is then billed for the e-book. Marcella, unaware that her use has created a purchase for the library, is happy to find what she needed quickly.

Evidence-based acquisition (EBA) plans require an up-front fee for access to a collection of a publisher's pre-selected titles. The titles are made discoverable in the LSP. At the end of the license term, librarians evaluate usage and select titles, up to the amount of the up-front fee, to permanently add to its perpetual access e-book collection.

Purchase Orders, Budgets, & Receiving

Libraries create purchase orders (also known as order records) that are manually entered or imported into the LSP. Libraries can import bibliographic, order, and invoice data from the vendor's platform into the library's catalog and acquisition system, which are standard modules of an LSP.

Purchase orders expense to the library's collections budget. Collection budgets are established in a variety of ways, depending on the library and institution. Many library budgets are devised based on the formerly asked questions in the annual American Bar Association Questionnaires. Libraries reported how much money was spent on print, electronic resources, monographs, serials, and microforms. Libraries may also divide the budget by subjects or any other meaningful way.

Upon receipt of the ordered item, a library will manually mark the purchase order as received in the LSP, or the status will update via a data exchange between the LSP and the vendor's platform. The title is then sent to the cataloging department. Some libraries create and email or post bibliographies of new resources received.

COLLECTION MANAGEMENT

Collection management is the process of ensuring that the library's print and electronic resources are correctly updated, maintained, and accessible such that the collection meets the requirements of Standard 606 of the ABA standards for approval of law schools.¹ For many print primary and secondary resources, updating is required, and this is a significant difference between law library and regular academic library collections.

Updates

Purchasing the updates requires a healthy budget line for print continuations. The print updates increase in cost each year from 3% to 15%. Many of the titles that require updating are also online in Lexis, Westlaw, or other databases, so libraries need to decide if there is a need for duplicating formats.

Properly updating print resources can be challenging. Publishers periodically ship supplements as the law changes. Types of supplementation include advance sheets, pocket parts, stand-alone supplements, legislative service pamphlets, replacement volumes, packages of loose-leaf pages, errata sheets, and updated book covers.

After receiving print supplementation, a staff member files it. Filing methods vary based on the kind of supplement. For example, publishers update many state statutes with annual pocket parts or stand-alone supplements, periodic replacement volumes, and legislative service pamphlets. The publisher issues pocket parts that contain several pages stapled together. The stapled bundle of pages is about 8" in height and 6" in width and includes a heavy-duty backing that can be inserted into a precut pocket in the back of the volume it updates. When a pocket part is too thick for the book pocket, the update is issued as a stand-alone, paperback supplement that is placed next to the volume it updates.

CONCEPT IN ACTION: HAZARDS WITH LOOSE-LEAF FILING

Anthony is reading §13:15 in the loose-leaf treatise *McCarthy on Trademarks and Unfair Competition*. The last sentence on the page starts with, "People who happen to have a surname similar to." When Anthony turns the page to read the rest of the sentence, the next page starts with §13:14 and a new sentence. He flips through a few more pages and notices that although the page numbers appear correct, the text on other pages is also out of order. He is baffled and asks a librarian for assistance. After turning to the filing instructions for the loose-leaf release updates, the librarian discovers the filing instructions for release 11, 13, 14, and 15, but not 12. Further investigation reveals that the library never received release 12. The filer forgot to verify the filing of the previous release 12 before filing release 13. The librarian found that the entire set's contents are out of order due to the failure to file release 12 before releases 13, 14, and 15. The loose-leaf title is a key treatise for library users, so the library decides to replace the set even though it will cost \$7,900. Due to the unexpected expense, the continuations budget line will go over budget by \$7,900 and other resources may be eliminated to compensate for the extra cost.

When the stand-alone supplement becomes too thick, the publisher issues a new replacement volume that contains the most current version of the law. The filer will replace the old volume

that is now outdated with the new replacement volume. Because a set of statutes may have several volumes that have been replaced, the copyright dates on volumes may differ. The publisher also ships legislative service pamphlets when laws are changed during legislative sessions. When new pocket parts are received, the legislative service pamphlets are discarded because the laws are now included in the pocket parts. The updating process then repeats.

Filing requires attention to detail. If mistakes are made, they can be costly to both the researcher using the materials and the library. If a loose-leaf set is filed out of order, and the library cannot track where filing went wrong, the library may have to purchase an entirely new set.

The beauty of electronic resources is that the publisher or provider updates the content. However, library staff must ensure that the links to the electronic resources are accurate so that the researcher is taken directly to the resource or article after institutional authentication.

Space Planning

For physical space planning, librarians measure for growth and weed outdated and irrelevant materials. Librarians use a variety of tools to manage collection space. They measure growth for continuations by reviewing current subscriptions and standing orders, identifying the number of volumes received per year, and then multiplying the number of volumes by the average volume size. They measure growth for monographs by evaluating call numbers of books added to the collection during a given period and multiplying the number of volumes added by the average book size. Librarians also weed resources, as dictated by the collection development policy, to manage space and ensure collection relevancy.

Preservation

Libraries need to preserve materials that they want to keep so that the books or other physical resources do not fall apart or become too fragile for use. Some libraries employ dedicated staff who preserve materials or send materials to the main campus library preservation department. Other libraries use commercial binderies or other entities for preservation services.

Libraries that have special collections may need to invest more heavily in preservation. Special collection preservation expenses can become particularly expensive if the room or facility requires climate control. Libraries that have microforms may want to store them offsite in a commercial facility specializing in the storage of that format.

CATALOGING

Processes

Cataloging and classification are the processes that permit effortless and time-efficient retrieval of information and materials. Catalogers use international standards to create and edit bibliographic records and metadata as a service to law communities who expect online, remote access to information, notably full-text data. While the cataloging mission and core principles have remained the same over time, codes, formats, and systems have advanced. They will continue to evolve due to the development of new digital media and web-scale initiatives.

Local practices, including the categories and levels of cataloging adopted by the library, determine departmental configurations and workflows. Established norms, library size, budgets, collections, and services offered impact variations among institutions.

Large law libraries may employ librarians trained to catalog legal works from scratch, i.e., original cataloging with full-level cataloging. These libraries may choose to join one or more of the four Library of Congress' Programs for Cooperative Cataloging (PCC) and contribute source records to libraries worldwide.

Hybrid cataloging configurations are typical in small and medium-sized law libraries, using original and copy-cataloging techniques for some items and purchasing vendor-supplied records for others. Copy-catalogers may freely download existing source records from the Library of Congress Catalog or pay a nominal fee to download them from a bibliographic utility, such as OCLC. A staff member generally verifies the accuracy of the record structure and content and then makes edits as prescribed by local cataloging policies. Law library local policies often require catalogers to customize records to meet the legal community's research needs. Examples of customizing local records include:

- Adding a title entry, not present on the piece in hand, to identify a publication by a well-known popular name
- Adding a name entry to recognize faculty members authoring a chapter
- Adding a note about titles updated by pocket parts

Staff members in small to medium-sized law libraries will perform much more copy cataloging than original cataloging. Some libraries may choose to use copy-cataloging techniques and elect to outsource parts or the entire cataloging process to a third party. The vendors perform the necessary cataloging and physical processing of the books before

shipping them to the library. Some law libraries reside within a university or college system and receive cataloging support under the auspices of the main campus library.

CONCEPT IN ACTION: CUSTOMIZING METADATA FOR FINDABILITY

The Law Library received an electronic copy of “Indian Affairs: Laws and Treaties,” edited by Charles J. Kappler. As the catalog librarian inspects the vendor-supplied MARC record, he realizes that although there is an appropriate title field (245) in the MARC record, it does not contain the title recognized by members of the law school community, “The Kappler Report.” To increase search precision and discoverability, the cataloger adds this title into an alternate MARC field (246). The electronic title now surfaces when the law community searches for “The Kappler Report.”

Vendor-supplied bibliographic records are sometimes brief records that provide minimal access. Purchasing or downloading free vendor records is advisable when providing access to electronic titles, meeting work deadlines, or when a lack of staff or technological issues arise. Vendors for digital law record collections include Cassidy Cataloging, EBSCO, Ex Libris, Gale, Bloomberg BNA, and OCLC via WorldShare Collection Manager. The Vendor-Supplied Records Advisory Working Group (VRAG) of the American Association of Law Libraries, Technical Services Special Interest Section (TS-SIS), reviews and evaluates vendor-supplied law-related cataloging records regularly. VRAG reports are freely available on the TS-SIS web.

Burns' Indiana administrative rules and regulations, annotated
MARC record courtesy of OCLC
LEADER 00000cam##2200000##4500
ocalDataGroups ##
root ##
001 ## 2932571
008 ## 770112s1976####inu#####001#0#eng##
010 ## \$a 76150862
019 ## \$a 2468398
040 ## \$a DLC \$b eng \$c DLC \$d OCLCG \$d OCLCO \$d OCLCF \$d OCLCQ \$d OCLCO \$d OCLCA
043 ## \$a n-us-in
050 0# \$a KFI3035 1976 \$b .A42
082 ## \$a 348/.772/025
245 00 \$a Burns' Indiana administrative rules and regulations, annotated / \$c compiled by the publisher's editorial staff, under the supervision of John E. Carroll.
246 3# \$a Indiana administrative rules and regulations
250 ## \$a Code ed.

Law Librarians often customize records for the law community

Cataloging Standards

Libraries make foundational decisions about the cataloging system and the data entered into it. Adopting and adhering to existing national standards is advisable. Altering widely accepted principles may impede future opportunities to enhance services stemming from the database structure, arrangement, or content. Failing to follow established rules and practice could become problematic in future circumstances when libraries migrate to newer systems or join other libraries to form consortiums with combined catalogs that offer a more extensive selection of titles to their communities.

Catalogers create surrogate records to enhance the information seeker's experience. Descriptive and subject cataloging are the two categories of effort that make up the cataloging process. Each function requires associated standards and tools.

Descriptive cataloging describes the physical aspects of a work, such as the number of pages and size, and identifies access points, such as author, title, series title, subject, and publisher. Resource Description and Access (RDA) is the current international cataloging code that guides information professionals in applying the correct principles in the creation of bibliographic records. RDA incorporates much of the former codes, Anglo-American Cataloging Rules (AACR and AACR2), and operates with other internationally accepted standards, such as IFLA's International Standard of Bibliographic Description (ISBD) and

Machine-Readable Cataloging (MARC). The standard supports the advancement of Library Service Platforms in an attempt to improve access to bibliographic metadata. Unlike its predecessors, RDA accommodates the cataloging of both traditional and digital resources, including updating websites and resources, making this the first code that satisfies the law catalogers' unique requirements for describing continuously updated materials such as loose-leaf publications. Before implementing RDA, law catalogers frequently referred to supplemental publications to overcome the obstacles presented in cataloging updating loose-leaf publications and primary legal materials.ⁱⁱ

Subject cataloging requires the cataloger to analyze the work in hand or on-screen to determine the subject matter and call number. Most law libraries rely on the Library of Congress Subject Headings (LCSH) as the source for authorized subject headings, i.e., controlled vocabulary. The cataloger consults the LCSH to decide the precise word or words that best describe the most significant attributes represented in a work. Adding the preferred term or terms to the bibliographic record creates an added entry that enhances the search and retrieval process.

Authority control, i.e., access point control, is an essential aspect of cataloging that maintains consistent and correct forms for names, subjects, and uniform titles by disambiguating items with similar or identical headings. The Library of Congress Authorities is available free of charge. Libraries often outsource the authority control work and receive regular updates. Companies offering authority services include Backstage Library Works and MARCIVE, Inc.

The cataloger assigns an LC call number derived from the dominant subject heading using the Library of Congress Classification system (LCC). The LCC uses a single letter to identify each primary class and two or three letters to identify subclasses. There are twenty-one basic classes, and most contain subclasses. The class that represents the subject of law is Class K. The K class includes 25 subclasses. For example, class K, Law has subclasses K1-7720, Law in general; KF, Federal law of the United States; KFA-KFZ, individual state laws; KZ, Law of nations; KZA, Law of the sea; KZD, Space law, law of outer space.

LIBRARY OF CONGRESS CLASSIFICATION OUTLINE*

Subclass K	Law in general. Comparative and uniform law. Jurisprudence
Subclass KB	Religious law in general. Comparative religious law. Jurisprudence
Subclass KBM	Jewish law
Subclass KBP	Islamic law
Subclass KBR	History of canon law
Subclass KBU	Law of the Roman Catholic Church. The Holy See
Subclasses KD-KDK	United Kingdom and Ireland
Subclass KDZ	America. North America
Subclass KE	Canada
Subclass KF	United States
Subclass KG	Latin America - Mexico and Central America West Indies. Caribbean area
Subclass KH	South America
Subclasses KJ-KKZ	Europe
Subclasses KL-KWX	Asia and Eurasia, Africa, Pacific Area, and Antarctica
Subclass	KZ Law of nations

*Classification Outline courtesy of the Library of Congress

Library of Congress Class K Brief Outline

Encoding Standards

The digital structure that allows computers to store, exchange, use, and interpret library data is Machine-Readable Cataloging (MARC). LC first developed MARC in the 1960s to

automate the printing of cards for a physical card catalog. The Network Development and MARC Standards Office at LC continues to maintain and update MARC. The MARC formats contain tags, indicators, subfields, and coded values to identify data elements.

While catalogers finally have standards that allow for creating and maintaining data for online resources, MARC is limited in the ability to interconnect with the web. In 2011, the Network Development and MARC Standards Office of the Library of Congress began investigating a new model, Bibliographic Framework (BIBFRAME), to provide a foundation for the future of bibliographic description. The initiative is underway to translate MARC data into linked data that will allow connecting the library catalog to the semantic web and a linked-data environment.ⁱⁱⁱ

Tools

Cataloging and authority control documentation is available online, free of charge, from the Acquisitions and Bibliographic Access Directorate at the LC website. Arranged by topic, the page provides resources and standards for library and information service communities. Here one can download call number schedules, subject headings, manuals, and many more tools.^{iv}

Enhanced products provided by LC are subscription-based. Classification Web is a tool that assists the cataloger in assigning call numbers and subject headings, among other related functions. Cataloger's Desktop includes manuals, lists, and formats essential to the work of cataloging. Access to Classification Web and the RDA Toolkit through the Cataloger's Desktop is possible, but separate subscriptions are required. The American Library Association manages the subscription and access to The RDA Toolkit.

LIBRARY SERVICE PLATFORMS

Libraries rely on specially designed systems to manage data and processes from all functional areas. Modules interchange data among the areas of acquisitions, cataloging, circulation, course reserves, and serials. Staff view and manage data from the administrative module. At the same time, researchers discover and display holdings and status information on the Online Public Access Catalog (OPAC). Many law libraries with dense continuation collections adopted a legacy system early on developed by Innovative Interfaces, Incorporated (III or Triple I), with expanded capabilities in managing print serial titles and collections.

Integrated Library Systems (ILS) have advanced following web technologies and changing data concepts. With many still in operation today, systems of yesteryear enhance the discoverability of resources located within a brick and mortar establishment. Until the last

few years, computer servers containing the software and data resided within the library building. The previous generation of library systems requires the purchase, installation, and integration of an assortment of components to accommodate electronic resources' inclusion.

Contemporary systems, Library Service Platforms (LSP), are replacing the former generation of Integrated Library Systems (ILS). LSPs continue to offer the traditional functional options, in addition to systematically managing and accessing electronic resources. Newer platforms accommodate a variety of collection types, including online and physical-digital items. Providers now offer state-of-the-art hosted Software as a Service (SaaS) in the cloud. The ability to find full-text digital information is now paramount. Systems often include a knowledge base along with an Open URL resolver that permits the discovery of full-text data. The optimal knowledge base includes human-indexed subject fields that increase precision in searches. With expanded search capabilities, the discovery interface resembles the Google one-search box.

The LSP market is shrinking, and libraries are moving away from legacy systems to contemporary models. Currently, three proprietary companies offer systems of interest to academic law libraries: ExLibris, OCLC, and SirsiDynix. Although the architectures are monolithic, these systems provide robust Application Programming Interfaces (APIs) that allow dynamic interoperability between systems. APIs can be used to authenticate library users, integrate the LSP and e-book lending platforms, and connect the LSP to learning management systems.

Open-source systems are an option. Developers can freely download, use, and modify programming codes and create highly customizable systems. However, the cost incurred is in implementing, training, updating, and problem-solving. FOLIO, a new open-source option, is now available with support options. The system is the first of a kind that uses a microservices architecture containing modular units that perform specific functions, which increases flexibility when updates or changes are required.^v

ELECTRONIC RESOURCES

The Growth of Electronic Resources

The legal research field was ahead of its time in the 1950s and 60s, pioneering electronic systems to help researchers search court opinions. These systems, such as LEXIS terminals, entered law schools in the 1970s. Nevertheless, electronic resources made minimal impact on law library technical services for decades. Print resources were less expensive, and patrons continued to prefer using print for their research. As broadband and Wi-Fi replaced dial-up connections in the early 2000s, electronic resources became nimbler and more user-friendly and began to proliferate. By the 2010s, the price gap between print and electronic

narrowed, librarians acknowledged the ease of automatic updates, and patrons preferred the convenience of online access. These factors led libraries to shift toward purchasing more electronic subscriptions and canceling large quantities of print materials. On average, librarians have also become more comfortable with the stability and archival value of electronic resources.

Effect on Law Library Technical Services

The shift to electronic resources has had a dramatic effect on law library technical services:

- Staff now spend significantly less time maintaining print collections. Law libraries have traditionally spent much more time updating print collections than other libraries. The transition to electronic has hit law libraries particularly hard, resulting in shrinking staffs and reconfigurations of job duties.
- Electronic resources require frequent troubleshooting to maintain functionality.
- Evolving technology, publisher changes, and patron needs mean that technical services librarians must continuously update their skills.

Management of electronic resources may be handled by a technical services librarian, a public services librarian, or a librarian who is part of both departments.

Major Vendors & Platforms

The following vendors and platforms (in parentheses) are common in law libraries:

- Bloomberg Industry Group (Bloomberg Law)
- RELX Group (Lexis Advance, LexisNexis Digital Library) (Nexis Uni, a simplified legal research system, is subscribed to by many general academic libraries)
- Thomson Reuters (Westlaw, ProView, Checkpoint)
- William S. Hein & Co. (HeinOnline)
- Wolters Kluwer (Cheetah)

Other vendors that are not specific to law but include many law-focused digital offerings popular in academic law libraries include:

- ProQuest (Congressional Insight, Supreme Court Insight, Regulatory Insight, other historical content)
- Gale (The Making of Modern Law series, other historical content)
- Brill (encyclopedias, historical content)

Licensing & Purchasing

The acquisition of electronic resources is more complex than the acquisition of print. Most electronic resources are licensed, meaning access to the resource is rented for a period of time, usually one year. License agreements define who can access the resource and how. License agreements can vary substantially in length and complexity.

Electronic resources can also be purchased. The library pays a larger one-time fee for perpetual access instead of a smaller annual fee. Purchased resources are almost always accessed via the vendor's website, like a licensed resource. Some vendors charge an annual continuing service fee (CSF) for the use of their platform. The vendor may cap the fee at a maximum amount to reward libraries that purchase a lot of content.

CONCEPT IN ACTION: LICENSING NEW COLLECTIONS

The law library purchased a digital collection of historical documents from an academic vendor a few years ago. The library has some extra money at the end of its fiscal year and wants to purchase another historical collection to support research. The library negotiates with the vendor and receives a volume discount for purchasing two collections together. The vendor waives the annual hosting fee for access to the collection through the vendor's website because the law library already pays an annual fee to access its prior purchase. A faculty member who learns about the new purchase wants to use the documents' text for a data mining project. The library signs an additional agreement and pays another, smaller fee to the vendor for an FTP of the content. The library downloads the content for storage on its server and provides the faculty member with access.

Libraries can store purchased content independently of the vendor. Some purchase agreements and vendors provide hard drives containing the content or the ability to download via file transfer protocol (FTP), often with an additional fee. Other vendors allow libraries to store the content but do not provide a download mechanism. Law libraries rarely store such content but may acquire some content for faculty data analysis projects (additional permissions may be required).

Negotiation

Librarians responsible for contracts with vendors should always consider negotiating for a more favorable agreement, keeping the following principles in mind:

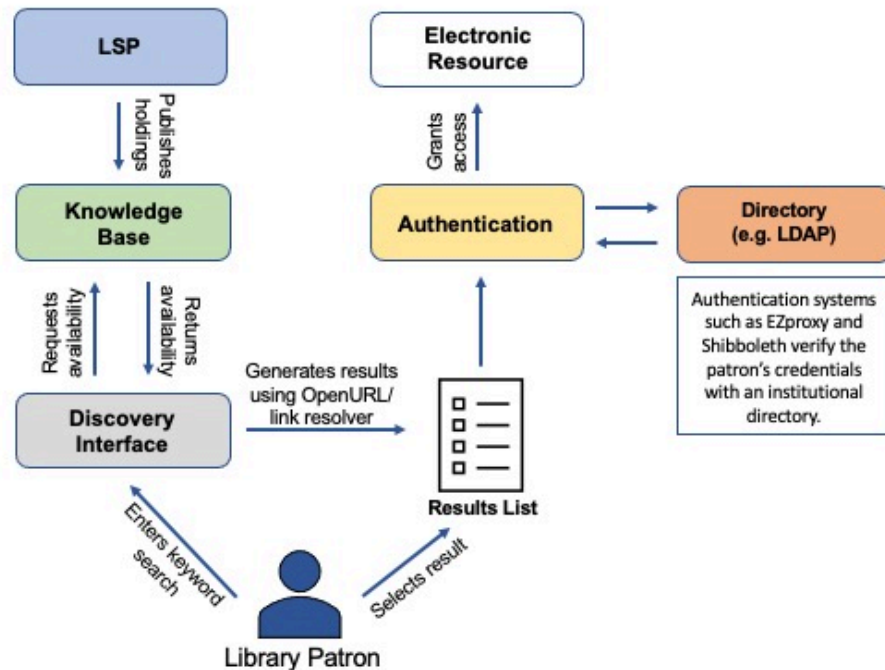
- **Price.** Like print resources, electronic resources increase in cost much faster than law library budgets, usually at 3% to 10% annually. These increases are not sustainable.

Always consider trying to negotiate a lower price or walking away.

- **Campus-wide and walk-in patron access.** Law libraries that are part of a larger university campus or that permit access by public patrons (or both), including attorneys and pro se litigants, should always consider asking for access for those patrons. This option does not exist for single sign-on resources but is available for IP-authenticated resources. Some vendors offer licenses for patron-access terminals—designated computer stations that walk-in patrons can use—but they are costly.
- **Interlibrary Loan (ILL).** Be clear on whether the license allows for sharing via ILL.
- **Clarity.** If you do not understand something in the contract, ask the vendor what it means. Request that confusing or unclear provisions be rewritten.

Electronic Resource Management (ERM), Knowledge Bases, & Link Resolvers

Tracking an electronic resource through its life cycle requires recording information about trial access, subscription dates and renewals, authentication, link resolvers, access to user statistics, and other license terms. An Electronic Resource Management (ERM) system does all this—organizing vendor contacts, license terms, acquisitions, and additional information in one place. Some commercial systems, such as the Alma/Primo system from Ex Libris, integrate an ERM with a knowledge base and link resolver. A knowledge base is similar to an ERM, containing a list of electronic resources the library subscribes to with metadata, including coverage dates. When a patron's search using the discovery interface locates an electronic resource, the link resolver pulls metadata from the knowledge base to create a link to the resource.



Understanding how parts of the library system work together is important for establishing and maintaining access to e- resources

Many academic law libraries utilize the main campus LSP. Libraries that cannot afford a commercial ERM can consider using the free open source ERM CORAL, building a custom database, or using a spreadsheet. These options may be free or low cost but can require significant investments of time and expertise, and spreadsheets are unwieldy for libraries with many resources to manage.

Authentication & Establishing Access

Many electronic resources in law libraries use single sign-on to authenticate users, which is easy to set up. Patrons are given a registration code and a link to a website where they use the code to create an individual account with a username and password. Lexis, Westlaw, CALI, Casetext, and Bloomberg Law use this type of authentication. Often the librarian who oversees electronic resources will distribute these codes.

Other resources are authenticated via IP address. Vendors “whitelist” a range of IP addresses, meaning the vendor’s website grants access to any device accessing it within the permitted IP range. IP authentication is used for many electronic resources, including HeinOnline, Gale products (including Making of Modern Law), ProQuest products, JSTOR, and Fastcase. Setting up IP access is generally straightforward; the library simply provides the vendor with its IP range. Establishing access to IP-authenticated resources for researchers outside the permitted IP range (or off-campus) can be more challenging. Many law libraries use a virtual private network (VPN) or EZproxy from OCLC to establish off-campus access for

patrons. EZproxy acts as an intermediary between the patron and the electronic resource. EZproxy makes a request “by proxy” to the resource on behalf of the off-campus patron. The patron receives access because the request appears to come from within the permitted IP range. Patrons verify their identity with the EZproxy server by entering their institutional credentials. The EZproxy server matches the requested electronic resource with its list of configured directives, called stanzas. If EZproxy locates the requested electronic resource in a stanza, it grants access.

Another option is creating a single sign-on for all electronic library resources using a SAML system like OpenAthens or Shibboleth. Setting up these systems may require more time and money than a law library can afford on its own.

E-books

Law libraries have been a bit slower in adopting the e-book format than other libraries but are catching up. Many legal publishers have developed proprietary platforms (e.g., Westlaw’s Proview) or partnered with other platforms (LexisNexis with Overdrive) for their e-books. These platforms can be accessed through a web browser and do not require patrons to download additional software or purchase an e-reader device. However, legal e-book vendors often offer free apps and e-reader compatibility.

Troubleshooting

Access to electronic resources breaks down with surprising frequency. All law libraries should proactively check functionality and establish procedures for handling problems when notified by patrons. Law libraries with small staffs may be tempted to forgo creating documentation when solving access problems. Nevertheless, documentation is essential to identify consistent issues that could be solved more systematically, aid in resource evaluation, provide product feedback, and develop institutional memory.

Tools that can be used to document troubleshooting efforts include spreadsheets, Google Forms, and Kanban boards like Trello. The electronic resources librarian should maintain a list of common issues and a procedure or flowchart for troubleshooting. Common problems include:

- Incorrect URLs generated by knowledge bases and link resolvers due to metadata parsing issues;
- Vendor platform changes, causing updates to be required for URLs and/or database stanzas in EZproxy;
- Patrons using outdated, bookmarked URLs;
- Incorrect or missing patron profiles in the authentication system;

- Browser cookies or plug-ins interfering with authentication;
- Unrenewed licenses, or unpaid or uncredited invoices;
- Changes to IP ranges.

CONCEPT IN ACTION: HANDLING E-RESOURCE ACCESS ISSUES

Kira, a 3L, notifies the reference desk that she cannot access an e-book. Her email is forwarded to Jeremiah, the electronic resources librarian. Jeremiah quickly verifies that access is working using both the vendor's website in the A-Z List and the e-book URL generated by the law library discovery interface. He asks Kira 1) where she found the e-book, 2) where she was when she tried to access it, and 3) the error message she received. Kira responds that she found the e-book on the main campus library website while researching in her apartment. The error message was "not configured for access." Jeremiah determines that while the law library has added the stanza for the vendor's website—a new subscription—to its separate EZproxy server, the main campus library has not. Jeremiah directs Kira to the law library's A-Z list for immediate access and asks the main campus library to add the stanza to its EZproxy config file.

Usage Data

Usage data for collection evaluation is one of the benefits of providing electronic resources. Academic publishers generally provide COUNTER-compliant usage reports as standard practice and use the SUSHI protocol so libraries can automate the gathering of reports. COUNTER reports, designed primarily to track searches and usage of journal articles, do not translate as well to legal materials. Many legal publishers do not yet provide COUNTER-compliant reports or even any usage information, and law librarians may still resort to manual methods to collect some data. Some vendors offer administrative portals where librarians can manage access and run usage reports, while others will provide customized reports on request or monthly reports via email. Law librarians can also obtain usage data from the LSP and authentication systems like OpenAthens and EZproxy.

Discovery

The law library's discovery interface provides an access point for patrons with an enhanced search of MARC records in the library's LSP. Libraries can add records for a database or collection (e.g., a record for Making of Modern Law: Trials, 1600-1926) as well as records for titles contained within the database (e.g., a record for "The Tryal of John Barbot, Attorney at Law, for the Murder of Mathew Mills, Esq."). Discovery interfaces can also search directly

within electronic databases of vendors that support federated searching. Law librarians can further facilitate access to electronic resources by curating a list of subscriptions and free electronic resources using tools like Springshare's LibGuides A-Z Database List, including resources from the main campus library that law patrons may not find if the law library uses a separate discovery interface. Librarians can reuse entries in the A-Z List on topical research guides created within LibGuides.

CONCLUSION

As the amount of legal information in the world continues to increase, the need for high-quality acquisition, cataloging, and access services for print and electronic resources continues to grow. Technical services processes are becoming increasingly more technical as the information management field advances. New law librarians, including public service law librarians, must develop an understanding of technical services processes to provide patrons with meaningful access to legal information.

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CHAPTER 10.

ACCESS SERVICES

RACHEL GORDON AND JILL A. STURGEON

An important function of law library is to facilitate access to the information housed by the library. The Access Services Librarian performs this essential function, ensuring that patrons have easy and efficient access to the information objects located in the library's collection, and to the library itself. An Access Services librarian should know and understand the library's mission, be familiar with the needs of different patron groups, and understand the library's role in an institution's larger organization structure. All of these factors influence the policies and procedures the Access Services Librarian will implement in order to maximize patron access to books, spaces, and online materials.

Key Concepts

- Access Services work requires managing various human and physical resources.
- The duties of an Access Services position can include managing circulation, customer service, collection up-keep, and supervising volunteers, student workers, para-professionals, and professionals.
- Understanding patron-focused features of an ILS is crucial for success in this area.

There are many different ways to allocate responsibilities within a law library; a well-organized library system will take the differences in mission, institution, and patrons into consideration in its organizational structure. A savvy administrator will also make the most of their human assets by recognizing the particular talents of the individuals who work for them and making the most of those talents by being flexible with regard to job duties and

descriptions. The Access Services role may incorporate all of the duties described in this chapter, or only some of them. It may include responsibilities not mentioned here at all. The fluidity in this role makes it an interesting, opportunity-filled position.

CIRCULATION MANAGEMENT

Integrated Library System (ILS) Management

As the Access Services Librarian, you will likely be responsible for taking charge of physical item circulation. Sometimes these duties are delegated to a “Circulation Librarian” or a member of the staff who is referred to as the “Circulation Manager” or “Circulation Supervisor.” No matter the organizational structure implemented in your library, Access Services, by definition, involves access to the physical materials in the library and is generally part of a library’s Public Services department.

The Access Services Librarian should become proficient with their library’s ILS, but be flexible enough to adapt to new systems, as libraries adopt different ILS systems and may change the ILS for a number of reasons. (Even the term ILS may be shifting to “library management system” (LMS), with systems like FOLIO already adopting this terminology). A capable Access Services Librarian will adapt to ILS updates or complete ILS overhauls by being flexible and willing to learn the new system. In addition, the adoption of a new ILS system will require the Access Services Librarian to quickly develop expertise and familiarity with the new ILS in order to update circulation procedures and train other staff members.

What does an ILS do?

The ILS is more than just an electronic card catalog. It is the system of organization used by catalogers and metadata librarians for inputting data on each object in the library. It is also the underlying layer of the catalog’s user interface—the database of information that allows a user to search by author or keyword is contained in the ILS. This will be explored in more detail in another chapter.

The key features of the ILS that the Access Services Librarian is responsible for are the patron records. The bibliographic and item records are essentially incidental to their interaction with the patron records from the Access Services Librarian’s perspective. In the role of facilitator between the patron and the library materials, the Access Services Librarian needs to make sure items can be found. Additionally, they need to ensure that the item is returned by patrons so that it can be accessed by future patrons. With thousands of patrons and millions of objects, this would be impossible without the implementation of a sophisticated ILS.

In its most obvious function, the ILS is used at the circulation desk as the system for checking out books. The patrons have records that are accessed by the circulation desk attendant (or by the patron if you have implemented a self-checkout scenario). You can then attach checked-out items to the patron's record by scanning the item's barcode. A due date is assigned based on patron type, and the system will generate a receipt. Anyone who has checked out a book at any library is familiar with this process to some extent.

The behind-the-scenes functions are the ones that are uniquely within the purview of the Access Services librarian. For instance, in order to generate a receipt with a due date, loan periods have to be assigned to each patron. Loan rules are complex combinations of item, patron, and circulation rules that determine loan length. Loan rules are often housed in Microsoft Access databases that may be managed by the Access Services Librarian or another group (IT, a systems librarian). The Access Services Librarian is generally responsible for determining the loan rules even if another person updates the database.

CONCEPT IN ACTION: NAVIGATING LOAN PERIODS

At Duke's Goodson Law Library, they are preparing for a new ILS, and are translating loan rules from one system (ALEPH) to another (FOLIO, which is under development). Analyzing the loan rules and trying to coordinate across a campus with multiple libraries is extremely challenging. The combinations of item type, patron type, and collection circulation rules result in thousands of possibilities.

At Colorado's Wise Law Library, law faculty and law students have different loan periods, as do public patrons. In addition, loan periods may be assigned by an item's location, regardless of patron type. For instance, law students are given a uniform due date (at the end of the semester) for all books from the general collection they check out during the semester. Public patrons, on the other hand, get a one-month checkout period for those books from the general collection. Reserve items may only be checked out for four hours, whether they are checked out by a law student or a public patron.

Patron Records

In some cases, the Access Services Librarian, or the desk attendant, will be responsible for creating patron records. Because the Wise Law Library is a state institution, any resident of the state may acquire a public patron account. These are input manually by library staff. It is important for the Access Services Librarian to know how to train workers on creating patron records, and to know how to edit records that have been created. It's also a good idea to create a quality review check for these manually input records.

The ILS also performs important communication functions, so long as all of the information has been entered correctly. The due date that is assigned to each checked out item triggers a reminder email to go to the email address in the patron's record. This is another reason why it is important to check the patron records against their account application for accuracy. A typo in the email field would result in the patron failing to receive any of the system-generated communications.

Fines Management

Fines are another issue that the Access Services librarian must manage, and for which the ILS is a useful tool. Fine policies can be dependent on many factors, including everything from the law library administration's philosophy on fine collection, to working with the bursar for collecting student fines, to state laws on how debts owed to the state must be collected. Even if your library has a policy against collecting fines for overdue books, you may have to deal with billing for unreturned books.

The ILS allows you to create lists based on specific criteria across bibliographic, item, and patron records that can be used for monitoring many things, including money owed. Periodically, the Access Services Librarian can use the ILS to generate a list of patrons who owe money, whether because of fines or because of unreturned books. This can be customized to include only records with bills over a specified amount or for those which have been outstanding for a specified number of days. After you've exhausted efforts to get the books returned or fines paid, you may have to begin a collection process.

ENHANCED SERVICES FOR FACULTY

Faculty are a core patron group for academic law libraries, and unlike students, do not generally leave after a few years. Access Services Librarians can help enhance faculty support by implementing or maintaining additional services for faculty.

Routing

Routing is the delivery of library materials to a faculty member's office or mailbox. There are two types of routing: periodical routing and delivery of requested books. Periodical routing can be automated in the ILS so that every new issue of a particular journal is flagged for loan to a particular faculty member once it arrives from the publisher. A list of faculty members is affixed to the front of the serial, and faculty can either pass the item to the next patron or return it to the library. This type of routing may be falling out of favor as more libraries cut print periodical subscriptions and require quarantine between patrons. The second type of routing is merely the delivery of requested books to the faculty member's office or mailbox.

This level of heightened service is generally popular with faculty and creates goodwill with minimal effort.

Extended Loan Periods

Another way to enhance the faculty patron experience with minimal effort is to set your loan rules to give an extended loan period. For example, if graduate students get 90-day loans, faculty might get up to a year. Goodson Library coordinates the faculty due dates across all campus libraries for the same day every May to provide a consistent experience.

Automatic Renewals

You might consider using your ILS to renew faculty loans every year so they do not have to worry about them or receive notices. This can be problematic for a few reasons: long careers at the institution, proxy borrowing by assistants, faculty may give books to other faculty and lose track of them, and any account that is not current will not renew, causing confusion. While this can be a great service for faculty, if your faculty are prolific borrowers, consider requiring them to renew their own books online as a confirmation that they still have the books in their possession. Also consider a limit, such as two renewals, to keep track of your physical collection.

CUSTOMER SERVICE

One of the most important qualities a librarian can have is an interest in helping people. While this is true of any role in the library, the level of patron interaction at the circulation desk means that Access Services Librarians should be able to both demonstrate and teach good customer service skills.

Welcoming Environment

Good customer service includes providing a welcoming environment. This includes everything from providing a warm and attentive smile when a patron enters to making sure the physical space is tidy and ready for patrons' use.

If new circulation workers do not have previous customer service experience, it is important to make sure they know your expectations from the beginning. Pushing in chairs and picking up stray pieces of garbage indicates the importance of providing and maintaining a welcoming space as part of the customer service function, not as a separate task.

Tough Customers

Give staff a clear policy of how you want them to address patrons complaining about other patrons, noisy patrons, or patrons who refuse to follow the rules. For the most part, do not expect employees to be trained in conflict management, and recommend they call campus security to deal with disputes between patrons or with patrons who refuse to follow library policies about noise or behavior. However, if you can provide trainings on customer service de-escalation and active harmer training, you provide workers with an additional level of confidence that they can competently handle difficult situations. Most universities and other large institutions may have already compiled such trainings, so it is worth checking if your institution has an online tutorial or can provide in-person safety trainings.

Referrals and directional assistance

Once new workers understand your customer service philosophy, it is important for them to learn the answers to questions. The circulation desk is often seen as an information center for both the library and the law school. New employees may not be able to immediately learn answers to even the most frequent questions, so it is important to give them access to a repository of information, FAQ's, or a question bank. This can be in the form of a wiki, a libguide, or a printed manual, but it is important that it is easy to access, up-to-date, and preferably contained in a single location. Having to look through multiple quick answer guides leads to patron interactions that contain neither quickness, nor answers. It is also important for staff to recognize the situations that should be referred to a librarian or other department.

Giving workers tasks around the building can help those without natural curiosity to familiarize themselves with their surroundings. Shelving should give them a general sense of the stacks, while performing headcounts or other types of periodic daily "rounds" that have the workers walk the floor plan of the library will give them a familiarity with the library. Having them return things to the dean's office, the café, or the admission's office will expand their knowledge of the building beyond what they see on a map.

MATERIALS MANAGEMENT

Inventory

An essential function of the Access Services Librarian is providing access to the physical collection, and this includes making it easy for patrons to find books on the shelves. Creating lists of books in "missing" or other problem statuses in the ILS can help you pinpoint problems in your circulation processes. Ideally, though, the Access Services Librarian would

be able to determine whether books in the collection have been misplaced or have gone missing before it becomes a problem

The ILS has the functionality to produce a shelf list—this is everything that is located on the shelves, in the order it should be arranged, based on call number. Theoretically, library workers could then take this shelf list and compare what was on the shelf to see whether everything was present and arranged in the correct order. You can imagine the time and attention (not to mention the paper!) needed to do this for a large physical collection. Using a portable barcode scanner, staff can instead collect the barcodes of books on the shelves in order of their placement on the shelf. You can then upload the list of barcodes and the ILS will compare it to its internal shelf list. It can then output a list of errors, identifying specific items that are out of order (misshelved), or that don't belong in that location. It will also identify books that are missing from the shelves.

Shelf-reading

Many libraries try to keep order in their stacks by having staff members shelf-read, even assigning particular sections to different staff and requiring them to keep their section's shelves in order. This activity reduces misshelved books, but does not identify books that are missing, or alert librarians to a book that is in an incorrect status (as in when you locate a checked-out book on the shelves). While either shelf-reading, or an inventory project that requires collecting thousands of barcodes can be time-consuming, either one can provide improved organization of the collection.

Interlibrary Loan

Interlibrary loan in an academic law library is often part of the Access Services Department, and includes lending, borrowing, and document delivery. ILL functions can be performed by the Access Services Librarian, staff, or a combination of the two. Some libraries have students managing ILL. While students can certainly pull books, complete scans, and handle some of the processing, ILL in an academic law library can be difficult, as many times the requests have already routed through the reference desk, and the research component often exceeds the skills of student workers.

Strategic budgeting and monitoring of ILL can help with collection development. Sometimes buying a book is more cost efficient than requesting multiple scans or multiple copies as loans (there may not be loan fees if you have reciprocal partners, but there is always postage). ILL requests can also influence collection development, with close collaboration between the Access Services Librarian and acquisitions staff to determine whether to add a requested item to the permanent collection.

The volume of ILL depends on the size of the law school, the depth of the collection, and the research focus of the faculty. One library might get ten ILL transactions a week and another might consider ten per day to be slow. ILL can also be cyclical. Librarians at schools with multiple law journals often know when the article assignments went out based on ILL volume.

There are different ILL programs, including ILLiad, Tipasa, WorldShare ILL, Relais and many more. The AALL RIPS-SIS ILL Toolkit is a good resource for librarians new to ILL. Goodson library currently uses a combination of ILLiad and Relais. There are also article delivery platforms like RapidILL that may be used in conjunction with more traditional platforms.

Although it may seem like it at times, ILL is not magic. It requires strong research skills, persistence, willingness to communicate outside of standard channels, and creativity. There are some items that you will not be able to get. For example, anything in special collections is handled separately from ILL and must be in a transaction directly between the patron and the archive. Self-published resources are another example of difficult to find items.

RESERVES

Most academic law libraries have a reserve collection. A few have open reserves, where books that are in high demand are separate from the general collection and browsable by patrons. Open reserves can either be used on site without checkout or for a specific, shorter loan period (for example, four hours). Closed reserves are more common, where the reserve collection is in a separate, secure location, often behind the circulation desk, and patrons can check books out for a short loan period. Patrons are generally not allowed to put holds on reserve books as they are available on a first come, first served basis to ensure equitable access. Reserve books are also generally non-renewable, again, to ensure equitable access. There are generally two categories of Reserves in academic law libraries, course reserve and permanent reserve.

Course Reserves

Course reserves are books that are the texts for law school courses. These books help students prepare for class when their copies of books have not arrived or are on backorder, or while they're waiting for financial aid to clear. They are not meant to replace student book purchases. Some libraries purchase all required and optional texts, some purchase only required texts, and some limit course reserves to 1L courses (the latter is hard to explain to upper level students). Other libraries may rely on donated copies from the professors if the text is not already in the collection.

The Access Services Librarian coordinates with the bookstore or the group that orders textbooks and the Acquisitions Librarian to purchase course reserve books. These orders can usually be expedited, but sometimes circumstances result in the books arriving after the start of the semester. Faculty often appreciate a heads up from the library if this is an issue because students will likely have the same trouble obtaining the book. The faculty member may also be able to post scans of the first few readings.

Concept in Action: During the COVID-19 pandemic, Goodson library scanned and posted the first two weeks of readings for every course to the course page in Sakai, our learning management tool. This was cleared in advance as a non-issue with respect to copyright because students were still expected to buy books, so there was no market harm. We did not scan additional course reserves during the semester.

Permanent Reserve

Permanent reserve is not necessarily permanent, just anything that is kept on reserve for a reason other than being used in a current course. There are several reasons that something might be on permanent reserve, including that it is expensive, out of print (and therefore hard to replace), or in demand. We also use the permanent reserve collection to limit circulation to the law community as other students and faculty at our university cannot check these items out per our loan rules. Some examples of permanent reserves are *The Bluebook*, one year of each Oxford dictionary, Tribe on Constitutional Law (out of print), current court rules, and current study aids. Many libraries also keep media on permanent reserve in order to confirm all pieces were returned intact, although loan periods may be longer than other reserve materials.

e-Reserves

Many law libraries try to stay out of the e-Reserve business because of litigation fears. Options are lending paper copies of the materials faculty want on e-Reserve or letting the faculty member or their assistant post electronic resources on the course management system. The library can facilitate the process by encouraging linking to online resources and providing scans of physical materials within copyright limitations.

HUMAN RESOURCES MANAGEMENT

Training

Training is important for any job. In a library staffed by student workers especially, turnover is ongoing, and frequent. It is important in an environment with high turnover for training

to be standardized and consistent. There are, of course, many ways to accomplish a comprehensive, standardized training program, and innovations in training techniques are always attractive ideas. Before you do implement a new training program, make sure you understand the existing program and that you choose to leave out information only after deliberate consideration.

It is difficult and time-consuming to introduce new people to all of the things they are expected to know as the information provider. Again, different Access Services Librarians have approached this in different ways, with video tutorials, wikis, websites, libguides, and checklists, to name a few. Like any instructional activity, your training should have clear objectives. What must the new employee know to begin work? What can be picked up as they go? There are some things that you may want to introduce during training and then revisit periodically. Small details will make more sense once the worker has been in the law library environment for a number of hours.

Staff

Staff in academic law libraries are generally non-exempt and paid hourly. This means that they may not work more than 40 hours per week without receiving overtime compensation. Some academic law libraries have unionized staff, which requires familiarity with different management processes. For non-unionized staff, human resources policies and benefits are generally set by the university.

CONCEPT IN ACTION: SCHEDULING STUDENT WORKERS

Maggie applies to work at the law library and has a \$1500.00 work-study award for the semester. The position pays \$12.00 per hour and I want her to work all sixteen weeks of the semester. E.g. $\$1500 \div \$12.00 \div 16 = 7.8$ hours. I can only schedule Maggie for 7.8 hours per week, but should probably stick to 7 or fewer hours. Otherwise, if she picks up any shifts during the semester, Maggie could go over her award and negatively impact the budget.

Students

If you work in a library that is dependent largely on students for its workforce, there are a few points that are particularly applicable to student hiring. The university where you work will have rules and policies for hiring student workers. Some libraries hire law students to work in the library, and others are dependent on undergraduate students as their hiring pool. The school's student employment office will help you advertise the position. Advertise

with incoming students, especially, because you may be able to retain them for their entire university career, cutting down somewhat on the inevitable turnover.

One aspect of student hiring you may have to navigate is federal work study through the financial aid office. Due to budgetary constraints, your library may only be able to hire students with work study awards. You will then have to ensure that you do not schedule the student beyond the hours that can be covered by the award amount

Volunteers

Some libraries have volunteer staff who are not compensated and do not receive benefits. It may be worthwhile to check with local high schools or job training programs to see if they are looking for placement opportunities. This could have the dual benefit of providing job training and community outreach, and of supplementing your staffing needs.

CONCLUSION

It's important to understand the fluidity of possible organizational structure and job functions when you take on the role of Access Services Librarian. If you are applying for a job in Access Services, you should pay attention to the list of job duties in the job description, and you should ask a lot of questions about typical duties during the interview once you get one. There are frequently idiosyncrasies between even the same type of library. In an academic law library, Access Services may or may not be involved in managing access to digital materials, interlibrary loan, document delivery, government documents, and the Access Services Librarian may or may not be expected to provide reference services or instruction. However, the fact that Access Services may encompass so many varied activities is one of the position's most positive aspects and makes it an ideal position for many information professionals.

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CHAPTER 11.

COLLECTION DEVELOPMENT

JACOB SAYWARD

Academic law libraries have much in common with their non-law counterparts. Many of the elements of collection development, including the systems, the tools, and the skills are shared. Yet there are enough distinctions between the mission of a law school and the mission of a college or university to affect how their respective libraries go about doing the work of building their collections.

This chapter focuses on those distinctions, assuming the reader either has some background on collection development in other academic libraries or can fill in any gaps through other sources.

Key Concepts

- Academic law library collection development models differ from the collection development models of non-law libraries.
- Accreditation requirements for law schools and specific characteristics of legal materials collected affect collection development.
- A collection development policy drafted by a law school today might differ from traditional collection development policies for non-law libraries.

TRADITIONAL COLLECTION DEVELOPMENT MODELS

To develop a collection, a library needs to make decisions about what to acquire. The decision might come down to an individual evaluating the specific details of a particular title to

acquire. Alternatively, it could result from the establishment of parameters to be used for the automated acquisition of a large number of items (as in an approval plan). Either way, a library needs some criteria for making the acquisition decision. Traditional criteria have included subject, cost, and format of the material being acquired, and within the field of law we may consider jurisdiction to be separate criteria from subject. The individual authors or publishers behind a specific title may affect an acquisition decision, acting as a proxy for the title's authoritative value or appeal to researchers. The criteria have grown more complicated with the development of online collections. In the past, the cost decision may have simply come down to a single list price for a book (or annual subscription price for a serial publication). Now there may be multiple prices to consider for print versus electronic format, or for the cost of a yearly subscription to a database versus a perpetual license (with annual maintenance fees) for the same online content. Formats have also become more complicated and taken on new meaning with the development of online resources. Online materials may be favored over print for reasons related to declining library space, convenience of management, and preference of researchers. There are a lot of criteria to consider, and libraries need someone to evaluate and balance them to make an acquisition decision.

Traditionally, if an academic library had enough resources, these decisions were made by a number of subject experts known as "selectors." These selectors reviewed potential acquisitions and selected those they wanted purchased. Having multiple selectors allowed the library to divide up the world of potential acquisitions by different categories, with different selectors concentrating on their own fiefdoms. A benefit of this approach was that selectors' decisions may be informed not only by their experience as selectors but also by their other responsibilities as librarians. If a selector helped a patron research a particular topic in the previous year, that may help the selector make a better decision about purchasing a title on that topic when it comes up as a potential acquisition. A version of this benefit flowed in the other direction, too. A librarian called on to assist with research on a particular subject would be extremely well informed on the materials on that subject, both available in that library's collection as well potentially available at other libraries, if she had been that subject's designated selector for a number of years.

Some law school libraries with greater collections budgets adopted multi-selector models just like these. Their selectors divided up their individual portfolios by subject area, or jurisdiction (in the case of foreign, comparative, and international law librarians), or even by format (with some librarians focusing on electronic resources). Nevertheless, academic law libraries that intended to mimic the multi-selector model as much as possible still had to deal with collection development complications that are specific to the discipline of law. Accreditation requirements specific to law schools play an outsized role in collection development for law school libraries. The distinction between a legal information publication

intended for scholars and a publication intended for practitioners is an important one for the different patron bases and missions of different law school libraries.

COLLECTION DEVELOPMENT TODAY

Over time, non-law academic libraries evolved to embrace different systems beyond the traditional selector model to evaluate potential acquisitions for their collections. Today, decisions still have to be made about what to acquire, but libraries may have more or fewer people involved in that decision-making process. In one library, limited resources may leave all acquisitions decisions in the hands of a single librarian, acting as a lone selector. Another library may regularly lock its entire complement of librarians in a room, reviewing one title after another to make a collective purchase decision. Non-librarian support staff may be making decisions based on their interpretation of a collection development policy. An approval plan may have been set up long ago, with those old parameters functionally deciding what is being acquired a generation later. Patrons may be directly responsible for what is purchased due to a demand-driven acquisitions program. Many libraries will employ several of these systems, sometimes even to supplement a traditional multi-selector model. Over time, different libraries shifted their reliance on some of these systems to others, based on their changing staffs, budgets, and collection priorities.

All of these developments applied to law school libraries as well, with different implementation of these elements to fit their varied needs. In addition to embracing some of the same evolving collection tools and systems used by non-law libraries, academic law libraries also had to respond to changes specific to legal information publishing, law schools, and the practices of different legal researchers. Changes in accreditation standards for law schools have had significant changes on law school library collections. Changes in the type of research law faculty conduct affected the emphases of library collections.

ACCREDITATION REQUIREMENTS

The national accrediting body for law schools in the United States is the American Bar Association's Section of Legal Education and Admission to the Bar. This body is responsible for the ongoing compliance with its requirements by the roughly 200 ABA-approved law schools currently operating. These schools are required to report annual statistics on their status and operations, including their library's collections. In addition to this annual reporting, ABA-approved law schools undergo site visits every decade, which involve more thorough reporting and inspection to ensure compliance with ABA requirements. Most ABA-approved law schools are also members of the American Association of Law Schools. The AALS runs its own reporting and also takes part in the ABA site visits.

Law school accreditation requirements include language on libraries and their collections.

Some of this language has been very explicit about what a library must have in its collection. This left little discretion to libraries and their selectors; they had to purchase what was spelled out for them. Other requirements language has been vaguer, allowing libraries to take different approaches to satisfy their different interpretations of these requirements. Most of this language was valued by academic law library directors, as they could point to it when discussing the importance of library collections budgets with other law school administrators. In this way, the accreditation requirements were a useful tool in advocating for law school support of a library.

Both the language of ABA requirements and libraries' interpretations of the language have evolved over several decades. The trends have included less specificity in what libraries must have in their collections, as well as less reliance on print materials to satisfy the law school's needs. Related to these trends is the growing concern on the part of libraries that the accreditors charged with enforcing these requirements are paying less attention to library collections during their site visits and while drafting their post-visit reports. While in the past a requirement for a robust collection may have been an effective tool employed by a library director to extract a correspondingly robust library budget from a law school administration, trends toward looser requirements and lax enforcement could be interpreted as an invitation for law school administrations to neglect investing in their libraries. A newly established law school fifty years ago may have concluded the easiest way to comply with accreditation requirements was to put enough money toward its library to ensure its collection looked just like the collections at older, established law schools. A newly established law school today might instead try to get away with simply pointing to its Lexis and Westlaw subscriptions as having satisfied most of its law school's research needs.

Simultaneously, today's looser accreditation requirements give libraries and their selectors more flexibility in how they spend the collections budgets they have. If less must be allocated towards acquisitions simply to fulfill accreditation requirements, more could be spent on other collections priorities (or, depending on how flexible a library's budget may be, on non-collections priorities of the library).

Today, the ABA accreditation requirements pertaining to library collections are unlikely to be consulted or considered very frequently by librarians and staff involved in collection development. These requirements are most likely to come up when drafting or revising a collection development policy when preparing for a law school's periodic ABA site visits, or by a library director who still hopes they will prove useful while making an argument for library collections funding.

LEGAL MATERIALS COLLECTED

As in many other fields, law schools place a heavy emphasis on the importance of scholarship

and publication for their faculty. The result is that a law professor's work may appear in any of the hundreds of law reviews being published by law schools in the United States, or it could show up in a law journal published by private publishers or other organizations. A law professor might author a scholarly monograph published by the same type of university press that would publish a non-law scholar. A law professor may instead publish regular or irregular updated editions of a treatise or deskbook primarily marketed toward practicing attorneys. The law school library's collection will have to support the research of its faculty, regardless of what form the individual publication efforts take. For some faculty members, this research will begin and end with their Westlaw and Lexis accounts. As long as the library ensures that access continues, the job is done. Other faculty members will require more intense research support, and it will take healthy library collections to meet their needs.

Besides research to support faculty publications, the law school library will have to support its student body's research. Whether for their paper-oriented seminar courses (law students usually have to take at least one before graduating) or for their own attempts to be published in their school law reviews, students will conduct research that resembles faculty research in the sources consulted. Students will also conduct research as part of any legal research training they undertake, whether part of a formal course or a less formal workshop. Law students may also conduct legal research as part of their work in a law clinic, an externship, or another program within the law school designed to simulate the practice of an attorney. For legal research instruction and these experiential courses, the research needs will resemble those of an attorney more than those of most law professors. This adds another mission to the law school library's collection, beyond supporting scholarship.

When a student or faculty member wants to research legal scholarship, they will need access to law journals and scholarly monographs on legal subjects. With the ever-rising emphasis on interdisciplinary research, they may also need access to non-law journals and non-law scholarly monographs. Most law school libraries will provide coverage to many American law journals through subscription databases like Westlaw, Lexis, and HeinOnline. For researchers who need access to non-law journals, a law school library may rely on the law school's parent university library's journal subscriptions to meet many of those needs (this option would be unavailable to the "independent" law school that has no affiliation with a larger university). Inevitably, researchers will need access to articles from law and non-law journals unavailable through those methods, whether due to the journal's obscurity, expense, foreign origin, or other factors. A library wanting to support access to such publications may initiate a print subscription, arrange for online access on a less-common platform, or even rely on interlibrary loan access to individual articles published by the journal as needed. For scholarly monographs, law school libraries can usually collect using methods similar to their non-law equivalents.

Some researchers may need access to more narrowly focused databases, publications,

datasets, and other resources. Law school libraries often acquire these esoteric resources reactively (in response to a specific researcher's request) instead of proactively. After a particular research project has been completed, or the specific patron who requested access has retired or otherwise left the law school, the library may cancel access to such a specialized resource as it anticipates little future usage by other researchers.

While these materials all have their non-law analogies in other academic libraries, the primary law, and other practitioner-oriented materials that law school libraries collect are significantly different. With these, the law school library resembles a law firm's library more than that of a college or university.

Large portions of law school library budget and space were traditionally devoted to collections of primary law from the federal government, state governments, and (to a lesser extent) local governments and foreign governments. Some of these libraries invested in a greater number of jurisdictions than others, but primary law was a significant emphasis. Between relaxed accreditation standards, shrinking budgets and space, and more reliance on Lexis and Westlaw for access to case law, statutes, and regulations, academic law libraries are collecting less primary law in print. Even sources of primary law from municipal governments or foreign governments are less likely to be collected in print due to improved availability of these materials on government websites.

The secondary sources used by attorneys for their research have included treatises, legal encyclopedias, looseleaf services, and other practitioner-oriented materials. These are often published by vendors specializing in the legal market, like Lexis, Thomson Reuters, Wolters Kluwer, or Bloomberg. While these vendors have worked with law school libraries for many decades, their main sources of revenue are law firms. Their products and sales models are most responsive to the needs of law firms, so acquiring them for an academic law library can be a very different process from acquiring other types of materials.

Both primary law publications and these practitioner-oriented secondary materials may take the form of serials, integrating resources, or other continuations because the law is always changing. In non-law libraries, the serial publications that are collected may be limited to newspapers, magazines, and journals. In a law school library, where primary law publications and these other practitioner-oriented materials may be a large majority of the print collection, the library is spending its resources on materials that are constantly being updated. The subscriptions and standing orders necessary to keep an up-to-date collection on a particular jurisdiction's laws or the law in a particular subject area eats up a much larger part of the collections budget than a library primarily collecting the relatively simple and cheap monograph. The costs of keeping such materials up-to-date plays an important role in decisions about acquiring or canceling subscriptions for these materials.

The gradual shift from print collections toward online collections is something shared by both non-law academic libraries and law school libraries, but even this is more complicated on the law side. Online journals and ebook versions of scholarly monographs may be collected similarly by both types of institutions (they are sometimes even shared on the same platform). Still, for law school libraries, the online sources for primary law and practitioner-oriented materials are more complicated due to their updating nature. The most commonly used research platforms for these materials, Lexis and Westlaw, were developed separately from the ebook platforms used for scholarly monographs, and research within the same sources also bears much less resemblance to their print counterparts than one would experience in, say, a non-law ebook platform. This makes the question of when to cancel a print resource to rely on its closest online equivalent a much more complicated question in law libraries. Many more factors must be weighed when deciding what needs to be collected in print, what needs can be satisfied by these common legal research platforms, and what will require other options like specialized databases.

CONCEPT IN ACTION: RESPONDING TO UNEXPECTED NEEDS

Shortly after Mary moved from a university library to start work as Collection Development Librarian at a law school, a pandemic resulted in students being cut off from the library's physical collection. After the Dean of Students emphasized the importance of supporting struggling students in the classroom, Mary wanted to get students access to study aids in electronic format. Unfortunately, she couldn't find ebook versions for most study aids on any of the larger ebook aggregators with which she was familiar. She had to reach out to the legal information publishers responsible for the most common law school study aids and arrange for access via each of their proprietary platforms. None of those vendors allowed Mary's library to purchase the study aids outright, instead only allowing annual subscriptions. So Mary not only had to find money her library's collection development budget right away, but she also knew she'd have to continue to budget for these online study aids every fiscal year as long as she wanted her school's students to have access.

COLLECTION DEVELOPMENT POLICIES

Law school collection development policies traditionally resembled the collection development policies of other academic libraries in many ways. They would often include language on the library's mission, acquisition practices, and a general description of the collection. While many non-law collection development policies featured long lists of disciplines (e.g., accounting to zoology), with each receiving a numerical assignment suggesting how heavy the library would collect in that subject area, academic law libraries would have their own long lists of subject areas within law. Each of these subjects (e.g.,

admiralty law to zoning law and practice) would be assigned its own numerical grade suggesting how heavily the law school library would collect in that area.

Such a list would be a very limited approach to describing a law school library's collection practices, so law school library collection development policies would contain additional sections. They would often run through federal and state jurisdictions, indicating which of the most common primary law publications and secondary sources were to be collected in print from those jurisdictions. Sometimes, these sections would also contain additional sections to describe their collection of foreign, comparative, and international law materials. Within the structure of the collection development policies, sections like these would usually follow any introductory section and precede the list of subject areas within law.

By being specific about individual titles, these traditional collection development policies had the opportunity to give a much more detailed sense of current collection practices. A major downside was that many minor changes, like a single subscription cancellation, would render the policy outdated and in need of revision to stay current. Most law school libraries would go years between revisions of their policies, assuring that they were always out of date with respect to some of these specific subscriptions. Between shrinking budgets and the shifts to online resources, the collection development policy had little chance of keeping up.

A growing trend in the collection development policies of law school libraries is a conscious effort to be less specific about individual subscriptions and individual legal subjects. Instead, more modern collection development policies would attempt to describe the trends of their collections. Instead of listing every legal subject, it might outline a few factors the library would consider when deciding whether a subject should be collected heavily (e.g., the law school has an institute or center focusing on the subject). Instead of describing which primary law publications are collected in each jurisdiction, the collection development policy might simply state that fewer and fewer of these subscriptions would continue and that most of them would be concentrated in the law school's home state. These collection development policies will not give as detailed a description of a library's activity, but they can give even greater insight into how the library makes all of its collection development decisions. This should allow the policy to predict collection development decisions even if it has not been updated in a number of years.

DIVE DEEPER

1. *Fundamentals of Collection Development Policy and Management*, by Peggy Johnson (Chicago: ALA Editions, 2018).
2. *Finding the Middle Ground in Collection Development: How Academic Law Libraries Can Shape Their Collections in the Response to the Call for More Practice-Oriented Legal Education*, by Leslie A. Street and Amanda M. Runyon (102 Law Libr.

J. 399-440, 2010).

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CHAPTER 12.

SPECIAL COLLECTIONS & ARCHIVES

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Within the academic law library, special collections and archives offer law librarians an opportunity for interesting specialization. Special collection librarians and archivists work with the most delicate aspects of the law library collection, and they uphold the tremendous responsibilities of preservation and promotion of the collection. This chapter will introduce the world of special collections and archives within the law library setting, including an overview of the professions, considerations for maintaining the collection, opportunities for marketing and outreach, and sources for education and development. Although special collections and archives often rest beneath the law library's surface, the collections and those who work with them prove an integral and valuable part of the institution.

Key Concepts

- Special collections and archives are specific to each organization and may vary depending on the library's collection focus.
- Special collections and archives require special considerations related to collection development, preservation, and usage of materials.
- Special collections and archives tend to be more hidden than other library collections and are dependent on adequate marketing and outreach to gain users.

INTRODUCTION TO SPECIAL COLLECTIONS

This section discusses working in special collections and archives in academic law libraries. The role of a librarian working in academic special collections and archives in the legal profession is dynamic, as the range of responsibilities and options for involvement and

development are profound. Special collections and archives provide value to the law library by preserving the university's institutional history, supporting student and faculty scholarship, and engaging with the community. Special collections librarians and archivists endeavor to ensure the continued acquisition, assessment, preservation, accessibility, and use of these important collections for present and future scholars.

Archives in Law Libraries

Archives emerge every day when a person, organization, or government creates and keeps a record of their actions. The term “archive” can refer to records themselves, the organization that houses the records, or the building holding the records. Archives contain recorded material that has long-term permanent value for the organization. In a law library, archives collect materials related to the school. For example, academic archives may include academic policies, meeting minutes, school bulletins, photographs, legal documents, and blueprints.

Archivists may have many roles in the law library, but they are ultimately responsible for assessing, collecting, organizing, preserving, and providing access to the records in an archive. Archivists evaluate materials for the collection, put the items in historical context, and arrange the items based on archival principles of provenance and original order. Archivists also assist researchers in navigating the archive's distinct organization scheme.

Within a law library setting, an archivist may have a dual role as a law librarian. Archivists may have an additional role in access services, metadata, reference or research services, instruction, or outreach. Assuming an archivist's role in a law library presents a challenging and rewarding position within the law library.

Rare Books in Law Libraries

Rare books are books that are scarce or otherwise limited in availability. Though they tend to be old, it is important to realize that rarity is not based on age. Books published in recent decades may have been printed in limited runs, superseded by later editions, or inscribed by a notable person. A well-built collection of rare books can draw researchers from around the world, enhancing a law school's reputation. However, building rare book collections from scratch is a process that typically takes years. Rare book collections are often focused on particular subject areas, but other criteria may also be used to build collections. Libraries often curate several smaller collections. Small collections may be collocated together or housed separately, depending on the overall size of the collections, the subjects they cover, and the library's needs.

Subject area collections are easiest to collocate using a standard classification system, such as the Library of Congress Classification. Law schools are often known for specializing

in specific legal areas, and these specialties can create a natural focal point for rare book collections. Other criteria may also be used to build a collection of rare books. For example, author collections focus on the works of a person—such as Gratian, Grotius, or Blackstone. A collection could also be developed based on a type of work, such as dissertations, law dictionaries, or treatises.

Regardless of the criteria used to build a collection, it is necessary to consider the potential number of volumes that exist within the scope. If the criteria are too broad, forming a complete collection may be impossible. A larger collection comes with additional challenges to building the collection, due to prohibitive costs and limited available space. Finally, it is vital to have the support of leadership from both the law library and the law school. Building collections that align with the law school's research can help garner the leadership's favor, as can working closely with faculty to determine their needs from the collection.

Other Special Collections

Archives and rare book collections are typical “special collections.” But what, exactly, makes a collection special? Almost any cohesive collection in a library could be treated as a special collection if considered important enough to the library to provide extra attention in curation and preservation. For example, state primary resources, government documents, and complete sets of titles, such as the national reporters, could all be considered special collections. This section describes two types of special collections: personal libraries and digital collections.

Personal libraries and collections donated to a library may not warrant any special treatment. Retiring lawyers often offer to donate their personal library or papers to avoid discarding them. If a person is notable within the community, however, special treatment may be warranted. A notable person could be a prominent alumnus, a well-respected member of the community, or even a Supreme Court justice. If a person is well known and respected, the donation or bequest of that person's library to a law library can be a special event. While the individual volumes may not be rare, the provenance makes replacement of those volumes impossible.

Digital collections in a law library may include curated and digitized collections of photographs or documents, electronic dissertations, or digital repositories of faculty scholarship. Technological knowledge is vital to understanding the systems used to store, access, and maintain these resources, and legal knowledge of copyright issues is also beneficial.

Not every library will consider personal libraries or digital collections as “true” special collections. However, the specialized knowledge and skills necessary to maintain and provide

access to these collections may require additional assessment of the items, separate from the library's general collections. These considerations must be taken into account when determining the scope of the law library's special collection and archives.

ESSENTIALS OF SPECIAL COLLECTIONS

Duties in special collections and archives are comprised of the essential areas of law librarianship, including collection development, donations/gifts/bequests, organization, preservation, and access /use policies. Collectively, each piece is equally important to the value of special collections and archives. This section will highlight some of the intricacies involved in these particular areas of law librarianship.

Collection Development

Collection development encompasses the procedures and policies that inform which materials are collected for their enduring value and explain why some materials hold more value than others. Materials acquired for special collections or archives should support the mission of the library and aim to serve the library's primary audience. In order to acquire appropriate material, a law librarian must know what is and is not collected in their respective library. If the scope of a collection is defined by a mission statement and a collection policy, appraisal and purchasing of material is greatly informed.

A special collection and archive mission statement informs the purpose of the collection. A mission statement may be concise and should allow flexibility for revision if collection parameters change in the future. The amount of material a law librarian can collect is vast, making a collection policy a necessity. A policy should detail which subject areas are collected, the formats acquired, and an outline of what is not collected. These parameters help address issues such as holdings space, and they provide a law librarian the ability to say no to a donor.

Acquisitions are closely tied to collection development. Acquisitions can range from purchasing new items to obtaining archival material from a donor. When procuring new material, it is good to be informed by a collection policy and to be aware of the time and effort it may take to process acquired material. If staffing is limited, it may be best to limit the amount of material considered for acquisition.

Donations, Gifts, & Bequests

Donations are one of the best ways to grow a special collection, and a portion of the collection's holdings was likely built from such contributions. A law librarian should expect that their primary donors will be law school faculty, alumni and their families, and members

of the local law community. Most donors believe that what they are donating is worth preserving and sharing with others. Dealing with donors can be difficult, depending on the status of the donor and their emotional attachment to the potentially donated material. A donor's status and any emotional attachment to the material, though respected, should not be the basis for adding donations to a collection.

A donation or gift, often in the form of a physical resource, is the transfer of material from one party to another without monetary exchange. A bequest is a similar transfer, but the exchange is done formally through a will. However, gifts are not always received formally. When faculty members clean out their offices, they often leave books to the library. The librarian should review the books for addition to special collections, but obtaining formal documentation for such material is not always necessary. When such transactions occur with someone outside of the law library, a deed of gift should accompany the gift.

The deed of gift is the documentation that legally transfers material from an outside party to the library, and it should define any access or use restrictions related to the gift. Gifted items may contain sensitive material that the donor may not want shared with the public for a period of time. If a donor has unrealistic expectations regarding access and use of the material, a donation should not be accepted. Establishing mutually beneficial parameters for collection in the deed of gift can help satisfy both parties, especially in the area of access and use.

CONCEPT IN ACTION: HANDLING PATRON DONATIONS

A patron brought in some books to donate from her grandfather's collection. In reviewing the books, Emilio could see that they were former, deaccessioned library volumes. They did not contain any form of inscriptions, the books were in poor condition, and the subject matter, though law-related, was very general. The library's collection policy, which Emilio said the patron could view online, described the subject areas collected by special collections and the need for material to be in good physical condition.

Emilio explained to the patron that the material they brought in did not fit the library's collection criteria. Emilio cited the subject areas that were collected, space considerations for the library, and a need for unique material. Emilio thanked the patron for taking the time to bring in their materials and to please keep the library in mind for any future donations as subject areas collected may change in the future.

How long material remains in the collection should also be addressed in the deed of gift and the collection policy. For example, a valued item of the past may not fit collection parameters in the future. A library must have the ability to deaccession material as it sees fit, and such

action can be stipulated in the deed of gift. Notably, most libraries do not offer to place a monetary value on incoming material, though this too may be specified in both the deed of gift and the collection policy. When the library accepts a gift into a collection, it is customary to send a thank you letter to the donor. The benefit of this practice is twofold: the letter can serve as a receipt, and it further establishes the relationship between the donor and the archive.

Organization

For special collections to have and provide value, researchers must be able to find the resources. General library resources are typically browsable in open stacks, but many special collections are in restricted access areas to protect the materials. Likewise, digital collections would be difficult to use without some way to find those items that satisfy a user's needs. For this reason, special collections librarians and archivists need to be aware of the tools available for making these collections discoverable by users.

Most law libraries will already have a library catalog. Books, whether rare or otherwise special, are prime candidates for being described in a library catalog. In some libraries, archival resources may also be included in the library catalog. If included, the catalog broadly describes the archival collection and directs users to the archive collection finding aids.

Finding aids are like library catalogs but are used to provide more detailed descriptions of materials contained in an archival collection. Archival materials are often of varied types that are not as well suited to traditional library cataloging. Instead, like material is described in a hierarchy from series (broad) to subseries (specific). For example, a thank you note from a law clerk to a judge would not be described individually but would be described collectively with similar correspondence. Such material would be stored in archival quality folders and boxes, and the finding aid would direct users to the appropriate boxes for such correspondence.

Once materials are described in a catalog or finding aid, they must be processed to allow library staff to locate the material sought by a researcher. Descriptions will generally provide information the researcher may use to find the material—a call number for a book or an archival box identifier. The items must be marked and appropriately filed for retrieval. Because of the nature of special collection resources, librarians must avoid directly applying labels to the materials or documents. Light pencil marking of paper or use of a special strip of paperboard for marking information are good practices to prevent permanent damage.

Preservation

Special collections and archives have little value to an organization if the materials are not kept in good condition. Preservation is a vital function of special collection librarianship in

order to keep these research materials in usable condition for the long term. Environmental conditions, maintenance needs, and preservation of the contents of special collections materials all need to be considered.

Environmental conditions are often the first and most visible issue to address when working to preserve materials in a special collection. Light can be an immediate concern, especially unfiltered sunlight. Bright light can cause irreversible fading of exposed text, photographs, and artwork. In addition to light, temperature and humidity levels can adversely affect many types of materials. Ideally, a location selected for special collections and archives would have dedicated climate control, separate from that of the main building. Since this is not often possible, potential collection locations should be evaluated with an eye towards the environment's stability.

Collections housed in a suitable environment still require regular maintenance to ensure a long, useful life. Older books may have red rot, a condition in which the leather covering begins to break down. Photographs and negatives tend to break down over time. Some maintenance, such as using generic phase boxes or archival boxes, can be done with minimal formal training. More specialized maintenance may require professional treatment. In an academic law library setting, there may be a preservation unit at the main university library that can guide maintenance and repairs. If not, the librarian may consult an outside organization for additional services.

Although some materials may be in poor condition, they may be unique and nevertheless require preservation. In dire cases, preserving the material's contents may be the only viable option. High-resolution document scanners may be used to digitize documents, books, and photographs at risk of deterioration. Conversion of computer and audiovisual media to modern formats can preserve the data of these resources. Digital resources must be backed up to protect the material in case the original version is lost or damaged.

Preservation and maintenance are essential to ensure that special collection or archive materials are useful for the longest possible time. If a resource is so fragile that no researcher can use it, there is no value in having the item in the collection. Preserving the material's contents allows researchers to access items that are too fragile to be handled. With proper maintenance and preservation, a collection's resources may be perpetually available to researchers.

Access & Use

Generally, special collections and archives are available to researchers, scholars, and the public. It is necessary to establish and enforce an access policy for the special collections and archives to ensure that the materials are available for present and future requests. However,

not all parts of a special collection are available to researchers. In academia, special collections and archives follow the policies established by the university, law school, and librarians to protect administrative information. Items may be restricted fully or partially based on copyright issues, donor requirements, or legally protected information.

Special collections librarians and archivists work with unique, delicate, and sometimes valuable items in the collection. As a result, these collections are susceptible to neglect, natural disasters, and theft. Establishing an access policy for how patrons use the collections reduces the risk of theft or damage. For example, it is common to prohibit food, drink, backpacks, and pens in special collections areas during research. Access policies are also helpful in handling patron requests for photoduplication of materials. Such a policy can set guidelines and rules for scanning requirements, costs charged for duplication, image quality available, and restrictions on the materials.

Finally, a special collections librarian and archivist must consider the threat of legal issues, particularly copyright infringement. U.S. Copyright law governs copyrighted material. When acquiring materials, the librarian must consider that, despite the sale or donation, the author may still retain the creative rights to the material. Doctrines of Fair Use and The Right of First Sale typically protect a range of uses of the material, including research and private display. However, these protections may not transfer when bringing these documents into the digital realm. The Copyright Act of 1976 did not foresee these technological issues and struggles to keep up with the rapid changes, leaving it to the librarians to look to best practices.

MARKETING & OUTREACH

Materials of enduring value should be showcased and promoted. They have the power to inform and visually deliver wonder. Without exposure, special collections and archives can languish undiscovered and remain hidden in plain sight. This section highlights how law librarians can add value to special collections and archives by curating exhibits, performing outreach, and collaborating with others.

Curating Exhibits

An exhibit showcases materials found in special collections. They can be large or small and highlight a single item or an entire collection. Exhibits often have a theme, and the materials curated are based on that theme. Alternatively, materials of interest might inform the theme of an exhibit. Subjects can range from current events and faculty interest to the upcoming law school homecoming event. All exhibits should be created with the primary audience of the law library in mind, and they should serve to educate them about the special collections available at the library.

When curating a physical exhibit, consider the physical space, security, and preservation concerns relevant to the display. Lockable exhibit cases are typically preferred for displaying materials. Exhibit cases should be in a location where they are readily visible but also protected from environmental concerns such as direct sunlight. Some items may rapidly deteriorate in a less controlled environment, so care must be exercised during curation. Choosing appropriate display tools such as book supports will aid in preserving the exhibited materials.

Digital exhibits are exhibits that are published online. They highlight physical items from a collection in a digital format and can broaden the audience beyond the library walls. The physical condition of an item and its medium will influence whether an item can be digitized. Still, digitization is generally less damaging to many materials than a long-term physical display. Three-dimensional objects can be photographed, and papers can be scanned. Those items will serve as the foundation of a digital exhibit. Web publishing platforms such as Omeka or WordPress can be used to create basic digital exhibits that include text descriptions and metadata to facilitate the understanding of digital media.

Exhibits provide an opportunity to educate the library's users about the available special collections. Text panels or descriptions that accompany display materials inform viewers about the specific material, regardless of whether the display is physical or digital. A well-constructed description will be informative, engaging, and short. The ultimate purpose is to keep the viewer engaged, allowing them to learn about the exhibit and the treasures that they may not have been aware existed in the library.

Outreach

There will not be a greater advocate for special collections and archives than the law librarian who works with those collections. Outreach activities allow the librarian an opportunity to directly market these collections to the users in the best position to use them, the law school's faculty and students. While exhibits can be considered a form of outreach, this section deals with the need to perform more direct outreach with potential users and researchers.

A law school's faculty members should be considered individually for potential outreach. Outreach activities with faculty should be more direct than they might be with others. Identification of courses and faculty research areas allows the librarian to recognize which faculty members to approach and which collections may be useful to them. The goal is to expose these faculty members to the materials that might directly support their teaching or research activities.

Students are the second group of potential users, and reaching out to them is more effective in group settings. Special collections have the best potential for students writing papers and

articles, either as part of a seminar or for a journal. For appropriate seminars, outreach with the faculty provides the best potential access to the students. For others, scheduling a small group lecture or presentation may provide a means to draw students in, especially if the session offers free food to bring them in the door.

Outreach to students and faculty is essential to gaining active users and new advocates for the library's special collections. Each group will require unique methods to garner their interest. Gaining researchers outside of one's law school is valuable for the library and collection's reputation, but local users are the library's primary audience and must be the library's collection focus.

Collaborations

Special collections librarians and archivists often work with other departments in the law library and the library community to support the school's mission, promote student and faculty scholarship, and elevate the profession. These collaborations can bring considerable attention to the law school's special collections and archives.

Libraries, archives, and special collections are natural collaborators, especially when they support the same academic institution's goals. Special collections librarians and archivists work with the law library on issues of digital initiatives, digital repositories, collection development, access services, and inter-library partnerships.

Special collections librarians and archivists can also collaborate by sitting on department programs, committees, and instruction teams. They work with campus groups to focus on social issues, and they bring prominence to previously unheard voices and ideas through programming and displays.

Special collections librarians and archivists can also work with libraries, archives, and special collections outside of the parent institution. These collaborations may include supporting programs and education, pooling resources, or engaging in professional development.

Alumni services also put on events to honor former faculty, donors, and alumni. These events find value in having archival materials to bring history and remembrance to the occasion. Archivists work closely with alumni services to decide the appropriate materials and display for alumni events.

EDUCATION & DEVELOPMENT

There are a variety of ways to gain and increase knowledge in special collections and archives. In this section, we will focus on formal instruction, professional development/continuing

education, and on-the-job training. While not intended to be all-encompassing, this section will help identify areas for learning more about this part of law librarianship.

Formal Instruction

For most contemplating working in the academic law library profession, a master's degree from an American Library Association (ALA) accredited library school is essential. Such a degree can be obtained entirely online and in as little as a year and a half. Furthermore, many library programs offer degree specializations, such as archival studies or digital information management. Specializations may be available through online or on-site programs, and they may be obtained as part of one's degree or as a post-degree certificate.

Degree specializations and certificates may enrich one's general library education with a focused exploration of a subject area. Concentrations provide both the time and exposure one needs to gain a greater understanding of essential archival practices such as preservation and organization. Often, archival fundamentals are merely introduced within foundational library courses. For example, the finding aid may be introduced in a general library course, though one may not learn about original order without a degree specialization.

While library and information science degree programs are the most typical form of formal education, there are others as well. One of the best-known non-degree programs for special collections is Rare Book School (RBS) at the University of Virginia. Admission to RBS courses requires an application process, and most courses are limited to a dozen students. Once admitted, students have the opportunity to learn through one-week, non-credit courses on topics ranging from bookbinding to born-digital materials. RBS classes are held on-site, allowing for intensive instruction and hands-on experience supplemented by extensive reading and "take-home" assignments. The faculty at RBS have substantial professional experience, and many are considered experts in their field.

The law librarian who finds themselves frequently working with archival material may wish to become a certified archivist. To do so, one must satisfy specific criteria, such as years of professional experience, and they must formally pass the Certified Archivists Exam. The Academy of Certified Archivists administers the test annually at the Society of American Archivists (SAA) annual conference. An application fee is required, and an exam handbook is available for free online for those seeking to study.

Professional Development & Continued Education

Professional development provides librarians with opportunities to learn new skills or to enhance existing ones. Professional organizations such as the American Library Association (ALA), the American Association of Law Librarians (AALL), and the SAA provide members

with a variety of educational opportunities. General organizations, such as ALA and AALL, will have smaller sections or divisions that focus on narrower areas, such as the Legal History and Rare Books Special Interest Section (LHRB-SIS) of AALL.

Many professional organizations have one or more annual conferences or meetings. These conferences usually feature a variety of educational sessions developed and presented by members of the organization. Because these sessions are typically provided by one's peers from other institutions, there is generally less formality and more opportunity for attendees to interact. Sessions usually reserve a reasonable period for questions, and presenters are often available afterward for more follow-up questions.

Outside of the annual conferences, many organizations offer a variety of web-based educational opportunities, such as webinars. These may be from national organizations such as those noted earlier, smaller regional or local organizations, or specialized groups such as the Northeast Document Conservation Center (NEDCC). Webinars are often more useful than conferences for professional development due to the limited availability of applicable sessions at conferences. Webinars are frequently available throughout the year, and they may even be pre-recorded and viewable when convenient. Webinars are also available from anywhere—without the travel costs associated with an in-person conference.

On the Job Learning

While formal education and professional development are excellent ways to prepare for and continue to learn about being special collections librarians and archivists, it is not unusual for one to simply fall into such a role without intention. For those who find themselves in such a position, learning on the job from the existing collections and policies, reading relevant journal articles, and networking with colleagues is the best way to build the knowledge and skills needed to succeed.

Often, newly appointed special collections librarians and archivists find themselves in charge of a particular collection with which they have limited exposure. To gain familiarity with the collection, special collections librarians and archivists can spend time learning about the collection by working on catalog or finding aid records, curating a project or exhibit, or fulfilling patron requests. If available, they may also receive training from their predecessor before assuming the new role. If the previous special collection librarian or archivist is unavailable, it is beneficial to review the collection's policies and procedures, look through past exhibits, and examine any materials created by the predecessor.

Self-study is another effective way to learn on the job, and many positions will allow time for such development for a new special collection librarian or archivist. Reading journal articles from the professional associations listed above, or through access to databases provided by

the institution, will provide additional guidance about the profession. Self-study reinforces the hands-on skills developed from working with the collection and offers opportunities to improve knowledge and skills.

Finally, new special collections librarians and archivists can improve their understanding by networking with the professional community. There are a variety of opportunities to build a professional network, including conference attendance, collaborating on projects, or even sending an email to another special collections librarian or archivist in the field. Most existing librarians in such roles are often willing to provide some level of mentorship to new librarians faced with the sometimes daunting role as a special collections librarian or archivist.

CONCLUSION

This chapter aimed to provide a brief introduction to the area of special collections and archives in academic law libraries. As discussed, working in special collections and archives offers the opportunity to further specialize within the law library field, and interact with the unique, delicate, and often hidden aspects of the library collection. Aspects of these collections require particular consideration, including collection development, preservation, and the special handling of materials. Special collection librarians and archivists have a distinct role in creating value for the library and the collection, through marketing and outreach to potential users. Despite these unique challenges, special collections librarians and archivists often take varied paths to the profession and there are opportunities to pursue this specialized work through alternative means. This chapter scratched the surface of the complex and integral roles of special collections librarians and archivists within the law library and endeavored to provide the introductory tools necessary to pursue a path to special collections and archives.

DIVE DEEPER

To learn more about special collections and archives, we have selected the following resources for further reading:

- Navigating Legal Issues in Archives by Menzi L. Behrnd-Klodt.
- Developing and Maintaining Practical Archives: A How-To-Do-It Manual 3rd Edition by Gregory S. Hunter.
- ABC for Book Collectors 8th Edition by J. Carter and N. Barker.
- Extensible Processing for Archives and Special Collections: Reducing Processing Backlogs by Daniel A. Santamaria.
- Rare Books and Manuscripts Section (RBMS) website <http://rbms.info>

CHAPTER 13.

FACULTY SERVICES

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Faculty services are one of the most important job responsibilities of Law Librarians. Often, the law librarians working in faculty services are the most visible to patrons. These services encompass a wide variety of topics, including research, instruction, scholarly impact, and outreach. This chapter will explore different ways for law libraries to structure faculty services, discuss the different types of services that Law Librarians provide to faculty, and examine how law librarians have implemented these services.

Key Concepts

- Faculty Services can be structured in many ways and provides a wide range of services to law faculty.
- Scholarly communications is a rapidly growing area of academic law librarianship.
- Outreach for effective Faculty Services involves many different approaches, and strong relationships can be mutually beneficial.

STRUCTURE OF FACULTY SERVICES

Law libraries have many different approaches to faculty services. These approaches range from library liaison programs, individual faculty service librarians, using a technology platform for requests, to hybrid approaches that combine aspects from each of these approaches. Each approach to faculty services has different benefits and downsides, though

libraries are increasingly moving towards adopting technology platforms and hybrid approaches.

Library Liaison Programs

Many librarians have a law library “liaison” program. In this program, faculty members are assigned an individual reference librarian. The liaison reference librarian serves as the main library point of contact for the faculty member. The benefit of this approach is that all of the reference librarians can gain experience with faculty research and develop relationships with faculty members. Likewise, faculty members can contact ‘their’ librarian about any matters relating to the library; there is no confusion about who is the ‘right’ person to contact. Additionally, librarians are able to become very familiar with specific faculty research projects. If reference librarians are paired with faculty members in areas of their expertise or interest, reference librarians can offer specialized research assistance. If reference librarians are paired with faculty members in research areas that they are unfamiliar with, this allows librarians to expand their areas of expertise.

A major downside to liaison programs arises when there is high librarian turnover. A faculty member might feel that they are shuffled from one librarian to another and have trouble keeping track of who is their library contact. This approach may also result in inequitable work distribution for librarians as some faculty members may keep their liaison librarian much busier than others. Further inequitable work distribution can also occur if one faculty member finds that they prefer the work of a reference librarian who is not their liaison and bypasses their official liaison relationship.

Faculty Services Librarian

Other libraries have a dedicated faculty services librarian. This librarian serves as the main library point of contact for faculty. This approach has the main benefit of having one point of contact for the library. As with the liaison librarian, as long as the faculty services librarian has done sufficient outreach, it is likely that most faculty members know who they can contact about library services. The faculty services librarian may conduct the bulk of the faculty research, and/or they may be responsible for delegating faculty research to the rest of the library staff or library research assistants. Thus, this approach allows other members of the reference staff to gain experience with faculty research and develop relationships with faculty. The faculty services librarian may delegate research based on librarian interest or expertise and/or need. This variation of the dedicated faculty services librarian has the advantage of having the full support and resources of the reference staff available for faculty research support.

One downside to a single faculty services librarian occurs if all of the research and faculty

interactions with the library occur through the faculty services librarian. If this librarian leaves, the reference staff may be left without a deep institutional knowledge of faculty research.

Technology Platform

In lieu of having a single faculty services librarian, technology can also fill the role of having a central contact for the library. This can be as simple as having a reference email for faculty to contact and/or a webpage for faculty to submit requests. LibAnswers and other platforms can provide centralized locations for faculty requests to be located. This centralization allows multiple librarians to coordinate and communicate about a request easily.

Hybrid Approaches

Of course, these technology platforms can also work with other aforementioned approaches, e.g., a faculty services librarian can delegate and coordinate faculty requests through LibAnswers or a similar platform, and liaison librarians can respond to their liaisons and communicate about requests through such a platform. Other combination approaches may include both a liaison program and a faculty services librarian, where the faculty librarians coordinate library support on issues outside of the traditional liaison program (e.g., creating a faculty newsletter, etc.), or opt-in variations such as a liaison program that **faculty** members may choose to participate in.

RESEARCH ASSISTANCE, INSTRUCTION, & CURRENT AWARENESS

Law librarians working in an academic law library conduct a variety of projects for faculty. These projects can take a few minutes to a few months. The previous section discussed how these projects are facilitated between liaison programs, a dedicated faculty service librarian, or research assistants, using a variety of technological interfaces and communication methods. This section will discuss typical projects that an academic Law Librarian receives from faculty, whether it is for their research, their instruction, or keeping them current in their field of study.

Service to Faculty

The types of services from faculty will vary widely across law schools. This variance will depend on a number of factors, including the number of law librarians, availability of law library research assistants, the law library's budget, the mission of the law school, and the culture of typical law library services provided to faculty. Law librarians need to undertake faculty services in accordance with their law library's mission and policies.

Research Support for Faculty

Research for faculty members at an academic library comprises the largest amount of effort for faculty services. The type, format, and frequency will vary widely for each faculty member. Some faculty members rely solely on the law library, some rely on their own research assistants, but most faculty members tend to have a blend of using both their own research assistants and the law library. This sub-section will describe projects that are frequently received by law librarians.

Literature Reviews

Literature reviews for faculty members can be done for a variety of reasons. Initially, they will be conducted to ensure that the faculty member's research topic has not been written about previously. Once it has been determined that the research is a novel concept, then law librarians will use a literature review to inform the faculty member about what has been written on his or her legal topic. A law librarian's goal is to provide a list and summary of articles that discuss the topic but do not directly contemplate the faculty member's thesis.

Research on a Specific Topic or Issue

Law librarians will receive an assortment of requests on specific legal issues or topics. Some examples of these types of requests include: (1) Find different examples of corporations making international law; (2) Create a list of Supreme Court cases which hold that ambiguous terms in statutes should be interpreted to promote or comport with public policy; or (3) Determine whether any federal cases in which a plaintiff has been deemed a public figure, have succeeded in showing actual malice in a defamation case. It is important that law librarians discuss these types of projects at length with the faculty member because he or she can provide some helpful insight and background so the research can be conducted more efficiently.

Legislative Histories

From time to time faculty members require a legislative history. Legislative history is defined as “[t]he legislative proceedings leading to the enactment of a statute, including hearings, committee reports, and floor debates.”¹ Legislative history also needs to review the different versions of the enrolled bill, related bills, amendments to the enacted statute, and committee prints.

When doing a legislative history project, the researcher is trying to obtain the meaning of a statute by reviewing the testimony and comments at hearings, the information included in the house and senate reports, the speeches during the floor debates, and the amendments to the original bill or statute. This can be a labor-intensive process, so law librarians will want to make sure they utilize resources that have already compiled these documents. These can be

found in legal databases such as Westlaw, Lexis, Bloomberg Law, HeinOnline, and ProQuest Legislative Insight.

Cite-checks

Cite-checks for faculty arise after they have a draft of their article and help faculty members get correct footnotes. At this point, they want the law library to either (1) check that a footnote stands for the proposition being asserted by the author in the article; or (2) locate a source for a proposition. Typically, law librarians will utilize law library research assistants or the faculty member's research assistant(s) to accomplish this task and supervise them through the process.

The Law Librarian can assign students to check that the sources cited in the footnotes are correctly being quoted or paraphrased. The only issues that arise in this type of project are when a student cannot locate a particular resource, or the student encounters an unusual citation. Law librarians will need to have knowledge of the resources available at their law library as well as their parent institution, if applicable. Law librarians should also be familiar with their institution's interlibrary loan process in the event a resource is not available through their law library or university.

Law librarians also locate resources for a footnote to a proposition or fact made by the faculty member in his or her article. This, too can sometimes be done in connection with research assistants depending on the complexity of the resource or the fact they are trying to locate. Law librarians may need to consult law review articles, articles from other disciplines, books, newspapers, census data, and other resources to find a source for the fact that is being asserted.

Bluebooking

Some law libraries provide bluebooking services for faculty members, while other law libraries have elected not to provide this service. At my institution, faculty have found it very beneficial for the law library research assistants to help with bluebooking their articles. The research assistants can consult with each other as well as the law librarians on difficult citations. These bluebooking projects do take a substantial amount of time to complete, so law librarians need to determine if they have enough research assistants available to work on these projects prior to committing.

Other Research Services

This section is not meant to be an exhaustive list of research services provided by academic law libraries. There are many other services that law libraries provide to faculty, such as empirical support, assistance with submitting articles to law journals, SSRN, and institutional

repositories, editing, technology assistance, database training, and many more. One of the best parts of being an academic law librarian is the variety and novelty of requests that law libraries receive. Faculty demand for these services is increasing each year and will continue to do so. There is another service that law librarians provide to faculty that also accounts for a substantial amount of a law librarian's time, instructional services.

Instructional Support for Faculty

While instructional support does not take as much time as research support, this service from law librarians in conjunction with the law school IT department is critical. There are several ways that law librarians provide support for faculty instruction:

Guest Lectures

Frequently, faculty members have law librarians come in for one to two classes to provide a guest lecture on a specific legal topic. Law librarians teach lectures on a range of legal topics such as tax law, environmental law, securities law, health law, and others, so students can obtain a strategy to research distinct fields of law. Faculty have also benefited from having law librarians come into their courses that require papers. Law librarians are able to introduce students to different resources available to them outside of the normal legal databases such as Westlaw and Lexis. This results in a better work product from students and saves faculty members' time.

Embedded Librarianship

Embedded librarianship can take a variety of forms to assist faculty and students. One type of embedded librarianship is to have law librarians physically embed within a class. This may be structured so that they attend each class, or they could visit a class on a weekly or monthly basis. This type of arrangement usually takes place in legal clinics where law students and faculty members use the law librarians to assist them with researching legal issues they are encountering with their clients.

Other forms of embedded librarianship include holding regular office hours for students in specific classes to assist them in researching their papers or legal issues they are contending with in a course, legal clinic, or externship. Law librarians can also embed on a class page in a course management system such as Westlaw's TWEN, D2L, Blackboard, or Canvas. In this situation, law librarians can post links to useful resources, moderate a discussion board on legal research on the course's topic, conduct chat sessions, and create and post online instructional videos.

Course Research Guides

Another useful instructional service that law libraries provide is creating research guides

through libguides or web pages for specific courses. These research guides will point students to the major primary law sources, secondary sources, websites, current awareness resources, and discuss research strategies. You can review some examples of these guides here: Banking Regulation – <https://libguides.law.uga.edu/banking> and Children and International Law – <https://libguides.law.uga.edu/childreninternational>.

Course Reserves

Law libraries assist faculty with creating electronic reserves on their course management systems and building physical course reserves for treatises, casebooks, and study-aid materials. Law librarians will locate pdfs of articles to place in a faculty member's course management system and place physical copies of books on reserve.

CONCEPT IN ACTION: MANAGING EXPECTATIONS

A faculty member wanted to keep the costs of textbooks down for her students. She contacted Bryan and asked him to scan in four chapters of a ten-chapter book and put the pdfs on her course management system. Bryan knew that this probably does not qualify as a fair use exception under copyright because the amount of the book that was to be scanned was too much. After reviewing his university's policy on fair use, Bryan explained to the faculty member that some of the material in the book could be placed on course reserve, but it needed to comply with the fair use policies of the university. The faculty member put a smaller portion of the book on reserve, and Bryan assisted her in locating other resources for readings that complied with the fair use exception.

Technology Assistance

With more and more law school courses going online, technology assistance for instruction is rapidly increasing. Law librarians need to be aware of different instructional technologies and also work in conjunction with the IT department to ensure that faculty members are getting the level of support they need. Law librarians can assist faculty members with different types of interactive polling software, in-class assessment, understanding various learning management systems, and introducing faculty members to other technologies that will enhance both in-person and online classes. They can work with IT to develop tutorials on using these technologies, provide guides on how to edit videos, provide resources to create asynchronous and synchronous courses effectively, and generally provide answers to questions about technology in the real or virtual classroom.

Current Awareness

The last service this section will address is current awareness. Current awareness has become

a much less labor-intensive process with the advent of digital publications and alerts. Very few resources are physically routed to faculty members at this point, and there are numerous services to assist law librarians in curating a faculty member's current awareness materials.

Faculty members need to be aware of new articles and changes to the law that they focus on. Faculty members already have blogs, newsletters, and listservs that do a good job of keeping them informed about new things going on in their area of law. However, law librarians can also recommend other services that can keep faculty informed on new things happening in their field. Some of the more common resources law librarians use to provide current awareness include Law360, alerts in Westlaw and Lexis, Bloomberg Law Reports, SmartCILP, which tracks new law review articles based upon topics, CCH Newsletters, and E-journals in SSRN. Law librarians can also let faculty members know about websites and other publications that track the law in certain topics. Some law librarians have created individualized portals for faculty members that have links to all of the resources and current awareness tools a faculty member commonly uses.

Law librarians should also create current awareness tools that focus on legal education generally. The Chronicle of Higher Education, Journal of Legal Education, and the American Association of Law Schools (AALS) are all great resources to see trends and new concepts in law school admissions, teaching and learning, communication, and governance.

Law librarians need to have the skills, knowledge, and expertise to provide all three types of these services. Faculty services are one of the most critical and public-facing aspects of academic law librarianship, and law librarians need to ensure they are being handled efficiently and accurately. These services described in this section will continuously change and adapt, so law librarians need to look for new ways to provide these services or deliver novel services that will assist faculty research, instruction, and current awareness.

REPOSITORIES, CITATION COUNTS & PROMOTING FACULTY SCHOLARSHIP

Creation and Maintenance of Institutional Repositories

An emerging area in Faculty Services, digital repositories are an important tool for promoting faculty scholarship, institutional heritage collections, and legal research. Digital repositories require the Faculty Services Librarian, often referred to as the Scholarly Communications Librarian in this context, to foster partnerships between major stakeholders across campus and cultivate an array of librarian skills. These efforts lead to greater visibility of faculty publications, library resources, and primary source materials. This section will introduce the basic types of repositories, their utility, and the skills needed to maintain them.

There are two main types of institutional repositories (IRs), vendor-hosted and open-source. Most law schools contract with vendors, such as Bepress Digital Commons, to host their IRs. Those using open-source IRs, such as Omeka or DSpace, either have access through their affiliate university or host their IR within the law library. The main difference between these approaches is the amount of control the Scholarly Communications Librarian has over the IR. When weighing the pros and cons of vendor-hosted and open-source, the library must evaluate the resources available to them, such as staff time, staff skill sets, and budgets. Vendor- and university-hosted IRs offer less control over how the IR looks and functions but require less librarian time and fewer programming skills. In contrast, IRs hosted in the law school using open source software afford the Scholarly Communications Librarian vast control over the appearance and functionality of the repository, but are limited by the skills and time of the Scholarly Communications Librarian and other law school stakeholders, such as Metadata Librarians and the Information Technology staff. Cost is also a serious consideration when a law library deliberates whether to contract with a vendor or host their own IR.

After a library has decided what type of IR they would like to create, they then need to decide what type of collections they would like to host within the IR. Common collections include faculty scholarship, alumni photos, and conference proceedings. Some libraries include collections unique to their law school, such as a speaker series, historical newsletters, or photos from law school events. Other libraries partner with institutions in their area and host collections of court briefs, unique legal collections, or primary law documents. Relationships with faculty and community members are vitally important in creating and maintaining your IR collections.

While relationships with faculty will be more thoroughly examined later in this chapter, it is important to note the Scholarly Communications Librarian working within IRs must possess interpersonal skills, the ability to strategically plan, and an attention to detail. The Scholarly Communications Librarian must be able to conceive a possible collection, engage with the owner of the collection, manage the workflow for adding the collection to the IR, and maintain the collection for currency. Each Scholarly Communications Librarian will create their own workflow unique to their IR and academic institution. Still, a successful IR will preserve past scholarship and legal knowledge while also showcasing recent faculty publications. Increasing the discoverability of faculty scholarship is an essential function of the Scholarly Communications Librarian. IRs are an important tool for this task.

Citation Counts

Another means for increasing the discoverability of faculty scholarship are faculty profiles within various citation metric tools. Citation metric tools seek to measure scholarly impact through the examination of bibliometrics, such as citation analysis. Citation analysis counts

the number of times a work is cited in scholarly literature. Scholarly impact can also be measured using altmetrics, which instead count more modern forms of communication, such as social media mentions or IR downloads. Bibliometrics and altmetrics are complementary ways to measure scholarly impact, and both can benefit faculty promoting their work.

Successful promotion of scholarship requires the faculty and the Scholarly Communications Librarian to consider multiple ways to measure impact and various platforms that host citation metric tools. Greater participation across platforms will increase the faculty's online presence and should be encouraged. The most common citation metric tool in legal literature is HeinOnline's Author Profile Page. Completing a faculty member's Author Profile Page allows for the aggregation of their works across the platform. They can then view various statistics on their publications, such as the number of times the article was cited by articles in the last 5 years, 10 years, or total.

Other examples of platforms with citation metric tools and author profile pages include Google Scholar, the Social Science Research Network (SSRN), and ResearchGate. In addition to these platforms, different methods for measuring citations include the software program Harzing's Publish or Perish, the Leiter Method (available on Westlaw), and Scopus. Although not a method for citation, the Open Research and Contributor ID (ORCID) is a persistent digital identifier that allows an author to link all their scholarship across platforms to one identity. It works in tandem with many of the citation metric tools discussed above and has become increasingly important if publishing in scientific journals.

The Scholarly Communications Librarian must be familiar with these platforms and stay aware of current trends in citation metric tools. Faculty members have varying levels of comfort with online platforms and citation tools; the Scholarly Communications Librarian can greatly assist by working with the faculty in completing and curating their profiles. These meetings can also be the perfect opportunity for the Scholarly Communications Librarian to learn more about the faculty's research interests, their current projects, or ideas for possible collections for the IR.

Other Methods for Promotion of Faculty Scholarship

It is important for Scholarly Communications Librarians to have familiarity with the research interests of their faculty and what projects they have recently completed. They can use this knowledge to increase the visibility and discoverability of faculty scholarship and to better advocate for technologies that would assist the faculty. By combining these two areas of knowledge, the Scholarly Communications Librarian is poised to promote faculty scholarship on campus, in the law school, and on the internet.

Many law schools are part of a larger university system, and therefore a greater general

library system. Creating working relationships with the librarians in the general library systems can be an excellent way to learn of interdisciplinary events on campus or best practices for new technologies in scholarly publishing. Partnerships with the general library system can also be perfect opportunities for hosting campus-wide events, creating greater awareness of open access principles and data literacy.

CONCEPT IN ACTION: STRATEGIES TO USE IN BUILDING RELATIONSHIPS

Prof. Johnson is a well-known faculty member currently serving on a hiring committee at your university and is very interested in scholarly visibility and impact. You were hired six months ago and only know Prof. Johnson by reputation. With the skills you've developed as a law librarian, you quickly create a report that highlights the scholarly impact of potential faculty hires for the law school across a series of databases and review the websites that heavily influence rankings. After the first meeting, you suggest meeting on a yearly basis to check on Prof. Johnson's scholarship and scholarly impact to ensure his impact is accurately measured, ensuring a strong and ongoing relationship with an important faculty member at your school.

Within the law school, there are even greater opportunities for promoting faculty scholarship. Using tools such as social media, podcasts, blogs, and newsletters, the Scholarly Communications Librarian can raise awareness within their law school community of the important work being done by their colleagues. Often, there are departments within the law school, such as External Affairs or Alumni Relations, which the Scholarly Communications Librarian can partner with to further promote faculty scholarship. These departments often have marketing skills and a network of people invested in law school happenings events. These departments can be key partners in hosting events or utilizing social media for faculty promotion.

In addition to community partnerships, there are effective methods for increasing the discoverability of faculty scholarship on the internet. These methods are based in Search Engine Optimization (SEO) principles. SEO can increase usage, readership, and citations for articles. For instance, preserve articles in an open access repository whenever possible. Include abstracts and keywords in your metadata. Be consistent in metadata as much as possible. Figures and tables should include machine-readable text. By employing these practices, the Scholarly Communications Librarian can assist the faculty in the preservation and promotion of their scholarship.

BUILDING RELATIONSHIPS WITH FACULTY

Effective faculty services do not spring up fully formed. Instead, law librarians must take

time to foster lasting and trusting relationships that are mutually beneficial to both the librarian and faculty member. While it helps that librarians are often one of the most trusted professions by the general public, faculty services librarians must find ways to build upon this fundamental trust to create a relationship that enhances the work of the librarian, the faculty, and the law school itself. When carefully built, the relationships between librarians and faculty members are engines that drive ground-breaking research, scholarly visibility, and effective instruction and outreach.

Skills to Cultivate & Emphasize to Build Faculty Relationships

Many Faculty Services Librarians may at first be intimidated or unsure about how to begin the process of building faculty relationships. This is understandable. Many law school faculty members are, by default, highly educated, well-respected and sometimes a nationally-known figure. Nevertheless, the benefits of a well-built faculty relationship are numerous. As you begin to build faculty relationships, the skills discussed below will help you reaffirm the important role of the law library in the faculty's typical work and highlight other services you provide.

Be professionally proactive

An excellent way to instill in faculty the important role that you provide as a Faculty Services Librarian is to connect with them before they know they need you. If you are a new hire yourself, you can reach out to your assigned faculty and review the services and resources that you offer. A friendly, professional, and brief email may be considered welcome outreach as you begin building your relationship. At worst, the faculty may ignore the communication, leaving you in the same place as if you hadn't reached out. This simple gesture reminds and informs faculty about your friendly offers of assistance and is a quick and effective way to connect more fully with your faculty.

Once you are more established at your law library, you will still want to reach out to new hires. You can ask your Human Resources office if they are willing to share start dates for new faculty or simply monitor administrative communication for when faculty members start at your school. We are all familiar with the intimidating and stressful experience of starting a new job, and a collegial and prompt welcome from a librarian is an excellent way to both instill trust in you as the Faculty Services Librarian and to begin to highlight the many services you can provide to the new hire. By making a connection with new faculty and not waiting for them to "discover" you, you are creating a positive first impression of your library. By proactively and professionally contacting new faculty, you have laid the groundwork for a lasting and beneficial relationship.

Create Opportunities for Interaction & Support

Law Librarians, especially Faculty Services Librarians, can no longer afford to sit in the library and let faculty come to them. Instead, similar to Student Services Librarians, Faculty Services Librarians should look for opportunities to interact with faculty on their terms and be quick to point out the numerous ways that law libraries can support the faculty work. Many of the aspects of a Faculty Services Librarian's position that were discussed earlier in this chapter, ranging from scholarly visibility to current awareness to guest lectures, may not be considered a traditional library role by many faculty. It will be your role to advocate for the services you provide. To do that, you must always be aware of opportunities to do so.

Faculty are always busy. When they aren't teaching, they are writing or researching a complicated topic. In addition, many faculty also take on important roles in their communities or professional organizations. Because of their busy schedules, they may not always have time to do more than respond to an email, if even that. However, there are times when you can pique faculty interest in a specific topic or offer a service that directly appeals to their professional needs. Among the most effective ways to capture the faculty's attention is to be aware of issues that affect them professionally. As discussed above, scholarly visibility is becoming increasingly important and falls within the purview of an academic law librarian. Once you feel comfortable, consider creating a faculty workshop on the basics and set up individual consultations on how to best enhance each faculty's standing. Other faculty may value a librarian's ability to create effective guest lectures focused on specific resources or a librarian's skills at training student assistants on efficient legal research.

As you become more familiar with your faculty, you will also become more acutely aware of their specialized needs and, just as importantly, the areas that they may be most interested in learning more about. This skill does require that librarians remain alert to ongoing changes and hot-button issues with law faculty. Subscribe to newsletters, blogs or alerts that track faculty discussion or attend faculty meetings if you are able to do so. The more you understand the larger issues that directly affect faculty, the more likely you will anticipate questions you will receive as you reach out. Faculty Services librarians who tailor their skills to work in areas of high faculty interest will quickly find themselves building long-lasting faculty relationships.

Don't stop with Faculty: cultivate relationships with administration & staff members

Faculty cannot do their work on their own. Each law school also employs a phalanx of support staff and administration, with faculty at times taking on these roles themselves. If your role involves faculty services, then these staff can play an integral role. They may be aware of what specific needs the faculty have or be able to work with you on complicated projects that sprawl beyond the realm of the law library. A relationship with faculty assistants,

external affairs staff and other staff that work “in the trenches” will also provide you with a greater understanding of the workings of the law school in general. If your responsibilities involve repository or historical documentation, these relationships may prove to be a gold mine.

In addition to working with staff around your law school, you can also reach out to administration in an effort to provide them with a better understanding of your support. Many faculty assume roles as Deans of Faculty or Instruction and they may be able to promote your services and skills to a large group of faculty. Working with your library director to determine the most effective plan to connect with faculty will provide you with the best ‘roadmap’ for your specific school; perhaps there is one Dean, faculty, or staff member crucial to allowing you access to a wider and more receptive audience. The important skill to cultivate here is to not necessarily limit yourself to tenured faculty. Instead, keep an open mind and work with people in other roles at your law school, which in turn allows you to build a wider coalition of relationships in the building.

Each relationship is built differently. Have a “grab bag” of approaches available.

Not all faculty will respond to an email, no matter how friendly or engaging it may be. Others will never attend a workshop or possibly ever encounter you in-person. As with any professional relationship, flexibility, and sometimes creativity is crucial in connecting with faculty. If you begin by reaching out with emails, you may not get the responses that you would hope for. That’s okay; there are other ways to connect. Patience and collaboration with your colleagues will help. Research the topics that your faculty are working in. The more specialized help you can offer, the more likely they will respond. Consider embedding yourself in the faculty area of the building where you are highly visible. If your faculty use an online platform in coordination with their classes (often called a Course Management System, or CMS), you may be able to embed yourself to assist their instruction digitally. The options are numerous and go far beyond rote email templates.

By diversifying your outreach, you will inherently make yourself more approachable and more available to faculty. As with many public service librarian positions, you will work with a near-infinite range of personalities. Building relationships means you will be tasked with understanding how each person responds to your liaison work. They may want more personal connections with in-person meetings and phone calls, while others will be content with emails. As you continue to build up the relationships, you’ll be able to ascertain which method each faculty member prefers quickly. If you have already laid the proper groundwork for the relationship in a friendly, professional and skillful manner, they will reciprocate

and provide you with a strong connection that proves the necessity and importance of law libraries in general and faculty services in particular.

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CHAPTER 14.

STUDENT SERVICES & ENGAGEMENT

CHERYL KELLY FISCHER, SANGEETA PAL, AND ALENA L. WOLOTIRA

Student Services is a key role in any Academic Law Library. One of the challenges facing librarians is students' ever-changing needs and the growing ways in which libraries are expected to serve those needs. An additional challenge is that many law libraries do not recruit specifically for student services librarians but instead use existing roles, sometimes across departments, to meet the needs filled by student services librarians elsewhere. This chapter will explore many of the commonly offered services to students, the skills required of student service-focused librarians, and look more closely at some specific engagement strategies in action at two different law libraries.

Key Concepts

- Student services design and implement library services for the benefit of law students.
- Student services are likely staffed differently depending on institutional needs but would benefit from cross-departmental collaboration, such as between Reference and Access Services.
- A passion for helping law students and the ability to find creative ways to engage students are essential skills for the Student services librarian.
- Student engagement involves meeting students' immediate needs, bringing them into the library space, educating them about the library's services, and providing opportunities to communicate future needs.

SKILLS

Student Services Librarian positions are relatively new in law libraries. The job descriptions for these positions typically require some teaching and working directly with students, including working with student journals and organizations and often have an outreach and marketing component to foster greater student engagement. In schools without positions devoted expressly to student services, these same needs are filled by other librarians often in either the reference department, the access services department, or both depending on institutional needs. Student services often greatly benefit from cross-departmental collaboration, such as between reference and access services.

The core skills needed for a successful student services librarian will also vary based on institutional needs. Two essential skills we have identified are a passion for serving students and an interest in outreach and increased student engagement. These are especially important when identifying librarians to serve in this capacity when there is no explicit student services librarian on staff.

A clear interest in serving students' needs is critical because this is an ever-changing area of librarianship, which varies widely due to the makeup of your student body. As students matriculate each year and new students come in, their interests, needs, preferred methods of communication, and demand for library services will often change. Staying attuned to student needs must be a genuine interest to be most effective in developing and changing library services accordingly. Likewise, communication and outreach are critical to raise awareness among students about new and existing services offered by the library as well as demonstrating the value these services will bring to their law school experience. When communicating with law students, consider sending the same message in multiple ways. Announce new/useful services via social media platforms, in reference signature lines, email, in person at student gatherings like SBA meetings, and post flyers in common areas and study rooms. More detailed information about Outreach and Marketing can be found in another chapter, but we will explore this concept with a focus on increasing student engagement with the library and its services.

STUDENT SERVICES

The following are some common law student-centric services offered by academic law libraries. Services will vary based on the needs and size of the student population, size of the library staff, and student services budgets. Services should also be regularly assessed to determine if new services should be added and existing services should be retired or adjusted to better meet student needs.

Reference Services

Law students have diverse research needs and often operate on compressed timelines and with little understanding of the role of a reference librarian. Providing students with multiple means of contacting reference (chat, phone, in person, text, email, etc.) is helpful. However, expect that law students will try to use any and all communication channels to ask questions of the library, so ensure that all of your communication channels are checked often and try to make it clear in any communication where they should write to ask questions. In addition to these on-demand options, many libraries also offer students the ability to schedule one-on-one meetings with a librarian to discuss in-depth research questions. Reference staff can also engage in ambush-style quick trainings, walking up to law students using the library to offer a short demo of a database or research guide. Expect that law student reference questions will range from simple (how to use the library catalog) to very complex (how to pick a topic for a research paper, how to structure research, and how to support research with legitimate sources). Likewise, research guides and librarian training screencasts can be used to introduce students to simple and complex areas of research, which are then available to students on the library's website to access when they have a relevant research need.

Equipment

Law students spend a significant amount of time in the library space. Many libraries invest in and lend useful equipment for law student comfort (blankets, fans, yoga mats) and convenience (chargers, laptops, headphones). Consider this an evolving service, and add conveniences and technology to your equipment collection as the students need them.

Course Reserves

The cost of new casebooks is increasingly high and thus unaffordable for many students. Many libraries actively collect required course materials such as casebooks, study aids, and code supplements. Course reserves can be print or electronic, although U.S. legal casebook publishers do not, as of now, typically provide multi-user licenses to their texts and instead require a library to subscribe to an entire package that is often extremely costly. Course Reserves is most typically managed by Access Services departments and is one example of how collaboration between Access and Reference Services could be beneficial in serving the needs of law students.

Printing & Scanning

The academic law library often houses much of the printing and scanning technology in the law school building. Some libraries allow free printing with an annual page limit for each

student, subsidized by student technology fees charged with tuition. Many others charge printing fees, especially for color printing. If such equipment is housed in the library facility, staff should expect to troubleshoot hardware and software issues for library visitors. Consider requiring students to install the printer software on their personal devices during orientation to prevent panicked students flooding the reference desk minutes before their final papers are due.

Comforts in the Library Space

In addition to checking out equipment, consider providing other comfort items for students spending much time in the library such as soft seating, places to take naps, coloring books and board games, hand sanitizer and facial tissue, earplugs, and first aid kits (replete with over-the-counter painkillers and band-aids).

Library Facility

Try to ensure that all new students receive an in-person or virtual tour of the library space and design this tour to include lots of information about library services for law students. Law library facilities can be configured to meet law students' specific needs, with law student-only areas, quiet spaces, group workspaces, and study rooms that can be reserved for law student competitions or on-campus interviews.

Student-Specific Collections

As one of the primary groups of users a law library serves, law student needs should drive some of a library's collection development decisions. In addition to print and electronic study aids and course reserves, many law libraries provide additional supplementary materials to assist law students in absorbing core legal concepts such as audio lectures, flashcards, and copies of print commercial bar prep course materials, which may take some negotiation with bar prep companies to acquire. Other libraries have "Good Reads" or popular reading collections with law-related novels, DVDs, or popular biographies.

Access – For General Study and for Full Services

Study space, access to closed stacks resources (ex. Reserves), and consultation with librarians are all essential services to Law Students. Most Academic Law Libraries aim to establish hours to access these services to ensure that the facility and reference hours correspond with student needs. Library hours will vary on many factors including the types of programs offered by the school, the demographic of the students (ex. do many commute long distances to campus?), and the specific needs during the academic year. If the law library is only open

for business when students are in classes, it may not be meeting the needs of this essential group of users. Some libraries allow 24/7 access to the library facility for law students, with an after hours Code of Conduct posted and tied to the Honor Code.

Special Events

Library-sponsored events are an excellent opportunity to meet and talk to individual law students, bring students into the library space, and foster increased student engagement with the library. Please see the Concepts in Action for a couple of examples of these activities.

Exams Support

Final exams are an extremely stressful time for law students. Many law libraries provide special accommodations for their students during final exams. Please see the section on special events for more detailed information

Summer Support

As law students prepare to leave for their summer jobs, law libraries often offer research bootcamps to ensure that students' research skills are on par with what their employers will expect. Student services librarians should consider reaching out to their local AALL chapter to check in with area firm librarians to learn more about the areas of research in which they need summer associates to be competent. Law libraries typically continue to offer reference services to students over the summer, and can expect a few panicked phone calls from summer associates who need help structuring their research given to them from their supervisors.

Student Services During Emergencies

Pandemics, natural disasters, and the like can have huge impacts on student access to the library facility and services. Whether remote library services exist or not, the library is certainly less visible to law students when students do not regularly use the library facility for studying, course reserves, equipment checkout, etcetera. Proactively reaching out to students to let them know what services are still available despite the emergency is helpful, as is engaging with students to learn how their needs have changed in the new setting so that you can tailor your services to meet those needs.

STUDENT ENGAGEMENT

Providing student services involves designing and implementing library services for the

benefit of law students. Outreach and marketing, discussed in another chapter, makes those services known to students. But student engagement is the connection between the two, making or breaking the success of the provided services because students benefit most when their level of interest and participation is high. To achieve this, academic law librarians employ many student engagement techniques, including tabling, law journal support, and special events.

Tabling

Tabling is the rather literal name for the practice of setting up a table in a high-traffic location and engaging with those who are passing by or who approach the table. The benefits of tabling include the potential for enabling many students to participate in library services at once, the opportunity for brief interactions that don't take much student-time, and a way to efficiently provide information on multiple unrelated topics to different students at the same time. Tabling can be used for training purposes or for the purpose of gathering feedback from students. Librarians must put thought into not only the purpose of the tabling, but the set-up of the table itself.

Academic law librarians often use tabling for training purposes, as a way to provide reactive, or "just in time" training to law students on myriad topics. The alternative to this type of training is proactive or "just in case," which often takes the form of in-depth workshops on predetermined topics held in a classroom. Although such workshops have many benefits, they are often rigid in timing and content, and designed for information to travel in one direction, from librarian to student. Tabling is a way to complement workshop offerings by offering a training opportunity with more flexible timing and content, and in a format that encourages information to be exchanged in two directions, from librarian to student and vice-versa. Both of these features can increase the instances of student participation and engagement.

Tabling for training purposes can include interactions that range from answering student reference questions, to demonstrating the study room reservation system, to showing off the features of a complicated research database. These are disparate types of training, and one way to efficiently provide many types at the same time, is to make the tabling a joint effort between Reference and Access Services librarians. See details about UCLA's Lightning Lessons in the Concept in Action Box.

Because student interest is essential to engagement, tabling can also be used to gather feedback from students on library topics. These interactions can take the form of open-ended soliciting of student feedback, or surveys designed in advance to be filled out on a mobile device at the table. Surveying students while tabling can increase the amount and diversity of survey responses received in comparison to surveys distributed solely through

email. Further, by engaging with students about the survey while tabling, librarians can gather informal feedback as well as formal responses.

CONCEPT IN ACTION: LIGHTNING LESSONS AT UCLA

Reference and Access Services librarians provide weekly lunchtime 5-minute walk-up lessons while tabling in the law school courtyard. A menu of 5-minute lessons spanning both reference and access topics is created each week, printed, and displayed at the table. Lesson topics change frequently and have included “Secret After Hours Access for Students,” “Supercharge Your Google Searching,” and “Study Smarter with Online Study Aids.” Students can choose from the 5-minute lessons listed on the menu, or they can ask their own question. Because there are two librarians staffing the table at the same time, one from Reference and one from Access, topics taught and questions answered can span both types of services.

Another aspect of tabling that requires librarian planning is the table’s set-up. The location of the table can reflect the intended goals of the engagement that day. For example, a busy outdoor courtyard might serve as a good location for gathering feedback from all students, but the corridor where 1L research and writing classes are taking place would be a good location for tabling intended to train 1Ls. Even the most thoughtfully placed table location could engage additional students with enticing objects prominently placed. These might include food to accommodate a variety of dietary restrictions, a jar to collect entries into a drawing for a gift card, or a colorful game element like a spinner with opportunities to spin and receive a give-away item. Give-away items can be virtual like electronic gift cards for coffee, or physical like fun or useful items. See details about Mystery Bags at UW in the Concept in Action Box.

CONCEPT IN ACTION: MYSTERY BAGS AT UW

Librarians provide a tabling opportunity for students to provide feedback and suggestions about the library. To entice students to stop by the table and engage, librarians set out a selection of mystery bags, each containing a small item, like a pen or other marketing items collected from companies who visit the law school or from exhibitors during conferences. In exchange for sharing a comment about the library, the student can take a mystery bag.

Engagement with students who are remote can be achieved through virtual tabling. In practice, this is achieved through online meeting/video conferencing software like Zoom. Creating a welcoming space in a virtual environment can involve inclusive practices such as live captioning the conversation for deaf and hard of hearing people, and including pronouns as part of screen names. Game elements can be made virtual as well as give-aways. For

example, electronic gift cards to a location that is accessible to all are an easy option as they can be emailed. Physical give-away items are more challenging but can be mailed to students who are remote. See details about UCLA's Remote Lightning Lessons in the Concept in Action Box.

CONCEPT IN ACTION: REMOTE LIGHTNING LESSONS AT UCLA

During a recent months-long school closure, librarians shifted their weekly lunchtime tabling in the law school courtyard to an online format using Zoom. The online meeting room carried over much of the content, format, and staffing practices from the in-person tabling. The give-away items included digital-friendly items like creatively designed Zoom backgrounds.

Law Reviews and Journals

Law reviews and journals are student-edited publications requiring those students to utilize many types of library resources. Therefore, engaging and supporting this group of students can be an important part of the student services role of law librarians. The number of law journals at a law school can vary, and while each law school has a flagship law journal, many schools have additional specialized law journals numbering anywhere from a few to a dozen or more. The number of law students working on editing law journals can likewise vary from 50 to 250 in a given school year. Therefore, like other areas of student services, the support of law journals is handled differently at each institution. Approaches can include designating one librarian to liaise with all journals, designating a different librarian liaison for each journal, or dividing the support along department lines allowing reference and access librarians to help in their areas of expertise.

Working on a law journal involves spending a lot of time with library resources, but most law students who take a staff/editor position have little experience with them, and the constant turnover of journal leadership as students graduate compounds the need for repeated training and lots of assistance. A new group of student staff members joining a flagship law review after the summer write-on competition averages about 40 students but can be fewer or can include up to 60 students. While a new group joining a specialized journal can be as few as five. In some journals, the entire staff will stay on a second year switching to editorial roles, meaning the number of journal editorial board members is similar to the number of staff. On others, the attrition rate is high and only a few staff remain on as editors in their second year.

Roles of journal staff members in their first year on a journal include cite checking the articles that are being published by the law review. This task requires collecting the sources cited in

the article's footnotes, in order to ensure that footnote sources support the author's claims and that citations are in proper Bluebook citation format. Additionally, on some law reviews, students may be expected to write a student article of publishable quality. Roles of journal editorial staff, usually in their second year on the journal, include reviewing and selecting articles for publication, editing the articles for writing style and substance, and managing the staff editing process.

While well-trained journal staff improve the quality of the journals that bear the law school's name and enhance the reputation of the school, those working without sufficient knowledge of library resources can create extra work for themselves and librarians alike. Proactive engagement with this student group can call their attention to available library services at the most beneficial time of need, and when access and reference librarians combine expertise, they can effectively steer the students in the right direction at the right time. Times of need for a journal can include: new staff selection and write-on competitions, cite checking and source collection, and writing and selecting publishable articles.

Librarians can help journals with **new staff selection** processes. These processes can be elaborate involving many journals with multipart applications and complex ranking systems, or write-on competitions for just one journal. Engaging with students at this time of need can mean:

- Working with an interdepartmental team such as non-librarians in the school's Student Services department.
- Setting up the online application/competition platform for instructions, materials, and submissions,
- Creating a production test (to test citation skills) and answer key for the application,
- Speaking at the application process info sessions, and
- Training the applicants at workshops designed to help them put their best foot forward.

Librarians can help with **cite checking and source collection**. Law review articles are laden with footnotes and student editors must ensure that all footnoted sources are collected, checked to confirm that they support the author's claims, and cited in proper Bluebook format. Engaging with students at this time of need can mean:

- developing special circulation and access policies to streamline their source collection, and training staff on these policies,
- training staff on skills such as using library resources and databases to locate sources, and using The Bluebook to properly format citations (The Bluebook is a lengthy manual for American legal citation),

- holding trainings proactively and upon request from individual journals while keeping the number of trainings from becoming unwieldy, and
- deciding whether to engage by teaching live sessions, recording videos, authoring written online guides (like LibGuides), designing interactive online quizzing tools, or a combination of the above.

Librarians can help with **writing and selecting publishable articles**. Most law review articles do not go through the traditional peer review process that other academic articles navigate prior to publication. Rather, the law students select and edit the scholarly articles, and they write and publish their own student work as well. Engaging with students at this time of need can mean:

- training staff on preemption checking for article selection, and preemption checking prior to finalizing a student-written article topic
- serving in an advisory role to the chief editors of the journals on topics including copyright, author agreements, and plagiarism, and
- supporting and working with the law school's student publications coordinator, if applicable, to handle issues related to the online or print publication process.

Student engagement with law journal staff and editors has the dual benefit of supporting those students in their journal work, while in the process making them aware of library student services in general. And often, it is the law journal students who make the most use of other library services, likely due to a greater familiarity than their non-law journal peers.

Special Events

In most Law Schools, there are often a large number of programs and events vying for student time and attention. Therefore it is important for librarians to actively engage with students at their point of need. This is critical to making library services, both new and existing known to students. While this information is widely available and offered to students in various ways (welcome literature, email newsletters, library websites, etc.) it is often more effective to get students involved with library services through hosting special events. Hosting events in the library can bring students into the library space to make it more familiar and to help alleviate any library anxiety. Sometimes libraries offer events as fun activities and an opportunity to take a break. Other times libraries schedule events that are designed to gamify instruction or introduce resources in different and creative ways. Either type of event is often combined with annual occurrences, holidays, and other scheduled opportunities to spark student interest.

One annual opportunity is at orientation. Depending on how orientation is managed at each

school, the opportunity may vary – but it is a time when students are new to the school and library services. It is also a time when students may be actively looking for resources to help them while in Law School, so it is a great time to take advantage of their interest. This is one example of an annual opportunity to provide substantive information to students about library services at the beginning of their time in law school. See details about UCLA’s unique approach to orientation in the Concept in Action Box.

CONCEPT IN ACTION: ORIENTATION AS SERVICE

UCLA Law Library recently redesigned their 1L orientation program to be a “Library Tour” of services and some spaces, rather than a tour of the collection and library layout. This newly imagined approach to orientation had two primary goals:

- 1. To provide students with an interactive opportunity to learn about relevant library services and in some cases the physical spaces to obtain these services.*
- 2. To provide students with a face to face experience with many members of our public services staff (access services and reference departments) so that when they return to the library, there will be familiar faces to answer questions and assist them.*

Unlike most orientation sessions, which are held lecture style in a classroom, this session places students in small groups to visit 8-9 “stations” throughout the library to listen to a short 2-3 minute intro to a specific service. The intent is not to be comprehensive, but rather, highlight the services that will most be needed by 1Ls and leave a positive, welcoming, and friendly impression on students so that they might return to the library to learn about other services throughout their entire time in law school.

Another regular time to reach out to students is during finals. It is commonly known that final exam time is particularly stressful for law students. Some libraries that are otherwise open to the public or their larger university community will close to all but law students during the reading period and exam week. One method that many libraries use to reach students during this time is to invite them into the library and offer them stress-reducing activities. While these are not traditional library services, the activities can meet students at their time of need and assist them in finding school/life balance. These activities can vary widely depending on your institution and can be things like providing free healthy food and snacks, access to therapy animals, and small things like coloring pages, puzzles, or games. In addition to stress relievers, libraries will sometimes offer practical help such as earplugs, longer library hours, and more restricted access in order to create an environment conducive for studying.

Many libraries also attempt to find other specific times throughout the year to offer special

events to students. Often these events are tied to a known holiday or a locally celebrated time to promote added interest. Some examples include special events around Halloween or Valentine's day. Another example is to use a time-honored college tradition like March Madness to offer a gamified opportunity to learn about electronic resources. One annual event that offers a great way to engage with the library is National Library Week. See details about the University of Washington's Law Library special programming during library week in the Concept in Action Box.

CONCEPT IN ACTION: ENGAGEMENT ACTIVITIES

National Library Week activities. National Library Week, typically in late April, is put on by the American Libraries Association and is an opportunity to celebrate the role of libraries in the community. At the University of Washington School of Law, we always use National Library Week as a reason to offer fun activities to promote and celebrate the law library and its services. Examples of these activities include:

- *#Shelfies–Take a selfie of you in your favorite area of the law library to study. Post to Instagram and tag the law library. Best entrant wins a Ruth Bader Ginsburg coloring book. All entrants get posted to a physical display at the library's entrance.*
- *Course Reserve BINGO–there are lots of free programs online that will allow you to make a customized BINGO card. You can use common books used by law students, library locations, etc. to create your card and then host a BINGO game (in person or virtually) with prizes for the winners.*
- *Librarian Story Hour–specifically for law students with children, offer a story hour (in person or virtual) where librarians read their favorite law-related children's books*

REWARDING ASPECTS

While this chapter focuses on the work to be performed by student services librarians, we would be remiss if we did not also point out the many rewards of serving the needs of students while in law school. In so many ways, student services librarians are helping to shape the attorneys and legal professionals of the future. Librarians play a major role in the educational process, especially in helping to develop legal research skills. In addition, librarians collaborate with the law school student services departments in assisting students to find work life balance as well as creating a safe learning environment. One of the most rewarding aspects of student services librarianship is the sincere appreciation expressed by students who have been helped and taught by librarians at their point of need.

DIVE DEEPER

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CHAPTER 15.

MARKETING & OUTREACH

JESSICA ALMEIDA AND NICOLE P. DYSZLEWSKI

Key Concepts

- Marketing and outreach are critical mechanisms for educating patrons and stakeholders about the library's services and the library's value to the community
- Library fairs, speaker and panels events, and a roving reference desks are common types of marketing and outreach efforts.
- At the end of each marketing or outreach program, it is important to assess what worked and what did not work

WHY OUTREACH AND MARKETING ARE IMPORTANT

Law libraries, academic and otherwise, are often misunderstood. If patrons and stakeholders think of libraries at all, they seem to envision libraries as a large room with dusty books. Stereotypes and misinformation shape the perception of law libraries and law library services. We encounter patrons and stakeholders who do not understand our role and our profession. Librarians are largely seen as quiet intellectuals who are trustworthy but also viewed as Google-hating print book pushers.

Marketing and outreach are important to law libraries because they are a critical mechanism for educating patrons and stakeholders about the library's services and the library's value to the community. Marketing and outreach can work to disrupt a false narrative or correct misassumptions. Libraries are many things, but fundamentally, they are a service. Marketing and outreach allow library personnel to tell the library's story and establish the library's

brand. Outreach, in the form of community engagement, also allows us to create or grow relationships with our patrons. These relationships can make the library seem more accessible to those who might otherwise have seen barriers. Most importantly, marketing and outreach, and by extension, the relationships formed by outreach and marketing, are the library's key to becoming, or remaining, relevant in your institution.

UNDERSTANDING YOUR AUDIENCE

Like other library types, the patrons of academic law libraries are not monolithic. Understanding the different patron types and their individual needs is critical. For example, 1L students have very different information needs than 3L students. 1L students may be interested in using study rooms and borrowing study aid materials to prepare for their first law school exams. 3Ls, on the other hand, is usually doing work that is more experiential or clinical in nature and are often looking for help with real-world problems or advanced research assignments. Furthermore, both of these patron groups' needs are different than what a professor may need from the library. Learning about and understanding the difference in patron information needs is critical to planning marketing and outreach activities and advertisements.

Understanding your audience also means learning and respecting their timeframes and schedules. For example, professors are notoriously busy grading at certain times of the year. Planning a faculty outreach event during grading times may frustrate your efforts and your faculty. Another way to look at this is that some patrons may be more susceptible to outreach attempts at crucial times. For example, in week 1 of the semester, new law students might not be interested in learning about the different resources available for writing exam essays. However, a program of this type around Thanksgiving may be very popular. Learning the different rhythms of the different patron types can help make marketing the library's services more efficient and effective.

Further still, understanding your audience means developing a sense of how patron groups, or even individual patrons, may differ regarding method or style of communication. Some patrons or patron types may prefer social media outreach while others may prefer in-person communication. Developing a communication plan which focuses on style, medium, and substance may take into account these differences. Trial and error or surveys in your institution may help inform such a plan.

In an academic library, it is important to think about the different communities in the school when thinking about outreach and marketing. Sometimes the most effective way to outreach your patrons is by teaming up with a student group or other departments. For example, if you are planning a book talk on Paul Butler's *Let's Get Free* you might consider if it would be a better attended and more effective outreach event if the law library chooses to partner with

the Criminal Law Society, the school's ACLU chapter, and the school's Black Law Student Association. While every institution is different about how outreach events are planned and how budget items can be shared with student groups and other departments, it is wise to consider entities outside the library to increase attendance at events and further grow library relationships.

TYPES OF OUTREACH & MARKETING

There are many kinds of outreach and marketing efforts that you can do to promote your library's collections and services. The best efforts focus on your audience and brand, but also allow you to use creativity to showcase your product. To start, concentrate on what service or part of the collection you want market, determine who you are marketing it to, the content of the advertisement/program, and how you are going to communicate your message. Additionally, at the end of each marketing or outreach program, it is important to assess what worked and what did not work. If only six students show up to an event, you need to reassess the time, place, content of the invitation and how the event information was disseminated.

When starting a marketing or outreach project, ask yourself these questions:

- Who is my audience? Is it students, faculty, or the community at large?
- What am I marketing? Is it a new or reoccurring service, event, or part of the law library's collection?
- What is my message? Think about your brand, tone, clarity, visuals, etc.
- How should I send the message? Email, social media, signage around the school, or all of the above?

Staying in the Library

The goal of many marketing and outreach initiatives is pull your users into the library. Hosting events is a great way to get students and faculty into the library while also putting the library in a positive light. Events can range from open houses and library fairs to speaking engagements and National Library Week celebrations. A great way for 1Ls to get a sense of what the library has to offer is through an open house. This event allows students to get to know the librarians, the layout of the library, and some of the resources the law library has to offer. Many open houses include food, games, and giveaways to provide a fun introduction to the law library. Scavenger hunts are a common way for the students to learn about the layout of the library and where to find specific resources.

Furthermore, library fairs are great events to showcase your law library's collection. Stations

are set up throughout the library detailing various databases/resources in the library's collection. The stations can be staffed by librarians or vendor representatives. Students and faculty can then walk around to each station talking to the librarian or vendor about the resource (as well as picking up a few goodies). Some fairs include giveaways and food with door prizes.

Another way to promote the use of the library as a space is through speaker and panel events. Law librarians can work with faculty and student organizations to create speaking programs that bring the law school community into the law library. Librarians can also coordinate speaking programs that are of interest to students and discuss issues within librarianship such as copyright, free speech, and access to justice. Using special days or weeks to plan festive events or activities can bring more patrons into the law library. Many law libraries celebrate National Library Week with giveaways, contests, food, and promotional items to celebrate the library, the student workers, and the work of library staff.

Getting out of the Library

No matter how many emails you send or ice cream socials you have, some students will not set foot into the library (I am looking at you night students!). In this instance, you may need to bring the library word to the people. Here are some ideas of how you can get out of the library and remind the students and faculty of what a great place the law library is.

One of the best things you can do is be a part of your law school's community. This means attending events and talking to students and faculty not just about research and the library, but also about their classes, interests, and home life. Become an advocate of student organizations. Being chatty and approachable outside of the library reminds students that the law librarians are there to help with research and law school life, generally.

If the students won't come to the library and ask questions, sometimes you need to bring the reference desk to them. Roving reference is the concept of providing reference outside the library. You can set up a temporary station in the law school café or in one of the law school clinics. You can provide reference at a pop-up desk in a classroom hallway. You can take your marketing and outreach party on the road by bringing goodies and information to the students and faculty. Hang out in the law school café with candy and information about your newest database. Stop by faculty offices with baked goods and say hello with a handout about the library's digital repository.

Law libraries all over the country market the amazing research skills of their librarians through library liaison programs. Librarians are matched with faculty members to conduct research, help with database access, and interlibrary loan requests. Liaison programs are different in every library. The staffing ratio of faculty to librarians can determine the types

of services that the librarians are able to provide to faculty members. As part of this program, some libraries train faculty research assistants. Some librarians supervise their own research assistants who help with faculty research and Bluebooking. This type of program works best when librarians develop a relationship with their faculty members.

CONCEPT IN ACTION: EVALUATING POTENTIAL EVENTS

Stanislaw is a second-year law student who has contacted the library about hosting a poetry slam event in three weeks. He wants to call the event “Poetic Justice.” The librarian responsible for outreach makes an initial consultation with Stanislaw. At this meeting they work to answer a series of questions in preparation for the event.

1. Who would the audience be for this event? Is this event likely to draw a crowd?
Consider inviting legal writing professors and market to the student groups.
2. Is the name appropriate?
This is the same name as a famous movie. Will consider some other options to avoid possible confusion.
3. What is the relationship between this event and the library?
The library will provide a space and create a display spotlighting a few relevant materials in the collection.
4. Is this event “on brand”? Is it part of the plan for the year? What is our relationship with this student?
Event will help increase foot traffic to the library, which supports our current marketing goals for the year.
5. What resources might you need?
Student will work with Comms re: marketing and library will work with IT for AV equipment.
6. Do you have the staff and monetary support for this event? Is this the best use of staff time and library budget?
Limited resources and staff time will be needed, and
7. How might you promote this event?
Library will promote on library social media, while student and their group will post flyers and recruit by word of mouth.
8. Are there any conflicts? Are there other events happening at the same time? Is this too near midterms or finals?
No conflicts for the three suggested days.

Everyone communicates differently and some faculty members prefer a quick email detailing the program and how the librarian can help them advance their scholarship. Other faculty members prefer one on one meetings to discuss research goals and how the library can help. While these liaison programs are generally seen through the lens of reference or collection development work, they are also tools of outreach. Networking and socializing with your faculty members is paramount to developing a relationship and can help evangelize for the law library.

SOCIAL MEDIA

Social media can be an effective and efficient way to promote your brand and advertise your library's services and collections. Whether you connect with the law school community via Facebook, Twitter, or Instagram, it is important that you provide original content that connects with your audience. When deciding on social media for the law library, here are a few things to think about.

- What social media platforms do your students and faculty members use?
- What are your school's policy on social media? Does it make more sense to send posts through the law school's social media accounts instead of creating an account for the law library?
- What services or collections will you promote via social media?
- Who will be posting? Will there be an editorial process?
- What kind of schedule will you post on?

To determine what social media platforms you should use, formally or informally survey your population. You may find that students prefer to follow the law library on Twitter where they have a more professional presence versus Facebook or Instagram where they connect with family and friends. Faculty members may only use Facebook or prefer to engage with the library over LinkedIn. Once you determine which platforms you plan to use, research the best way to engage users and communicate through social media. Enlist colleagues or the law school's marketing department to help you. Determine a daily or weekly posting schedule and organize visuals and language to post. Find a colleague to help you edit your message for tone and clarity.

Once you have your account set up and you start posting original content, you need to get the students and faculty to notice or follow your account. If you are just posting about the library, you may not get as many eyes as you hoped for. To remedy this, for every post you have about the library, you should have two about the law school or community. Use social media to become the archivist of your law school by taking photos at law school events,

congratulating faculty on new scholarship, or promoting the great work of the students and student organizations. You can share and retweet these celebratory posts from the social media accounts of the law school or student organizations. Many vendors have social media accounts as well that contain good information about their databases or product. Follow their accounts and retweet or share when you need additional content or you think your audience will be interested in the information.

Another way to increase visibility is to post photos and videos. Make sure to use photos and videos that advance your brand and show your library in the best light. These days everyone's smartphone has the capability to capture award-winning photos and videos, through the use of filters and video editing apps. Hashtags are a great way to connect your posts to others, support your audience (#MondayMotivation #YouGotThis), or creatively start a conversation (#ThrowbackThursday, #AccessToJustice). Contests are also a great way to increase traffic to your social media. Send out a trivia question once a week with prizes for the first to answer correctly or create a scavenger hunt in your library that asks students to take a selfie with a specific resource for a prize. (#ProTip: Tell your vendors about your marketing efforts and ask them to provide the prizes.)

Finally, make sure to promote your social media! At orientation, links to your social media pages should be prominent on orientation materials. Create signage to display in and out of the library. Social media links should be easy to find on your library's website. You can even paste links in your email signature. Get students and faculty talking about your posts (in a good way). The more fun or interesting items you post, the more students will notice and talk to other students about it.

Social media is always changing, so it is best to keep up with the newest trends and know what platforms your audience is using. You can easily adapt your message across multiple platforms to reach all parts of your audience. However, you need to pick and choose your platforms so as not to be stretched too thin. The more active you are on the platform, the more original content you post, the more you try to connect with your audience, the more successful you will be.

OTHER HELPFUL TECHNOLOGY

There is a wealth of helpful technologies to aid you in getting the word out about how great the law library is. Many law libraries use blogs as a way to provide more information about a topic of discussion. Posts can be cross-promoted on your social media platforms. Videos are a fun way to show the creativity of your library and staff. You can easily create videos and edit them directly on your smartphone. There are a variety of video editing sites that are free or low cost, such as Windows Video Editor, Apple iMovie, and YouTube Studio Editor. YouTube provides an easy, free, and accessible place to store your videos. You can create

easy-to-remember links through bit.ly. Flyers and newsletters (both print and digital) get an upgrade through easy-to-use graphic design programs like Canva, PosterMyWall, Sway, or FlipHTML5. You can create screencasts, using software like Snagit, Camtasia, or Kaltura. The screencasts can showcase the library catalog or a specific database. Upload the video to YouTube and then disseminate it on your social media accounts.

Consider all of your resources, specifically your law school's informational technology staff. Many of the outreach and marketing tools mentioned may already be used by the law school's or university's marketing staff, so you may already have access to many of the platforms discussed. The informational technology and law school/university marketing staff may also have job aids and tutorials to help you learn all this new technology. The best thing you can do is take on one new platform one at a time. Start with a blog. Once you have the blog mastered, then move onto a social media platform. Then, create a newsletter and post it on your blog and social media. Try experimenting with videos and screencasts, promoting the final project on your blog, social media, and in your digital newsletter. And so on and so forth...

DEVELOPING GOALS & BRAND

Outreach, marketing, and engagement can be done without a plan. However, they are done most efficiently and most effectively with a plan. For example, my library has a yearly plan which considers the events we plan to hold, the social media campaigns we expect to run, the supplies we are requesting from the library budget, the other entities or departments we plan to engage, and the general timeline of the year in terms of other key events in the institution's lifecycle. As part of this planning process, we also include outreach and engagement goals for the year.

Thinking strategically about, and allowing library leadership to have input into, what your department or library's goals are regarding outreach is an integral part of the planning process. One is more able to gain access to resources, financial and otherwise, if the outreach plan is shared and approved in a deliberate way. Also, the process of creating and communicating these goals may illuminate areas of possible growth or areas of possible need beyond what is obvious. Still, further, the planning process can help communicate to others what is expected of them and what is expected of the outreach librarian. For example, in some libraries, the creation of marketing material for an event may be the task of the person holding the event (like a reference librarian who holds a pre-emption checking event with student writers interested in publishing) while in other libraries, it may be the task of a marketing/outreach librarian who is responsible for promoting the events that other staff members are themselves hosting. Still further, creating marketing materials may be something done outside of the library itself in a school's communications office. In all of these scenarios, allow these parties to have access to the plan, and perhaps even input in the

plan. Allowing these team members access and input can improve the working relationships between all of those involved.

You may be wondering, do all libraries have a fully developed marketing and outreach plan? The answer is no. However, all libraries do some marketing and outreach and plan for it in some ways. While not all libraries have a written, formalized plan, all libraries have some sense of what their goals are regarding outreach/marketing/engagement. One might find information about the marketing and outreach goals of an organization by looking at the library's website, reading the library's mission statement, reviewing the library's strategic plan, reading the library's annual report, or speaking with the library leadership.

Another aspect of developing a plan for marketing and outreach is contemplating the library's brand. There are many aspects of a library's brand from their website design choices, to their logo, to their reputation around campus. Some libraries have a more formalized brand statement. For example, see the Harvard Law School Library logo contest and subsequent logo winner. Another example would be when an institution has a brand that must be strictly adhered to. For example, see this University of Texas at Austin brand book and toolkit. It is critical when doing outreach and marketing work that the librarian not only respects the brand of the school and institution, but also plans events that are furthering the brand in the eyes of the audience, administration, and other stakeholders.

DEVELOPING PERSONAL RELATIONSHIPS

Hosting programs and posting on social media are obvious parts of outreach discussed at length in this chapter. Another part of outreach, which is perhaps less obvious, is developing personal relationships.

Successful outreach and marketing are genuine and work to further connect the library with others. These outreach and marketing attempts can ring hollow and be ineffective if they are not backed by a library staff that genuinely wants to connect with its patrons. One important aspect of outreach is relationship-building. Marrying programming and social media strategies with a personal connection is key.

One of the best ways to develop personal relationships with others in the law school community is by being active in the life of the institution. Attending the events of other departments is one way to be active. Another way to be active and informed about the community is to sign up to be on the email lists of student groups. Still another way to be active in the law school community is to volunteer to attend or work at events where you know you will have high student and faculty contact. For example, consider volunteering at an alumni event or staying after work to see a speaker brought in by a student group. Being visible and attending events helps you stay informed about the priorities and interests of

students, but it also shows your patrons that you are interested in the extracurricular work they do, as well.

Another way to develop personal relationships is visibility in the library itself. One way to achieve this visibility is through architecture. Some libraries are designed in such a way that the staff is very present. Another, less expensive solution if your library is not built in a way that facilitates visibility, is to intentionally walk around the library and chat with students, where appropriate. One strategy I have is that I take the opportunity about twice a day to walk a loop around the library. I do this in a way that is open and friendly (I don't look like I am on a mission, I just saunter through the library and smile). The students become used to seeing me in the stacks, but they also begin to associate me with openness and friendliness. This is something very simple you can do to promote visibility to your patrons.

Finally, part of developing relationships is networking. Actively and intentionally working to form relationships with other departments, the local bar association, other libraries on campus, alumni, and student groups is another way to make your outreach and marketing successful. Your marketing campaigns and outreach events can be more successful when they are more widely attended and more frequently viewed. Creating a network of students, faculty, attorneys, and staff willing to attend your events and cross-promote your resources is invaluable. For example, as a librarian promoting our new e-book study aids platform, I may be able to reach some students. However, the Academic Success Department at my school promoting the same products may be able to reach more or different students and may be able to reach them in a way and at a time I cannot. Still further, students hearing about our e-books through other students who have used them for studying may be more receptive to hearing what a librarian or academic support specialist is saying. Developing relationships can turn those in your network to your best advocates.

CONCLUSION

Marketing and outreach are an important way to showcase your library's services and collections while promoting your value to stakeholders. First, you must understand your audience, through surveying, networking, and engagement, so you can effectively market the library to students and faculty. There are a variety of ways to market the library through events, contests, roving reference, or library liaison programs. A way to disseminate the library's message or brand is through social media. Posting advertisements, photos, and videos can get students and faculty to engage with the library online. Think strategically and plan out your yearly events and marketing campaigns. However, always keep in mind that sometimes the most effective marketing and outreach is in developing personal relationships with your students and faculty and having a good reputation for high-quality service and support.

Dive Deeper

- AALL ALL-SIS's Marketing and Outreach Toolkit
- White Paper on Library Marketing and Outreach Submitted by the ALL-SIS Task Force on Library Marketing and Outreach:
- Noe, Nancy. "Party with a Purpose: The Library Open House." *College and Research Libraries News*, April 2016.
- Holahan, Alisa, Joe Noel, and Lei Zhang. "Lights! Camera! Action!: Creating Screencast Videos That Engage Viewers ." *AALL Spectrum*, 2020.
- Hunter, Caitlin. "AALL 2017 Recap: Social Media Use in Law Libraries: Learn from Our Successes and Failures." *DipLawMatic Dialogues*, July 31, 2017.

CHAPTER 16.

PEDAGOGY

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Teaching is an essential duty for most academic law librarians. Legal research is the most common topic taught, and it is taught differently at each institution. Recently, there has been an increase in law librarians teaching legal practice technology courses, making this a growing niche in the profession.

Key Concepts

- It is important to understand your institution's culture and workflows before you submit a course for approval.
- Legal research courses are natural experiential environments, but remember to add in a self-assessment requirement.
- As it becomes more common for law librarians to teach legal technology, they must carefully prepare legal technology courses to effectively teach students concepts and skills of legal technology to achieve the goals of the curriculum.

COURSE DESIGN

Law librarians are often asked to teach legal research or legal technology courses. Sometimes the idea for the course comes from someone else, and the librarian needs to fill in the details; other times, the idea for the course may be the librarian's, and they will have to create it from scratch. In many law schools, a course proposal must be brought before the law school's curriculum committee for approval before it can be offered. The curriculum committee is

composed of law faculty members who either vote on the proposal themselves or submit a recommendation to the full faculty before voting on offering the course. To bring a course before the curriculum committee, some preliminary details need to be addressed, such as course learning outcomes and whether the course qualifies for experiential learning under the American Bar Association (ABA) standards. This section covers drafting course learning outcomes, developing a syllabus, creating assessments, and experiential course requirements.

Course Learning Outcomes

A learning outcome is a statement of what students will be expected to achieve or understand by the end of a lesson or the end of the course. ABA Standard 302 requires that law schools publish learning outcomes that “include competency in . . . (b) Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context.”ⁱ When developing a course, think about what the students should achieve by the end of the course, and write your outcomes to match. It is best to phrase a learning outcome by starting with “students will be able to” to demonstrate specific, measurable, and observable student outcomes. For example, if students should be able to create detailed research logs at the end of the semester, one learning outcome for the course may be:

“Students will be able to **create** logs synthesizing research steps, sources consulted, and next steps in research.”

The above example uses Bloom’s Taxonomyⁱⁱ to frame a learning outcome. The word “create” shows that the student will be making something new using existing knowledge. Bloom’s Taxonomy has several levels of knowledge understanding, and there are words to choose from for each level. Using the taxonomy, another example would be:

“Students will be able to **explain** the difference between statutes and regulations.”

After determining the high-level concepts students will learn, use Bloom’s Taxonomy to frame them as learning outcomes. These high-level outcomes will serve as course-level learning outcomes.

If you are proposing a course, remember to include your course learning outcomes in the information you provide to the curriculum committee or course-approving body.

Developing a Syllabus

A syllabus serves several purposes. First, the syllabus alerts the student to the requirements of the course and the schedule of assignments and topics. Second, it introduces the instructor and sets expectations and the tone of the course. A syllabus should include office hours, the

format of assessments and grading policies, an outline of topics or a schedule, course learning outcomes, and university-required information regarding academic integrity, accessibility, and accommodations. Don't forget to include basic information like the title of the course and the classroom information.

Often, a syllabus consists of several pages of text and rules for the course. However, a rules-based syllabus can be off-putting and create the impression that the professor is inflexible or does not care to work *with* the students. Instead, try to create a syllabus that engages the students by showing them how the rules and expectations will help them develop in the legal profession.ⁱⁱⁱ For example, instead of stating, "Tardiness is unacceptable and will result in a reduction of your participation grade," change the focus to professionalism. Instead, say, "In law school, you are learning all of the skills of being a lawyer. One of these skills is timeliness and meeting deadlines. It is important to be on time to class, just as it is important to be on time for a court appearance. Consistent absences or tardiness will impact your participation score in this course." The second example sets the tone of how punctuality is a lawyering skill, not just an arbitrary rule imposed by the professor.

Students are most interested in how they are going to be graded and the expectations for each class. It is important to include a section explaining how much each assignment is worth in the final grade. It may also be helpful to include a graphic, such as a pie chart, to help students visualize the course assignments as a whole.

The course schedule is another crucial component of the syllabus. Creating the schedule for the syllabus can help inform the outcomes and design of the course. Once the class-level topics are created, create the class-level learning outcomes that feed into the course-level learning outcomes. Both sets of learning outcomes will inform your assessment drafting, which is discussed in the next section.

While you may need to include a draft schedule of topics to a curriculum committee before the course is approved, you likely will not need to submit a finalized syllabus. However, it is important to have the syllabus finalized before the course begins so that students can prepare.

Creating Assessments

ABA Standard 314 requires that law school classes utilize both formative and summative assessments.^{iv} A formative assessment is a low-stakes assessment during the course. A summative assessment is a larger assessment at the end of the unit or course to grade students.

In a legal research course, formative assessments are critical. Formative assessments often have low or no points attached; they can also be included as part of a participation grade but

not individually graded. Formative assessments help students attempt the research skill they just learned and show professors if they have understanding or competency in the skills.

In-class exercises are excellent formative assessment tools. These exercises can be graded and put toward a class participation grade. Still, the students feel comfortable making mistakes because they are not going toward the final grade in the course. In-class exercises also help the professor; you can walk around while students are working and see what students may be struggling with. Additionally, classroom technologies such as Nearpod, Poll Everywhere, and Kahoot are quick and easy to assess student learning.

Summative assessments are much more complex and take a longer time to create and grade than formative assessments. In a research class, a summative assessment might test the student's ability to research a kind of law or a certain topic as well as skill in planning research and logging research steps. A summative assessment may be a test or a research essay.

When drafting assessments for your course, think back to your course learning outcomes and class-level outcomes. If you have a course learning outcome that states, "Students will be able to analyze and apply case law to a client fact pattern," you might want to draft a longer research fact pattern that requires students to research case law and apply it to the facts in the problem. This will probably be a summative assessment since it is tied to a course-level outcome. You can use this same technique to create formative assessments. If your lesson-level learning outcome is "Students will be able to use a citator to determine if a case is still good law," you can create an in-class exercise for students to use a citator on certain cases and analyze the treatment.

Additionally, lesson-level outcomes do not need to feed only into formative assessments; they can be part of summative assessments as well. In the above two examples, including a question in a summative assessment on citators creates an opportunity to assess the more granular lesson level outcomes in a high stakes assessment, such as a final project.

Experiential Courses

A legal research course may qualify to be included in the law school's experiential curriculum. ABA Standard 303 governs experiential credit and states that an experiential course "must be primarily experiential in nature and must . . . (i) integrate doctrine, theory, skills, and legal ethics and engage students in the performance of one or more of the professional skills in Standard 302; (ii) develop the concepts underlying the skills being taught; (iii) provide multiple performance opportunities; and (iv) provide opportunities for self-evaluation."^[v]

An upper-level legal research course is an excellent opportunity to engage in experiential

education. New lawyers spend most of their time conducting legal research, so a firm simulation is a good fit. A law firm simulation course allows students to conduct research and writing exercises that mimic projects they would see in practice. Students will also practice conducting ethical legal research for a client in this scenario. An experiential research course will need to include the development, practice, and self-assessment of skills.

Students in any legal research course develop their skills in research as that is the specific skill being taught, and often legal research courses involve several writing assignments or practice assignments that satisfy the performance requirement. For example, students can be tasked alone or in groups to research an evolving area of law or practice and draft a client alert, a brief news alert that a law firm might send to a client that describes a new or impactful area of law.

Self-assessment can be implemented in several different ways and is easy to place into a course. Have students write a short reflection essay on their most recent project – what went well and what was difficult. Another place to add in self-reflection is in the research log; students can reflect either at the end of the log or within the log on what research strategies worked well (or didn't) and why. Self-assessment is important because it allows the student to understand their own process and develop it to be more efficient over time.

CONCLUSION

Creating a legal course from scratch may seem like a daunting task, but it can be done. If you are proposing a course before the curriculum committee, give them enough documentation so that they understand what you are proposing and do not forget course learning outcomes. After a course has been approved, move into developing a syllabus that welcomes students to your class and lays out your expectations for their behavior and work. Remember to include both formative and summative assessments throughout the semester so that you can gauge student learning in a low-stakes way before assessing for a grade. Finally, if you are creating a legal research course for upper-level students, consider making it experiential. Legal research courses are natural experiential environments, but remember to add in a self-assessment requirement.

TEACHING LEGAL RESEARCH

There are a variety of situations in which librarians can teach legal research. This section will discuss opportunities and best practices for teaching in three different scenarios: teaching legal research in the classroom, teaching legal research workshops, and teaching during one-on-one student interactions. While the material conveyed to the student in each of these situations may be similar, how that material is presented will change based on the requirements of each scenario.

Teaching in Legal Research in the Classroom

All law colleges include legal research as part of their curriculum, whether part of a larger research and writing course or taught as a separate course. Many schools turn to their librarians to teach these courses as subject-matter experts. For more information about course design, see the *Course Design* section of this chapter. Once in the classroom, educators should avoid relying solely on a lecture to teach course materials to keep students actively involved and engaged. Mixing lectures with in-class exercises, group work, and reflections has been shown to increase student retention.^{vi} When teaching research skills in class, it is best to tie in the exercises and group work to larger assignments that the students work on throughout the semester. This will create opportunities for formative feedback on the student's research abilities and keep them invested in the exercises and lessons. Several repositories of in-class exercises are maintained by various organizations, including the American Association of Law Libraries (AALL) Academic Law Library Special Interest Section's Sourcebook for Teaching Legal Research, the AALL Research Instruction & Patron Services Special Interest Section's Annual Legal Research Teach-In Kit, and the LexisNexis First Year Legal Research & Writing Exercises Workbook.

There are also opportunities to teach legal research outside of a dedicated research class. Librarians will often be asked to serve as a guest lecturer or present to a seminar class to provide subject-specific research instruction. Because these sessions are often a smaller portion of the class, the presentation will be limited in time and scope. When planning for these guest lectures, it is a good idea to focus exercises and demonstrations on the assignments for that class to maximize the impact for students. For example, when presenting to a seminar class, ask the professor teaching the course for a list of the paper topics being researched by the students. When demonstrating the tools for the class, try to incorporate a variety of topics to keep students invested.

Students are increasingly used to accessing research and educational materials online, and so technology should be incorporated into class sessions and other coursework. Using guided, online research exercises in class will give students experience with internet legal research in a structured setting before they must do so independently for their assignments. These exercises can be completed individually or in small groups. Allow students an appropriate amount of time during class to complete the exercise, then review each question with the class discussing why answers are correct or incorrect. Additionally, librarians can utilize online research instruction modules from vendors such as the Center for Computer-Assisted Legal Instruction (CALI), Lexis, and Westlaw for additional exercises outside of class.

Teaching Legal Research Workshops

Many law libraries provide legal research workshops as part of their instructional offerings. These occur outside of law courses and are typically narrower in scope. Oftentimes, libraries will tailor their workshops to focus on how students utilize their legal research skills as part of their summer employment or full-time attorney work after graduation. This reinforces that research skills are important for students even after they graduate and gives the library a chance to reconnect with second- and third-year students who may not otherwise receive additional research instruction. As an additional incentive, some libraries have created digital badges for their workshop series that are awarded to students who attend a certain number in the series.^{vii}

Generally, workshops are taught in 30-60-minute sessions, which means it is difficult to complete a research course's full range of exercises. To compensate for this, librarians can provide handouts and review exercises for students to reference after completing the workshops.

One-on-One Teaching Opportunities

Some of the most effective legal research instruction occurs in one-on-one interactions like a reference interview or research consultation. These situations allow the librarian to provide individualized feedback and advice, which is difficult to do in a classroom or time-limited workshop. These meetings between a librarian and student present an opportunity for both participants to discuss the legal research process in a way that directly relates to the student's needs, which will make the experience much more meaningful for both parties.

Some research and seminar courses require periodic research conferences scheduled with librarians to ensure students are on the right track. Students should come to these conferences ready to discuss their steps and what issues they have encountered. If the conferences are part of a course exercise, the librarian may send out a self-reflection questionnaire to the student before the meeting. This questionnaire allows the student to engage in a self-critique beforehand and provides an agenda for the conference.^{ix}

When participating in one of these conferences, it is important to have the student reflect on what they did correctly and where they struggled. Focusing on what the student has done establishes a positive tone to the meeting and builds their confidence in the future. When addressing challenges, always keep a constructive attitude and show the students how they can improve and the impact that will have on their work.

Impromptu reference requests also present an opportunity for librarians to teach legal

research skills. As with the research conferences, a reference interaction with a student creates an opportunity for self-reflection and finding the path to the correct answer.

CONCEPT IN ACTION: PROVIDING CONSTRUCTIVE FEEDBACK

After hitting a wall, a stressed 3L student reached out to the reference librarian despite finding their initial few sources for their seminar paper. First, the librarian asks the student to describe what steps they have already taken in their research, listening attentively and noting any good habits. After discussing what the student has already done, the librarian discusses new approaches to further their research. While reviewing the research, the librarian notices a source that is frequently cited in multiple of the student's sources that the student did not provide.

Rather than simply point out the missing source and stating that the student should have recognized its importance, the librarian takes this opportunity to teach the student about reviewing footnotes in scholarly work and how this will help them to expand their research. The librarian demonstrates how to effectively find this document using the library databases, providing a concrete example of how the student can utilize the sources they have already found to discover additional scholarship. After the meeting, the librarian offers future assistance to the student and sends a follow-up message recapping the meeting and providing links to the resources discussed.

CONCLUSION

Law librarians are given the opportunity to teach legal research skills in many different settings, including classrooms, workshops, and one-on-one meetings. Though the skills being taught in each of these circumstances are similar, the methods used to teach them will vary. Classroom teaching allows librarians to utilize in-class exercises that build upon each other and tie into larger class projects. Librarians can utilize workshops to teach legal research to students that are not currently taking a research-focused course. Finally, one-on-one meetings and reference consultations allow the librarian to work directly with a student and provide individualized feedback on research they have already performed. By recognizing the opportunities and limitations of each of these teaching situations, librarians can increase the effectiveness of their instruction and improve student outcomes.

TEACHING LEGAL TECHNOLOGY

Design a Legal Technology Course

It is becoming more common for law librarians to teach legal technology. Librarians must carefully prepare legal technology courses to effectively teach students concepts and skills of legal technology to achieve the goals of the curriculum.

Getting a legal technology course approved by law school is a prerequisite for course design. The course proposal will also set the basic framework for a legal technology course since this proposal normally includes a course outline and justifications. In the course outline section, a law librarian needs to describe the central course content and the major topics covered. A law librarian may have to make more efforts to justify the legal technology course as a new course. The justification section will be closely related to the course design because a law librarian must clearly state course learning outcomes, evaluation methods, the relationship of course to student legal education, which eventually convince the law school to approve this course. Some other common arguments include the ABA technology competence requirement and benefiting student legal career.

Learning outcomes lay the foundation for the whole course design, which decides course format, evaluation method, and topics to be covered. Some classic learning outcomes for a legal technology course include recognizing and identifying legal technology relevant to legal work in law practice; demonstrating a basic understanding of existing legal technological tools and willingness to try new legal technology; appreciating the ethical duty as a legal profession; evaluating legal technology and apply that technology to law practice.

Teaching topics of legal technology broadly covers six categories: cloud computing, data confidentiality and security, document automation, practice management tool, marketing technology, virtual/remote law practice. Although teaching topics may change as the legal industry changes, the legal technology covered in the course should be directly related to the law practice as much as possible. Some good resources may help law librarians gain insight into emerging legal technology, including ABA TechReport and law technology newsletters (i.e., ABA or Law360). AALL community is also a good place for law librarians to exchange their wisdom of topics in legal technology courses.

Legal technology courses typically fall into the “experiential learning” category defined in ABA Standards 303 and 304, so its teaching methodology is similar to legal research courses. After law librarians give students lectures and live demonstrations of technology, students will perform and practice legal technology in-class hands-on simulated legal exercises. Then law librarians will give students a demo for the exercise and give feedback on students’ simulated use of technology. Students will also receive similar simulated assignments to

enhance their learning experiences on a legal technology topic after each session. They will usually receive a final project or a research paper which requires students to apply multiple legal technologies. In addition to law librarians' feedback, students' self-assessment is often part of assignments and final projects.

Why Law Librarians Teach Legal Technology

Teaching law students legal technology is a real need for law schools. Law schools gradually find they used to assume that graduates would be trained in legal technology by law firms after they join the firms, but it turns out firms also assume that new associates should have received basic legal technology training from law school. On the other side, law students must understand the ethical obligation of technological competence because the lawyers have an ethical duty of technology competence required by ABA. Students should be able to practically use, develop, and evaluate legal technology to enhance their legal careers. If a law school wants students to be more competitive in the workplace, this law school needs to ensure that students have received the necessary training in legal technology in law school.

Even though current law students are savvier with technology than they were twenty years ago, it does not mean they will spontaneously explore legal technology. Someone in the law school must step out to provide the training to students. Law librarians are the most suitable group in a law school to play the role of legal technology training provider.

Law professors, who normally offer doctrinal courses, do not specialize in skill-focus courses. Law professors and other clinic professors who need students to use legal technology in coursework may not teach them systematically, or they will ask students to seek help from a librarian. Also, some professors are not good at using basic technology (even Word or PowerPoint slides). Law school IT may have a specialty in IT (operation system and data security), but they are not experts of law-related technology, especially law firm management tools and document automation tools. Law school IT does not have an instructional duty; it is unreasonable to expect an IT staff to develop a legal technology course.

Law librarians, by evaluating and trying out new products offered by vendors and acting as legal technology resources for law schools, have always been at the forefront of legal technology in law schools. The common format of legal technology courses is similar to legal research courses taught by law librarians. Both highlight students' ability to apply practical skills to problems that lawyers will encounter in the real world. Therefore, law librarians, who already have instruction responsibilities, can apply a similar teaching methodology from legal research courses to legal technology courses.

Approaches to Teaching Legal Technology

Since legal technology is so important, how exactly do law librarians teach law students? There are five main approaches: CLE class, for-credit class, workshop, clinic, co-teaching law & technology course. Of course, the methods and content are different in each case.

CLE is continuing legal education for attorneys. As part of the state ABA requirements, mostly practicing attorneys are required for annual CLE credits, which effectively ensures their professional development. Legal technology is a major component of CLE. Many law school libraries offer CLE to practicing attorneys, and some libraries allow students to participate in such a course. Generally, a law school or a law school library that sponsors this CLE program will apply for accreditation to the state board or commission. The brochure mailed by the law school or the law library details program CLE hours, contents, instructors, location, and time of the program. The course is usually particular to the best practice of particular software or concept, where law librarians present the course, and the attorney keeps a class attendance record to satisfy the CLE credit requirement. The teaching format is similar to the legal technology course to students in terms of components of lectures and demos. However, the topics in a legal technology CLE are more focused on practical matters, which attorneys can apply directly to benefit their practice.

For-credit class is usually a one-credit course that covers the best practice of basic computer skills (e.g., automatically creating a table of contents, setting page numbers from the second page of a document, automatically creating a table of authority). Such a course is very much like learning integrated training software (e.g., Procertas). The course may include Adobe, Microsoft Excel, Outlook, PowerPoint, Word, Windows 10, Clio, Live Note, Nuance Power PDF, Worldox. The basic method of instruction is the extensive demonstration, along with in-class student exercises and assignments, culminating in a final project in which the student uses multiple technologies to reformat a poorly formatted document to meet the legal profession standards.

Workshops are mainly in the form of brown bags where librarians provide a technology demonstration for the students. Law librarians also provide the students with handouts for future reference. Some librarians will also invite local lawyers to provide first-hand experiences to help illustrate legal technology applications to students, in addition to sending out promotional emails and creating posters. Some librarians also invite vendors to do presentations. Of course, many librarians will offer lunch or donuts to attract students. Some schools offer legal technology certification to students. When students meet a certain standard by attending several workshops and working through assignments, they are awarded a legal technology certification endorsed by the law library. Workshops are highly flexible, so students can choose what fits into their schedule or what topics interest them.

Some schools offer legal clinic programs where a clinic professor instructs students to use legal technology to deal with a real case. Most of the time, the technology used in such clinics includes an electronic discovery system, litigation analysis system, or a firm management system. Librarians are not involved in the entire clinic education but rather provide training to the students in the use of legal technology.

CONCLUSION

Law librarians can provide legal technology training to students when law firms increasingly apply legal technology for practice assistance. Although there are different teaching methods and content coverage, teaching legal technology aims to ensure students practice more effectively in this digital age.

DIVE DEEPER

- Vernellia R. Randall, "Increasing Retention and Improving Performance: Practical Advice on Using Cooperative Learning in Law Schools," *Thomas M. Cooley Law Review* 16, no. 2 (1999): 201-278
- Alyson M. Drake, "On Embracing the Research Conference," *Law Library Journal* 111, no. 1 (Winter 2019): 7-30.

CHAPTER 17.

WORKING WITH NON-LAW SCHOOL PATRONS

ASHLEY AMES AHLBRAND

Working in an academic law library, the primary patrons are the law school's faculty and students. However, these may not be the exclusive patronage of the law library. Particularly in the case of a public law school library, the law librarian is likely to serve patrons outside of the law school as well. These patrons come from a diversity of backgrounds, with a range of legal research needs. Working with non-law school patrons can present a number of challenges but also many opportunities for the law library. This chapter will discuss these challenges, offer possible solutions, and highlight unique opportunities when working with non-law school patrons.

Key Concepts

- Non-law school patrons experience legal research access restrictions not felt by law school faculty and students.
- Strategic collection development decisions can facilitate the needs of non-law school patrons.
- Despite (and because of) the challenges they pose, working with non-law school patrons helps the law library better understand and address the community's legal needs.

NON-LAW SCHOOL PATRONS

But first, what do we mean by non-law school patron? In short, this includes any patrons

beyond the law school faculty, staff, and students. This chapter will primarily discuss four main categories of non-law school patrons: self-represented litigants, non-law school students and scholars, attorneys and judges, and law school alumni.

Self-Represented (Pro Se) Litigants

Parties who engage in court proceedings without the assistance of legal counsel are known as self-represented or pro se litigants. They frequently seek legal research assistance at their local libraries, and their resource needs include the same types of practice-oriented materials, such as legal forms, that attorneys often seek when preparing a case. However, as these parties typically lack any formal legal training, their needs are also far greater because they may need additional assistance understanding the legal issues involved in their case and how to proceed. Self-represented litigants may seek out assistance in county law libraries or the academic law libraries of public law schools.

Scholars & Students

Scholars and non-law students may require occasional legal research assistance, depending on their research focus. It is not uncommon for university courses to have a natural legal cross-over; for example, faculty and students in the journalism department may study the first amendment and defamation law; and those in the business school may be interested in corporate law. Similar to self-represented litigants, these non-law scholars often lack a legal background and may require both introductory and advanced resources to understand their research topic.

Members of the Local Bench & Bar

Because they have a legal background, attorneys and judges may seem much more similar to law school faculty and students than the non-law patron groups mentioned in the two previous sections. However, these patrons' needs and restrictions overlap in many ways with those of the previous two groups and can present challenges and opportunities for the law librarian.

Maintaining a private law library collection, print or electronic, can be expensive, so local attorneys and even judges often utilize their nearest law library to access print and electronic resources. Like the self-represented litigant, these patrons are typically in need of practice-oriented resources like legal forms and case dockets; but, in the academic law library context, in particular, these patrons will not have access to the law school's Lexis, Westlaw, or Bloomberg Law accounts, thus tending to these patrons' needs requires alternative strategies.

Law School Alumni

Outside of the law school faculty and students, a final group of occasional academic law library patrons to consider are law school alumni. Their needs and restrictions are very similar to those of the bench and bar: They have a legal background, so they can generally conduct their own research, but upon matriculating, they lose access to the law library's Lexis, Westlaw, and Bloomberg Law accounts. While they are quite similar to the local bench and bar, law school alumni merit their own category here because there may be some library resources and services available specifically to alumni of the law school.

CHALLENGES

Meeting the needs of non-law school patrons can pose several challenges, including what resources are available to them, what level of knowledge they bring with them, and what degree of service the law librarian can provide without crossing any ethical boundaries. This section will discuss these challenges and offer possible solutions.

Meeting Non-Law School Patrons' Expectations

Evaluating and addressing the needs of non-law school patrons can present a challenge. Because most non-law school patrons lack a legal background, getting to the heart of their particular legal question can take time and effort, putting the librarian's reference interview skills to the test. Their question may be too broad, like the journalism student who says he'd like to write a paper on freedom of speech. They may ask for content that is difficult to attain from any resource, including Lexis and Westlaw, like filings in state court dockets. They may ask for content that simply does not exist, like a self-represented litigant asking for a very specific legal form, not realizing that there are not stock legal forms for every single type of filing.

One significant challenge that can arise in terms of the non-law school patron's request is when a non-law school patron, usually a self-represented litigant, asks for legal advice. When they ask this bluntly, the answer is an easy no, explaining that the law librarians are not attorneys and cannot give legal advice. The trickier scenario is when they ask for things that could amount to legal advice, such as asking for the "best case" to prove X or Y, or when they ask the librarian to interpret the text of a statute for them. These questions can border on rendering legal advice, and intelligent minds can differ on which side of the line these questions lie.

What the librarian wants to avoid is the unauthorized practice of law (UPL). As its name suggests, UPL occurs when someone without the right to practice law in a particular jurisdiction does so. The practice of law is defined differently from state to state, but

conducting UPL typically violates state statute, regulation, or rules of ethics. The topic of UPL in libraries has been a frequent topic in library literature over the years. Fortunately, to date, no record exists of a librarian being charged with UPL. The best thing to do when a situation like this arises is to explain the library's policy to the patron and the array of services the librarian can offer. For example, "As a librarian, I cannot answer that question, as I am not an attorney, but I can direct you to several resources where you may find these answers yourself." Many law libraries put a disclaimer on their website explaining this policy as well.

Electronic Legal Research Options for Non-Law School Patrons

Particularly in the academic setting, another significant challenge when working with non-law school patrons is that our go-to legal research platforms, Lexis, Westlaw, and Bloomberg Law, are typically unavailable to those outside the law school. This can pose challenges for each of the non-law school user groups. University faculty and students conducting legal research often expect that they can get accounts as members of the university and have a legitimate need for a legal research platform. Some non-law faculty members and graduate students may even have law degrees and experience working within these databases, yet law library contracts with these three vendors are fairly strict. Likewise, local attorneys and self-represented litigants, who may not feel as entitled to these platforms, are nevertheless left without access to the legal forms and other practice aids published there. Fortunately, there are some workarounds.

Conducting Core Legal Research

At the heart of any legal research question is the pursuit of the law itself. For non-law school patrons seeking statutes, cases, constitutions, or regulations, there are many alternatives to Lexis, Westlaw, and Bloomberg Law. Government websites provide access to state and federal constitutions, statutes, legislation, and regulations, most even providing a short archive of superseded codes and previous legislative sessions. At the federal level, for example, sites like congress.gov and govinfo.gov are excellent resources for federal government research, with coverage typically from the mid-1990s forward. Likewise, many state appellate and federal courts today provide a small archive of recent slip opinions and oral arguments. Additional state and federal case law can be found on sites like Google Scholar.

As robust as the availability of the law is on these free sites, there are some research drawbacks. In particular, these sites lack the analytical features a citator provides. A federal case opinion pulled up on govinfo.gov, for example, contains no treatment symbols or citing references. It is just the text of the case. However, for non-law school patrons, such as local attorneys, whose legal research relies on the currency and treatment of the law, alternative databases to Lexis, Westlaw, and Bloomberg Law can provide the solution.

Many academic law libraries offer campus-wide access to these database alternatives. One such database is Fastcase, a lower-cost legal research platform that provides citator-like features, including citing references and an algorithm-based citation analysis tool, Authority Check. For those non-law school patrons desiring a full citator, both Thomson Reuters and LexisNexis offer legal research platforms intended for a broader, campus-wide audience. Thomson Reuters' product is Westlaw Campus Research, and LexisNexis' product is Nexis Uni (formerly LexisNexis Academic). In both of these services, a user can conduct core legal research with the added advantage of access to the Lexis and Westlaw citators, Shepard's, and KeyCite. Though these two products lack the full suite of secondary sources and other editorial content found in the traditional law school Westlaw and Lexis products, they do provide users the enhanced tools necessary for conducting core legal research.

In addition, there are myriad other legal research databases, beyond Lexis, Westlaw, and Bloomberg Law, that many academic law libraries subscribe to for the use of law school and non-law school patrons alike. HeinOnline offers users access to a vast array of digitized legal materials, historical and current, covering federal and state, international, and some foreign jurisdictions. ProQuest Congressional is a superb and user-friendly platform, with a robust congressional collection from the 1700s forward. And these only scratch the surface. While non-law school patrons are often disappointed to find that they do not have access to the law school's Lexis, Westlaw, and Bloomberg Law subscriptions, chances are that some of these other databases may provide satisfactory answers to their questions as well.

Conducting Background Research

While many alternatives exist for conducting core legal research in primary sources of law, if a non-law school patron is interested in background research, finding authoritative secondary sources in law outside of the law school's Westlaw and Lexis platforms can be more challenging. Core secondary sources in law, like legal encyclopedias and treatises, are proprietary to their publisher, and therefore are typically only available online through specific subscription databases, namely, Lexis and Westlaw. However, some alternatives may be available, depending on the patron's needs.

For a self-represented litigant, for example, one of the many free websites specifically designed for those conducting their own legal representation without the aid of an attorney might be a helpful place to start. These sites often contain articles on a variety of legal topics written for a non-law audience. They may also provide access to free or low-cost customizable legal forms, and most include a lawyer referral feature for those patrons who ultimately decide to seek legal representation.

Another resource for commonly used legal forms and attorney referrals are court websites, as many jurisdictions have begun putting commonly-requested legal forms up on their websites, specifically with this audience in mind. Law school libraries that receive frequent requests for

legal forms from non-law school patrons may seek to partner with their local court; often, the clerk of court's office will have a set of forms available in print and may be interested in offering the law library a set of print forms, or the option to make those forms available online on the law library's website.

Non-law school scholars and students conducting academic legal research may need secondary sources that analyze and critique rather than simply explain. For these patrons, law journal articles may prove a better resource. Of the many types of secondary sources in law, law journal articles are the type most easily found outside of Lexis and Westlaw. HeinOnline has a robust collection of law journals. Other common academic databases, outside of the law, pick up major law journals as well, including JSTOR and Academic Search Premier. And increasingly, law journal articles can be found online for free, through library or institutional digital repositories, pre-print sites like the Social Science Research Network, or even the journal's own website. Search engines usually index these, so pointing the non-law school patron to a site like Google Scholar may allow them to retrieve relevant law journal articles by keyword search.

Another resource non-law school patrons may find helpful for background and analysis of the legal issues of the day are law blogs (blawgs). Though not as highly reputed as formal law journals, blawgs offer some distinct advantages: They are freely available; most are fairly authoritative, being written often by professors, librarians, and attorneys; and perhaps most importantly, they are much faster to publish than journal issues; therefore, if a patron is researching a newsworthy topic or a brand new area of law, one of the only resources for background, context, and analysis may be a blawg.

When people, even those with no legal background, think about legal research, they often think about Lexis and Westlaw because that is what they have heard of. Therefore, they are disappointed and frustrated to hear that they cannot get access to those platforms as a non-law school patron. As just discussed, however, those two platforms are just the tip of the iceberg, so the challenge to the law librarian is exposure: Show the non-law school patron the many other legal research databases available to all patrons in the law library, ones that do not require an individual account for access. Many patrons, attorneys and law school alumni included, are surprised to learn how many primary and secondary sources in law are available freely online. Showing the non-law school patron how to craft smart internet searches may help them find the answers to their research inquiries without accessing any subscription databases at all.

Print Resources: Solution or Challenge?

The other option for alternatives to Lexis and Westlaw for non-law school patrons is print. However, print comes with its own challenges. For instance, the print materials that non-

law school patrons may need access to, such as statutory codes, case reporters, legal encyclopedias, and major treatises, because they are more heavily used, are non-circulating, so a patron who would like to take a volume of West's Legal Forms home with her cannot. She will have to scan or copy the section she is interested in instead.

The larger challenge with print materials is shrinking space and shrinking budgets. Print collections grow as new volumes are added, requiring frequent shifts of the collection to make more room. At the same time, library space is at a premium, and libraries have to balance the desire for a strong print collection with the need for study space or even office space. In addition, print is expensive and often duplicated in an online platform like Lexis or Westlaw. With legal materials increasingly available online, many libraries are making the fiscal decision to shrink their print collections in favor of digital, only holding on to those print titles not available in a digital equivalent. Though this decision is most often made out of necessity, it regrettably disadvantages non-law patrons.

While print may seem like the logical solution to the access issue many non-law patrons face with core legal materials, some options may still be available if a law library is up against space and financial restraints. If the law library has some small amount of funds that can be allocated to print, they can develop the collection strategically. For instance, it is likely cost-prohibitive to purchase every major legal treatise in print. Still, one prominent treatise on civil procedure may be beneficial if the law library has many attorneys and self-represented litigants using their collections. If the law school's parent institution has a strong environmental studies program, the law library might also invest in environmental law secondary sources. Likewise, analyzing reference statistics to ascertain the types of questions the librarians most commonly receive can help curate a collection that best meets all patrons' needs.

Thinking of self-represented litigants specifically, additional titles may be beneficial for this audience.

- Legal Encyclopedias – State-specific, if available (examples: Ohio Jurisprudence or Indiana Law Encyclopedia), or one or both of the major national legal encyclopedias, American Jurisprudence and Corpus Juris Secundum.
- Quick Reads – Easy-to-understand, quick reads may be beneficial to the non-law crowd, such as West Academic's Nutshell series and NOLO books; the latter is specifically written for an audience of laypeople intending to handle their own legal matters. NOLO books are relatively inexpensive and can be especially helpful to self-represented litigants.
- Legal Forms – These can be helpful for attorneys and self-represented litigants. These materials are typically proprietary to a particular publisher and therefore only

available online through a subscription database, so print is a helpful alternative. In addition to offering forms, they also typically include short treatise-like passages on legal topics, but written from a practice standpoint, and therefore particularly helpful for those preparing a case for court.

If monetary or spatial constraints limit the law library's ability to develop a print collection that fully meets non-law school patrons' needs, other potential solutions include consortial arrangements with local libraries, with each agreeing to purchase certain titles so that, collectively, all have access to adequate print materials to suit patron needs. Likewise, law libraries may be able to acquire certain titles through interlibrary loan. For non-law school scholarly patrons, interlibrary loan may be beneficial for acquiring scholarly legal texts. One particular challenge of working with non-law school patrons, then, is access limitations. Although these patrons cannot typically access Lexis or Westlaw, an array of other options may suit their needs, from campus-wide versions of Lexis and Westlaw to lower-cost legal research platforms to free online resources to print. No solution is perfect, but each provides possibilities for meeting these patrons' needs. A large part of working with non-law school patrons is education, showing them the world of resources available to them beyond what they have heard of.

CONCEPT IN ACTION: ASSISTING A SELF-REPRESENTED LITIGANT

Peter Pro-se, a local farmer, came to the reference desk complaining about his new neighbor, who erected a hideous, ten-foot barbed wire fence between their properties in Lawrence County, Indiana because he planned to raise cattle on his land. The neighbor claimed that Peter now owed him \$5000 for his "share" of the fence. Peter couldn't believe that was true and wanted to know if he had to pay, and if not, could he sue to have the fence removed?

To give Peter background on this legal issue, Patsy directed him to the law library's print copy of Indiana Law Encyclopedia, where he read about spite fence law in Indiana. Here he learned that fences higher than six feet might be considered spite fences under the Indiana spite fence statute. However, it would have to be proven that the neighbor erected the fence maliciously or for the purpose of annoying the adjoining landowner. To find the law itself, Patsy directed Peter to the Indiana General Assembly website to pull up the text of the statute. To address his question about having to pay for the fence, further work with Peter showed that he might be out of luck. A resource on FindLaw explained that the Indiana law governing partition fences requires both adjoining landowners to pay for the partition fence, even if only one benefits from it. Finally, Patsy directed Peter to the Indiana Legal Help online portal to find self-help tools, forms, and an attorney directory if he decides to seek representation.

OPPORTUNITIES

So far we have discussed the common challenges presented by working with non-law patrons, but non-law patrons present a number of opportunities as well.

Opportunities Within the Law Library

The previous section discussed, at length, the variety of print and electronic resources non-law school patrons may find beneficial. If a law library has the resources to create a small collection of print materials for non-law school patrons, locating those materials together can create designated space in the law library for those specific patrons, with all the print materials they may be interested in located in one convenient space. Likewise, with so many databases and websites that could prove helpful to a non-law school patron, creating resource guides for those patrons may help them navigate to the best resources more quickly.

For the self-represented litigant, print and digital handouts could also include pro bono resources in the area, and even basic court forms, often available from the clerk of court's office. The law librarians might even consider creating digital resources for their non-law school patrons, including quick video tutorials showing them how to search a particular database or website. Legal research is a challenge for even those with a legal background; the challenge can be overwhelming for those without. Librarian resource aids can help make this task more manageable.

In addition to creating spaces and resources for non-law school patrons, the law library might also consider hosting events for them as well. For example, if your library sees heavy foot traffic from self-represented litigants, you might partner with your local bar association to offer Lawyer Days, in which local attorneys come to the law library to offer brief counseling sessions for those in need of legal advice.

Outreach: Opportunities Beyond the Law Library

Who says librarians have to stay in the library? Another unique opportunity that non-law school patrons afford is the ability to support outreach initiatives within the community.

Continuing Legal Education

For attorneys in the area, a law library might offer continuing legal education (CLE) programming on free and low-cost legal research options, a research refresher, or something topic-specific, like administrative law research. This can also be beneficial for paralegal associations, who have similar continuing education requirements. Because paralegals spend

a great deal of their time conducting legal research, they may be particularly grateful for legal research training and updates.

Public Library Training

There are far more public libraries around the country than there are public law libraries. Especially in regions where public law libraries are not easily accessed, librarians at public libraries are often on the front lines of legal research inquiry from self-represented litigants, even though they have no formal legal research training themselves. Therefore, many law libraries have begun offering legal research training to public libraries to help fill this knowledge gap.

Legal Research Instruction for Non-Law Students

In university courses that have a legal tie-in, such as a journalism seminar focused on freedom of the press, or even a business law course taught at the business school, faculty may appreciate having a law librarian come in to guest lecture to their students on legal research. This is an opportunity to demonstrate the databases available to students for their legal research needs and highlight the print holdings and law library services available to non-law students, should they make the trip over to see a law librarian in person.

Prisoner Outreach

Prisoners are a common body of self-represented litigants, and prison libraries are continually shrinking. Many law libraries, therefore, have established prison outreach programs, in which their librarians can fulfill specific legal research requests via mail.

Whether within or outside the law library, there are myriad ways that we can put our legal research knowledge to use, with profound impacts on individuals and the greater community.

CONCLUSION

For the public academic law library, non-law school patrons can present both unique challenges and unique opportunities. Their needs can be urgent or ill-formed; they may take more patience and dedication to properly serve; but they can also be some of the most grateful patrons as well. One of the biggest challenges when working with non-law school patrons is the restriction on what resources are available to them, particularly their general inability to access Lexis, Westlaw, or Bloomberg Law.

Other resources certainly exist, both in print and electronically, but it becomes a cost/benefit analysis to determine what resources the law library can afford to offer this group of patrons, while still adequately serving its main patron base. While they can be a challenging group

to adequately serve, non-law school patrons also offer an opportunity for law libraries to be creative, seeking out free research options to offer these patrons, creating resources that address some of their common legal issues, and reaching out to the community to partner with courts, public libraries, and local bar associations to offer the law librarians' specialized knowledge to a broader audience.

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To learn more about working with non-law school patrons, explore:

- Charles J. Condon, "How to Avoid the Unauthorized Practice of Law at the Reference Desk," *Legal Reference Services Quarterly* 19, nos.1-2, (2001): 165-179, DOI: 10.1300/J113v19n01_11.
- Amy Hale-Janeke & Sharon Blackburn, "Law Librarians and the Self-Represented Litigant," *Legal Reference Services Quarterly* 27, no. 1, (2008): 65-88, DOI: 10.1300/02703190802128814.
- Paul D. Healey, "In Search of the Delicate Balance: Legal and Ethical Questions in Assisting the Pro Se Patron," *Law Library Journal* 90, no. 2 (1998): 129-147.
- Kimberly Mattioli, "Access to Print, Access to Justice," *Law Library Journal* 110, no. 1 (2018): 31-57.
- Marsha C. Thomas, "Collaborating with Public Librarians," *Legal Reference Services Quarterly* 20, no. 3 (2001): 35-42, DOI: 10.1300/J113v20n03_05.

PART III.

GOVERNMENT LAW LIBRARIANSHIP

CHAPTER 18.

PUBLIC EDUCATION, PROGRAMS, & ACCESS TO JUSTICE AT THE LAW LIBRARY

RYAN METHENY

As discussed in Chapter 7, the United States is experiencing an access to justice crisis. As the cost of legal representation goes up and working-class incomes stay flat, the reality is that a growing percentage of Americans simply cannot afford to hire an attorney when they need one. The number of people without access to an attorney is so great that legal aid organizations can assist only a fraction of those in need due to limited resources and statutory or other rules limiting whom they can assist and what types of cases they can take. The resulting gap in access to justice is enormous, and law libraries are one of the few resources available to address the problem.

Key Concepts

- Public programs held at law libraries expand access to justice in several ways that build upon and complement traditional library services, helping to maximize the impact of law libraries as they expand access to justice.
- There are pros and cons to consider when choosing a program model.
- Program data and feedback will allow the library to assess the success of each program and improve them in future.

The traditional services that law libraries provide – collection development, making informational resources available in print and online, providing reference service – all greatly help address the access to justice crisis, especially when these services are honed and modified

to serve those without legal training. In this chapter, you will learn how public programs like classes, clinics, and workshops, when held at law libraries, can go even further in helping to ensure access to justice.

Public programs that serve the self-represented litigant, and others dealing with legal issues, build upon traditional law library services, complement them, and help reach and serve new patron groups.¹ Classes on legal topics, workshops to fill out and complete legal documents, clinics where those in need can receive direct assistance from legal professionals, and the other types of programs to be discussed in this chapter all work to expand access to justice substantially. Many of the people served by these programs may otherwise be effectively locked out of the court system or otherwise denied their legal rights entirely.

WHY PROGRAMS? BENEFITS FOR LIBRARIES, PATRONS, & COMMUNITIES

Public Programs Expand Access to Justice

Public programs held at law libraries expand access to justice in several ways that build upon and complement traditional library services, helping to maximize the impact of law libraries as they expand access to justice. For example, classes, clinics, and workshops can serve patrons with limited literacy skills, time, or patience to teach themselves the law using law library resources. Classes provide in-person instruction to help patrons synthesize information verbally, in person, through human interaction with an instructor. This can provide value for many patrons above and beyond mere access to a book or other library resource. Clinics and workshops, meanwhile, provide direct assistance to those who otherwise may not want, or be able, to teach themselves.

Classes, clinics, and workshops also serve to direct patrons to the traditional library resources they need (but may not know they need). For example, class instructors may provide basic information on a topic and then direct patrons to a practice guide or other library resource for more detailed guidance. Or, volunteer attorneys at a clinic may identify the appropriate form for a patron's legal issue and direct them to the reference desk for assistance in retrieving it.

Public programs also raise the general profile of the law library in the community. A clinic where people can get help or a class where they receive instruction – whether that program is delivered in person at the library or remotely using library resources – can drive traffic to the library and allow the library to assist more patrons and have a greater impact. Even if a person does not attend a program, simply seeing the flyer or other information about a library program raises awareness of the library; they may remember the law library and the fact that it exists, the next time they or a friend or loved one experience a legal issue.

Law Libraries Serve as Ideal Locations for Public Programs

One objection that could be raised to law libraries serving as the venue for programs is: why the law library? Why not, say, the courthouse, or the offices of a legal aid agency, or any other feasible location? In fact, a public law library often provides the ideal location for classes, clinics, and workshops on legal topics, for several reasons. First, public law libraries are usually located near a metro area's downtown and, therefore, offer a convenient, central location. Second, the law library can offer a more relaxed, casual, and welcoming space than the courthouse, which has stringent security requirements like metal detectors and is often busy, crowded, and generally a stressful place to be. Meanwhile, a legal aid office rarely admits large numbers of clients on-site and may not have the necessary space to hold a public program (which can also be a problem at the courthouse).

Perhaps most importantly, however, the law library provides access to virtually all of the resources that self-represented litigants and others with a legal issue may need to take the next step to resolve their issue after the program concludes. The law library has publicly accessible computers, wi-fi, printing, and free access to the print and electronic resources needed to do legal research, find forms and templates, draft documents, and even file papers online. On top of all this, if a person needs assistance, they can consult an extremely knowledgeable and helpful reference librarian available on-site. No other space in the ecosystem of organizations that serve those with legal needs offers such a comprehensive suite of resources. The law library is like a court self-help center, internet cafe, Kinko's, and community meeting room all in one – while also offering free access to Westlaw, practice guides, and other invaluable legal research sources. Additionally, unlike programs held at other locations like general public libraries, law offices, or community rooms, the resources needed to address future legal issues remain available at the law library. Other locations offer little or nothing of value for those experiencing legal issues once the particular clinic or class concludes. On the other hand, the law library offers a stable, accessible resource, both for that particular patron who attends the event and for that person's friends, neighbors, loved ones, and anyone else whom they tell about the library's resources.

The law library effectively serves as a central hub in the legal system: the only place someone can go for help with any type of legal issue, take the next step in their legal journey, and get help with any future legal issues they or others in their network experience. If one wants to hold a public program to help people with their legal problems, it is hard to imagine a better location than a public law library.

Public Programs Build Stronger Communities

More broadly, public programs also help to build stronger communities in myriad ways.

Contrary to the stereotype of the “shushing librarian” and the library’s image as a place solely for quiet study, libraries nowadays serve as unique and vital gathering spaces. Libraries now serve as shared community spaces animated by the ethos that everyone should have access to information and a safe, neutral, and supportive space to obtain it. Neighborhood public libraries (non-law libraries) have long embraced this role. Your local library likely hosts reading time for children, book discussions for all ages, resume writing workshops for job seekers, English as a Second Language classes, makerspaces where patrons can create physical or intellectual materials using library resources, as well as other, sundry classes and events. Public libraries have clearly evolved beyond just being places for everyone to access books (although that role is still vital!). Specific patron groups, the community at large, and the library itself benefit when the library invests in turning itself into a shared, collaborative, and interactive space. Public law libraries, too, are starting to embrace this new vision of the library’s purpose by introducing public programs.

But the broader benefits of holding public programs find support not just in the anecdotal experience of librarians – empirical studies supported by social science also show the value of public programs held in libraries. For example, sociologists use a “social capital” metric to measure the number and strength of social bonds in a community. The amount of social capital held in a community or nation as a whole predicts many positive outcomes: social tolerance, economic growth, democratic stability, and even optimism about the future.ⁱⁱ How do communities create this vital resource called social capital? Well-functioning, fair, and neutral community-based institutions play the biggest role, including law enforcement, the courts, civil service, and—yes, you guessed it—libraries!ⁱⁱⁱ Public programming at libraries forms a major part of libraries’ role in creating social capital in communities. Programming draws people into the library, which builds social connections and increases trust across a community. In fact, to take one particularly dramatic example, the presence of a library, with all its various programs and services, can even predict how well a given community recovers from a natural disaster.^{iv} The social bonds formed across a community in a place like the library – a place where everyone can gather and interact safely and receive equal service, regardless of income, race, or creed – have real, demonstrable, and sometimes rather incredible value.

Where do law libraries, specifically, fit in this picture? Arguably, a public law library serves an even bigger role in creating social capital than a general public library.^v The law library serves many of the same functions as a general library, like being open to all and providing neutral service. In addition, however – unlike a general library – the law library also supports the administration of the law through the courts and provides public access to information about the law, both of which help maintain and expand faith in “the system” and in the democratic institutions that help generate social capital. Public programs that draw more people into the

law library, and multiply the impact of the law library's work to expand access to justice, will only serve to strengthen communities and the country as a whole.

LAW LIBRARY PROGRAMS: MODELS & EXAMPLES

Classes and Education

Government law libraries have innovated many different programs, which can be broken down into a few broad categories. Informational classes that deliver educational content – without providing direct service – constitute one important category. In general, whether taught by a librarian or an outside speaker, such classes aim to synthesize and convey legal information to a group of students (library patrons) on a specific topic. Effective and engaging classes usually feature a typical lecture component, but also include live demonstrations and practicum elements like group activities or short assignments with feedback from the instructor. Instructors usually also provide written handouts for students to refer back to what they learned and resource lists to help them access additional information and assistance on their topic. The particular mix of different instructional elements depends on what is appropriate to the topic and the target patron audience.

One traditional type of public law library class is the legal research practicum, in which a librarian explains and demonstrates the use of a resource like Westlaw or Lexis. Then, the librarian provides feedback and answers questions as students complete prepared exercises and/or attempt to do their own research. (This type of class can be a good first entry for a library into the world of programming since the topics generally lie within every law librarian's wheelhouse of knowledge, and no outside speaker is necessary.)

As the access to justice crisis becomes more acute, another increasingly popular class at public law libraries is the overview of court procedure, in which either a librarian or an outside speaker (usually an attorney or judge) explains procedural basics for a given type of case in a given court jurisdiction. Because of the complexity of civil procedure, classes often focus on relatively narrow topics, like preparing and filing a civil complaint in state court, preparing a probate petition, or representing yourself at a civil trial. Course material is typically quite detailed, and will include templates, forms, and instructions, along with citations to other resources like practice guides for additional information and assistance.

Patrons also benefit from lectures summarizing one's substantive rights and responsibilities in a certain legal area. Often called a "Know Your Rights" or "consumer law" class, topics for such classes can include your rights in the workplace, various aspects of landlord-tenant law, debtor-creditor law or consumer bankruptcy, various civil rights topics, dealing with traffic citations, and many other types of everyday legal issues. Resource lists with information

about where patrons can turn for additional assistance are especially valuable for this type of class.

Public law libraries have also long held Continuing Legal Education (CLE) courses. These courses are usually geared toward attorneys but can also aim to serve other professionals who need continuing education covering legal topics, such as paralegals, court interpreters, or business owners. Topics can include any legal subject that professionals would benefit from training, updates, best practices, or refreshers. Serving as a provider for CLE involves registration with (and fees paid to) the local State Bar. Still, this cost is typically outweighed by registration fees and the benefits of keeping attorneys and other professionals engaged with the law library.

Generally, however, public law library classes tend to be free or low-cost to encourage attendance and maximize patron use of the library. However, the staff time and other resources involved in developing, organizing, and teaching such programs can be significant, especially for smaller or more poorly funded libraries. Even if the potential payoff in increased exposure, traffic, and expanded service to patrons is also great, securing resources can be difficult. Sometimes, an outside organization, often the same organization providing the speaker, will donate funding via the library's "friends of the library" nonprofit to help defray the library's costs of putting on the program. (Legal restrictions typically prevent government agencies, like public law libraries, from directly accepting donations.)

One important guideline law libraries must always keep in mind is the line between legal information and legal advice. In providing any class on a legal topic, the instructor must be careful not to provide legal advice since the law library and law librarians should not, and cannot, practice law. Generally, law librarians apply the same care not to give advice when teaching classes that they do at the reference desk, and outside presenters must also be cautioned not to give advice. Any material advertising the class should clarify that the information provided in the class is general and educational in nature and not meant to advise anyone on how they should proceed with their particular legal issue. Self-represented litigants and others with legal issues often have particular questions tied to their own situation. Instructors frequently find themselves redirect a student's question to the material covered in the class, tell the student that they can ask for more specific guidance at a legal clinic or elsewhere, or tell the student they can receive more assistance researching their matter after the class at the reference desk.

Clinics and Workshops

Another important category of public program provided by law libraries is the legal clinic or workshop, where patrons receive direct assistance from an attorney or other legal professional with their legal matter. They vary in size from individualized, one-on-one

consultations to larger group workshops and similarly vary in format from oral consultations sitting at a table to document preparation workshops where each patron works at a computer. These programs have obvious value in light of the access to justice crisis and often prove quite popular. Unlike educational programming – the content for which is developed, at least in part, and often delivered by librarians – clinics and workshops necessarily involve third-party providers, such as legal aid organizations, bar associations, or individual volunteers. This requires developing a partnership with the third party, as discussed further below.

Perhaps the most popular – and resource-intensive – type of clinic or workshop is the all-comers legal clinic, often billed as a “Lawyers in the Library” event. A team of volunteer attorneys commits a block of time to provide free, limited-time consultations to anyone with a legal question or problem. Ideally, the makeup of the panel of volunteers covers all of the common types of legal issues people face: family law, probate, landlord-tenant, employment, conservatorships and guardianships, immigration, debt/bankruptcy, and the like. Participating patrons are processed beforehand, either on-site or remotely, and assigned to an appropriate attorney based on the nature of their legal issue.

Given the demand for Lawyers in the Library clinics, some law libraries also host and organize smaller, subject-specific legal clinics. These are organized along essentially the same lines as a general “Lawyers in the Library” clinic but limited by topic – for example, a landlord-tenant clinic or a debt and bankruptcy clinic. However, one major challenge of such narrow clinics is funneling patrons with the right type of legal issue to the right clinic. Generally, self-represented litigants and others have little ability to correctly assess the broad subject matter of their own legal issue: a person with a breach of contract issue may tell library staff she has a family law issue because the other contract signatory is her brother. Such misunderstandings on the part of the layperson are quite common, and one reason why all-comer Lawyers in the Library events remain especially valuable.

However, workshops at which patrons receive assistance completing specific legal forms or other documents to file with the court necessarily must cover narrow topics. Typically, such a workshop is also limited to a relatively small number of patrons so that they can receive adequate assistance from an attorney or a paralegal or law student working under the supervision of an attorney, to complete their paperwork. Topics for such workshops include record expungement, name change, conservatorship, asylum petitions, and other limited, high need subject areas where the self-represented can complete the necessary forms with assistance and succeed. Getting patrons with an appropriate need into the appropriate workshop often involves intake by library or third-party staff, but generally, this intake is less challenging for these workshops since patrons already know the specific type of form with which they need assistance. In practice, these workshops often also include a large instructional component in addition to the hands-on assistance provided.

Libraries that host third-party provider clinics and workshops undertake certain risk management practices. As noted, law libraries may not undertake the practice of law, nor can they show favoritism in referring patrons to specific for-profit practitioners or providers. This means, among other things, that clinics and workshops are always offered at no cost to patrons. For most events, it must be clear to patrons that the third-party provider is furnishing the service and not the library. The library may require that the provider have malpractice insurance. For Lawyers in the Library events, where individual attorney volunteers often provide the consultations rather than specific organizations, the library may also wish to make clear to the volunteer that no lawyer-client relationships can be formed at the library, and, certainly, no money can change hands in the library. However, the lawyer and patron may follow up with each other after the clinic, should they choose.

Special Events

Many other types of programs can benefit a library's patrons and the library as an institution. Such programs include

panel discussions on legal "hot topics" drawn from recent headlines. A program like this convenes a group of experts – legal practitioners, law professors, policymakers, representatives from advocacy groups – to discuss a topic of broad interest to the public. For example, a panel on the problem "gerrymandering" (i.e., drawing legislative districts to benefit a certain political party) might address the effects of the practice and whether it should be of concern; whether it violates any provision of the Constitution; and, what can be done and has been done to reform how legislative districts are drawn. After the panelists discuss the topic, the audience can ask questions, resulting in a lively discussion.

Social gatherings at the law library can also have value for the library and the community. Law libraries often host an event with music, food, and drink to celebrate particular legal-themed holidays like Constitution Day, Law Day, or other occasions. Such events can raise awareness of the law library and give a chance for library patrons to gather and connect with each other, staff, and the legal community, with all the social capital-building positive effects discussed above.

Lastly, private, third-party programs can be held at law libraries, too. Event space can be hard to come by, and a library can serve as a quirky, fun location and a convenient one for many outside groups. Third-party events can provide revenue (space rental fees) for the library. Assuming the third party has a connection to the legal industry or the law – like a bar association or law firm – the event can also help raise awareness of library services. At such events, the library may wish to provide introductory remarks introducing the library's services and resources and/or provide written material and flyers.

PROGRAM DEVELOPMENT, CREATION, & EXECUTION

Development: Identifying Need, Brainstorming Solution

In order for a program to have maximum impact and be successful, it should be tailored to an actual legal need experienced by people in the library's community. Given the nationwide access to justice crisis, there is no shortage of potential topics. Library staff discusses program ideas, both internally and externally, as they brainstorm. Reference librarians likely have a sense of particular subjects that would benefit the library's patrons. Detailed reference statistics that break down patron questions by topic will also prove valuable if these are kept. Court staff, legal aid providers, local government agencies, and practitioners with whom the library has contact can also serve as great sources of ideas for particular classes, clinics, or workshops that could be of value to the community. (In fact, an outside organization may already have a particular program in development, or already up-and-running, and simply need a venue.)

As staff hone in on an idea for a program, they may consider several factors:

- How big is the local population that experiences the particular legal need the program will address? How many people could benefit?
- What options do people who experience this legal need have for getting assistance? For example, many people have personal injury claims. However, this population is generally well-served by plaintiffs' attorneys, who can take cases on a contingency basis. A library program on this subject might not address an urgent access to justice need or be successful.
- To what extent would a library program assist with the legal need? Would a class, workshop, or short consultation with a volunteer attorney provide sufficient assistance for the patron to take the next step and feel that they have been helped?
- Can the library feasibly create a program to address the need? Is there either someone on staff or an outside partner who can develop the content?
- What type of program would best address the need? Class? Clinic? Workshop? Are other organizations already addressing the need?
- Can the library reach the population experiencing the need? How will people learn about the program? Will people experiencing the need be able to attend a program at the library?

Creation: Partnership or 'Homegrown' Program? On-site or Online?

Once library staff decides to move forward with a program, the process of actually creating

and piloting the program presents many choices and challenges. For example, if a class will address the need, to what extent do library staff have the knowledge necessary to create the program? If an in-house or homegrown program is not feasible, is there a third-party instructor willing to develop and deliver the content? Can staff and outside instructors collaborate with the content developed jointly and outside instructor teaching? Or, if a clinic or workshop best addresses the need, who will the third-party provider be? Does the library have a relationship with them already? If not, how do you recruit the organization or volunteer to provide the service?

Advantages and disadvantages abound for every choice to be made along the way. For example, if staff can develop and teach a class without an outside presenter, the library will have sole responsibility for the quality and accuracy of the content. This entails a large time commitment and, potentially, a drain on staff resources that could be employed elsewhere. On the other hand, developing librarian expertise in particular subject areas can pay off in the quality of service at the reference desk – the librarian who teaches a class on enforcing judgments will be able to quickly hone in on the exact need of a patron experiencing an issue in this area, and point them directly to the resource needed. Cross-training can also occur with in-house classes, in which one librarian may develop the content and other librarians also learn it sufficiently to teach the class, thus improving the level of knowledge across the reference staff.

Partnering with outside organizations, similarly, comes with advantages and disadvantages. First, developing relationships with the third-party provider entails an investment of staff time that can sometimes rival the amount of time needed for staff to develop and deliver content themselves. However, the relationship, once formed, can pay off for the library in many ways: the outside organization will be familiarized with the value of the library, and their comfort level in referring patrons to the library will be increased; the relationship can also help create an ally for the library, someone who will confirm the library's value to important stakeholders; and, the continued relationship can lead to the development of new, valuable programs down the road.

How do librarians form these partnerships and recruit speakers? As discussed above, the advantages of the law library as a venue are many – it really is an ideal location for many programs. Once staff become used to explaining this and advocating for the library, the role can become quite natural: the library's value is almost self-evident. When recruiting individual instructors, library staff can also emphasize the business development aspect of doing public speaking and increasing one's visibility as a leader in a particular field. This is something many lawyers are interested in doing and value. Attorney volunteers at clinics, meanwhile, benefit from logging pro bono service hours (a requirement or recommendation of many State Bar organizations), giving back to the community, and, in the case of younger

attorneys, getting invaluable experience interviewing, issue spotting, and providing legal guidance to clients in real-time.

CONCEPT IN ACTION: LAW LAW LIBRARY BUSINESS SERIES

In 2014, LA Law Library staff began to explore the development of programs that might appeal to new patron groups outside of the library's established audience of attorneys and self-represented litigants. Business owners and entrepreneurs represented one possibility: a large segment of the population facing a legally complex problem (starting or running a business). Library staff first reached out to established partners who served the business community to brainstorm possible program ideas; these discussions led to other contacts at other organizations. As staff began to put together a roster of possible program topics to benefit business owners, momentum began to build, and more potential speakers and organizations wanted to get involved. The library had happened upon a service model that did not yet exist in the Los Angeles area: a recurring series of classes for new and prospective business owners on legal and financial topics, a single resource to give comprehensive information on all the complex subjects they "didn't know they needed to know." The library and its nonprofit Friends organization were even able to secure sponsorship funding from a local bank that focuses on serving the business community to help defray the costs of putting on the classes. Beginning in 2015, LA Law Library has offered its Business Series twice yearly, a 14-session series of classes and workshops on topics like business organizations, business modeling, branding and marketing, intellectual property, business contracts, and more. Attendance has averaged close to 30 people per session for on-site classes, and the library was awarded an official commendation from Los Angeles Mayor Eric Garcetti for its work in organizing and maintaining the program.

Once library staff settle how the content will be developed and who will deliver it, the library also may take into account a final consideration: is this program in-person or online, or both? In-person programs bring people physically into the library, where they can experience firsthand the value of the library's resources, interact face-to-face with library staff and partners, and access all of the services the library offers – many of which, of course, can only be accessed on-site. On the other hand, coming to the library in person is not always practical for patrons, and sometimes – as the COVID-19 pandemic underlined – in-person events are not even possible. In that case, delivering the program remotely, through Zoom or other means, may be the only option. Remotely provided programs come with other advantages, as well. For example, they can be recorded and posted to the library's website or social media for patrons to view asynchronously, providing a valuable resource into the future. In addition, online programs present a higher ceiling of possible attendance for library programs: literally anyone in the world with internet access can participate. On the other hand, the digital divide

remains real, and many who might benefit from the program may not possess sufficient digital literacy or access to attend.

Execution: Promote, Deliver, Maintain & Improve

Once the program is developed, with the content finalized, the instructor committed, and a date and time set, the program still has to be executed. What does this entail? First, the program must be promoted so that patrons who might benefit can learn about the class, clinic, or workshop and choose to attend. There are a variety of ways to do this. Event promotion is a large topic that cannot be summarized in detail here, but generally, a flyer should be created, which can be distributed in print or electronically, along with a webpage where people can sign up to attend. Flyers can be distributed at courthouses, through partners like legal aid organizations and other government agencies, and – perhaps most helpfully – through local public libraries. Events can also be posted on free or low-cost online event calendars such as Eventbrite. Law libraries can set up and maintain an email list, as well, to periodically promote events and other services directly. The email list will grow with time as more patrons sign up for events.

CONCEPT IN ACTION: REPORTING ON PROGRAMS

Library stakeholders want to be kept apprised of the results and successes of programming efforts, and library staff wants to show a payoff from the resources devoted to programming. How is this information reported out to governing boards, court administrators, elected officials, and others? The law library will likely keep detailed statistics on program attendance and number and types of programs. Total numbers, trends in attendance, and the successful development of new programs can all be underlined in board reports and other communications. Patron testimonials also provide an important form of qualitative, narrative feedback to express the value of library programming efforts. One story from a patron about how their legal situation seemed hopeless until they spoke to an attorney volunteer at Lawyers in the Library, or attended a class that explained to them what they needed to do next, can have an impact much greater than the raw statistical report of X number of people received assistance at a program during Y time period. The real-life narrative can give emotional heft to the reporting of carefully gathered and presented statistics.

The library should consider carefully, and well in advance, what resources will be needed to deliver the program. Which space in the library will be used? What are the IT needs for the program (e.g., PowerPoint, online demonstrations, AV with audio)? What style of seating should be used (a classroom set up with tables to take notes, or theater-style to maximize seating capacity)? How will any handouts be distributed (electronically via email, or via a web

link, or in print, or some combination)? How will attendees learn about the other library resources available to them – will a staff member introduce the speaker and the library? Will attendees receive any other handouts about library resources? How will attendance be counted and tracked? How will the library express its appreciation to an outside speaker or provider for lending their time and expertise?

Feedback should also be gathered, both from attendees and the speaker or service provider. Attendance, or lack thereof, is one important form of feedback. An evaluation form can be used to gather comments and ratings, and more informal feedback can be gathered and logged. All of this will allow library staff to continue to improve a program's content (whether in-house or in partnership with an outside speaker/provider). It will also allow the library to make decisions such as: whether how often the program should recur; whether to expand the program's scope or break it down into smaller sub-topics to be covered in separate sessions; and whether to discontinue, or not repeat, a given program.

DIVE DEEPER

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CHAPTER 19.

WORKING WITH THE LEGISLATURE

ALEXANDER B. BURNETT AND JESSICA LUNDGREN

Legislative librarians serve the information needs of state legislators and legislative staff and specialize in researching and collecting the documents produced by the legislative process. Many legislative librarians also provide research to government agencies, attorneys, and the general public. The practice of legislative librarianship – facilities, resources, staff, organization, and mission – varies broadly from state to state; however, legislative librarians share the obligation of being nonpartisan employees of their institutions. This chapter will discuss the different types of legislative library services in the United States, the legislative environment in which these librarians work, and the tools and materials they work with.

Key Concepts

- Legislative librarians are law librarians that specialize in legislative and government research
- Legislative librarians serve in diverse work environments
- The ability of legislative librarians to participate in political activities is limited

OVERVIEW OF THE PROFESSION

Thirty-four states have libraries or library services that are operated by the legislative branch. All but three of these libraries are staffed by at least one librarian or equivalent staff. Louisiana and Pennsylvania have two legislative libraries. Other states provide library services to legislators and legislative staff through the state library or state law library, which

are organized under executive branch agencies. California and Rhode Island have library services in both the legislative and executive branches that serve the legislature. State libraries in Massachusetts, Florida, Kansas, Rhode Island, California, and Iowa are located or have branches in their state capitols.

There is no typical legislative library. About two-thirds of legislative libraries serve the public. Some legislative libraries have large facilities and collections, and some occupy small, office-like spaces. Staff size ranges from twenty-five at the Texas Legislative Reference Library to one library staffer at the Tennessee Legislative Library. The size of the reference staff at most dedicated legislative libraries is between two and five people.

The most specialized professional organization representing legislative librarians is the Legislative Research Librarians Professional Staff Association (LRL), one of nine staff associations of the National Conference of State Legislatures (NCSL). LRL provides a forum for this small community through a listserv, online newsletter, meetings and conferences, and webinars. The LRL listserv is an important research tool for some legislative libraries as patrons often request multistate surveys of laws and policies on a particular topic. Each issue of the association's newsletter asks a "Library Question" inviting members to share and compare library policies and practices.

LEGISLATIVE ENVIRONMENT

There are several unique aspects of working for a state legislature that affect the daily work of legislative librarians. Legislative librarians share the challenges and stresses felt by other types of law librarians, yet face demands found only in an environment where elected representatives shape the laws of that jurisdiction. While this potential to profoundly shape the lives of entire populations of people can result in a pressurized environment, this rewarding work can help to reinforce the fundamental mission of libraries to provide access to information.

Session schedule

Legislatures hold hearings, meetings, and other types of activity at any time of year, but typically legislation is considered only by the full legislature when they are in session. In order to help legislators know when they will have to travel to their respective capital, as well as ensuring access by the public and lobbyists, legislatures have schedules outlined in their state statutes, constitution, or in their rules of procedure. Some legislatures are considered full-time, where they can be in session throughout the year while taking periodic breaks. These are often referred to as professional legislatures since the full-time nature of legislative work makes it difficult for legislators to have normal careers outside of their public service. Other legislatures are part-time and are in session at certain times of the year. These bodies

are referred to as citizen legislatures, where it is possible for someone to have a normal career as well as serve in the legislature. Even with certain legislative schedules outlined in law, legislatures can go into session at any time as crises arise or major political fights take shape. When major state, regional, national, or even international events take shape, legislatures might meet to pass laws to divert money to address an issue or amend laws to help prepare for or respond to a crisis. From natural disasters to economic disasters, it is a safe bet that legislatures are responding and legislative libraries are along for the ride.

For legislative libraries, when their respective legislature is adhering to their normal schedule, there might be a predictable flow of reference work. This period of increased reference activity includes the time immediately following an election and around any deadlines for bill submissions when legislators often seek research information to help them form ideas for their bills and draft them. Those ideas sometimes come on the campaign trail as constituents offer suggestions or frustrations. Turning these raw ideas into legislation can involve the legislator and the legislature's bill drafting office, with law librarians playing an important support role. This support might include research on similar bills in other states or bills that have been introduced previously. Once a bill is drafted, legislators often need help finding information to support their position and to prepare themselves for opposition to their bill.

As legislation winds through the legislative process, opinions become more firmly established, and the reference workload might be reduced. While the overall reference load might reduce, time-sensitive requests for information on legislative procedure and information for impending floor speeches might increase, adding stress to librarians who have to drop other requests or projects to work on these high-priority requests. For full time legislatures, these peaks and valleys of reference requests might not be as pronounced as with part-time legislatures, but they are still present.

Whenever the legislature decides to work, it is incumbent on law libraries to provide highly responsive services to legislators and staff. This might involve late nights at certain times of the year as legislatures race to finish business before legal deadlines, such as approving a budget before a new fiscal year. In these times, legislative librarians, along with other staff in the legislature, can expect periods of intense, time-sensitive work coupled with long hours. This high-intensity work can be the most rewarding when the results of research are heard in floor speeches or in the news. Camaraderie among library staff and other staff within the legislature might also grow during these times. Such periods are temporary and are usually followed by a dramatic slowdown where librarians are able to focus more on long-term projects that are set aside when reference loads are heaviest. These projects might involve large-scale digitization of legislative materials, updating the library website, producing or updating finding aids or indices, preparing orientation materials for the group of incoming legislators, etc.

The time between legislative sessions, sometimes called the interim, presents its own set of challenges and opportunities. Interims present a dramatic change of pace in the legislative setting, where the pace of reference slows down significantly. At times, this is visible as soon as the legislature adjourns. Being able to focus on other work and projects gives legislative librarians a sense of progress compared to reference work, which can often feel like just barely being able to keep pace.

For legislative employees in general, there might be restrictions on employees taking time off during legislative sessions in order to make sure that legislative libraries are fully staffed at the busiest times of the year. The expectation of being present during sessions is usually explicitly stated during the hiring process and might be included in an employment or union contract. The expectation can be accompanied by an approval process whereby the librarian has to request approval by their manager, library director, or even a person higher up in the legislature's management. These restrictions are typically removed during the interim. As such, the staff of a library might rush to take their vacation time at once. Ideally, there is a process in place using seniority or another method to allow employees to block off times to take vacation. Levels of minimum staffing need to be established to make sure that patron needs will not be neglected while staff are on vacation. Even during the interim, legislators will require research to help with their campaigns, plan future legislation, or answer constituent questions.

Funding

Legislators are often the ultimate decision makers relating to the administration of their legislature. Since legislators can be caught in shifting political winds, it can be difficult to maintain consistent funding when those winds shift. Coupled with the inability of nonpartisan staff to publicly lobby for funding their own offices, this can be an area of stress for legislative librarians. Further, as with other government employees, legislative law librarians might face pay freezes or cuts due to political reasons and/or budget shortfalls.

While these funding issues can be stressful due to uncontrollable factors, there is plenty that legislative librarians can control. In contrast to other government employees, legislative librarians often have the opportunity to work directly with legislators and even the administration of the governor of their state. This ability to interact face-to-face with the people that hold the purse strings is an opportunity to prove the worth of the legislative library. Especially during times when there might be negative public sentiment towards government employees, providing the best possible service and going above and beyond for legislators and others involved in policy decisions can prove that legislative librarians in particular are worth the investment. Similarly, for legislative librarians serving the public, the best way to prove worth is to exceed the library patron's expectations. Regardless of who is asking a reference question, legislative librarians can assume that anyone they serve

will talk about their experiences with other people. Word of mouth can be powerful in the legislative setting, where veteran legislators may advise newly elected legislators about various legislative services.

Nonpartisanship and limits on expression

The legislative environment has always been pressurized. Legislators often try to gain every ounce of advantage in their efforts, which can put legislative staff between a rock and a hard place. As a way to shield these employees from the changing political winds, maintain continuity, and ensure employees are serving the institution of the legislature as a whole, rather than the elected officials that make up the legislature, most legislative librarians are considered nonpartisan staff.

Nonpartisanship might be a phrase that is tossed around in the media or by nonprofit organizations who, in fact, might have biases to a particular party or cause. In the context of legislative employees, nonpartisanship is taken seriously and is a foundational aspect of being a legislative librarian. In addition to protecting legislative employees from changing political winds where partisan staff might turn over upon change of party power or leadership within a party, adherence to nonpartisanship ensures that the work of legislative librarians is focused on helping people make informed decisions. Rather than doing research to support one side of an issue, law librarians must research a topic as a whole. Often legislative patrons ask for information to back up their arguments. Nonpartisanship allows legislative librarians, with a good reference interview, to convey to the patron that the research will include reliable information about the issue generally, regardless of what side it might support. For example, if a patron requests past bills that attempted to increase a certain tax, it might be important for the legislative librarian to include attempts to lower the same tax. If there have been three recent attempts to increase the tax, but ten attempts to lower it, then it is important to provide all of that information so that the patron gets the full picture of the issue. This is not because of the disparity in the number of requests, but because understanding the reasons for and against each piece of legislation might be vital to understanding the issue in general.

In direct reference interactions, legislators might seek sympathy for their issue. They might form a statement of their side of an issue followed by a question, or they might give the legislative librarian “a look” seeking agreement. As with patrons that have not completely formulated their questions, it is important for legislative librarians to focus on turning the patron’s statement into a question that can be researched within the resources of the library. It is likely best to ignore any attempt to engage in a discussion of the merits of the patron’s stance on an issue and focus on what the librarian can provide to the patron. When passive attempts to ignore or avoid discussion of political issues with a patron fail, legislative librarians are equally as adept at the more direct methods of avoiding certain types

of conversation with people. Being blunt can be a bit jarring to a patron, but sometimes it is necessary to help them understand the nonpartisan legislative librarian's job.

Outside of work, nonpartisan legislative librarians might have limits on their freedom of speech. While voting is encouraged and it is likely acceptable to be a member of a political party, being nonpartisan might mean avoiding signing petitions, giving financial support to politicians or political organizations, speaking publicly about political issues including posting on social media, running for certain public offices, and even such things as political bumper stickers or yard signs. The boundaries about what is acceptable behavior can be blurry, and when in doubt, it is important to consult relevant policies or speak with managers. In the personal lives of legislative librarians, it might be acceptable to discuss political opinions with trusted friends and family, but treading carefully is advised when around new acquaintances. Not being able to be outspoken on issues that legislative librarians believe is a sacrifice, but it is an essential one that is made for the benefit of being able to serve as a pillar of democracy.

Service-oriented

As mentioned above, the most important aspect of legislative law librarianship is service to the legislature by way of reference work. Requests coming from legislators and legislative staff are the primary reason that legislative libraries exist and often take priority over requests from other types of patrons. For legislative libraries that serve the public, this is not to say that legislative libraries do not value requests from external patrons, but rather requests from legislative patrons will likely be answered first. Legislative librarians are ready to go above and beyond to help the legislature make informed decisions in the most efficient way possible. There might be lengths that legislative libraries are willing to go for legislators or legislative staff, but, consistent with the library's mission, which may not be offered to public patrons.

In addition to prioritizing legislative reference requests, there might be shifts in employee work in times of need in order to be able to answer incoming requests in the most timely and thorough manner possible. Long-term projects, such as digitization of legislative resources, are important to the mission of legislative libraries but are secondary, and essentially only an enhancement of the library's reference services. Disruptions to these types of projects are inevitable as the library's reference service is often viewed as the library's primary mission.

Varieties of patrons

For legislative libraries that also serve the public, the nature of reference work can shift during the interim. Instead of researching legislative histories, past legislation, and laws in other states, legislative librarians might find themselves assisting public patrons by finding

relevant statutes, legal forms, and case law. At times, public patrons may be a central part of reference work in the interim.

Public patrons request historical research, information to help with court cases in which they are representing themselves, or they might want general information about the law or legislative process. Typically, these patrons come into a reference interaction with different expectations and possibly less familiarity with legislative and legal research than legislators or staff. Nevertheless, this is a way for legislative libraries to serve directly people that would not otherwise be able to obtain that information.

In addition to legislative and public patrons, legislative libraries might also serve lawyers, judges, lobbyists, journalists, executive administrations, state agencies, federal agencies, and officials from other states. Each of these groups comes with their own challenges, and while they may have expertise in legal or policy research, they might not be familiar with legislative research or the intricacies of the particular legislature. There might be a level of embarrassment at not being familiar with the legislative process or they might not have conducted legislative history research in a long time. It is important for legislative librarians to have a soft touch to welcome people into legislative research so that they will return for future needs.

Relationships with legislators, administrators, and state agencies

Librarians of all types develop relationships with patrons from repeated interactions. Many legislators, along with state employees from all branches of government, can remain in public service for many years and use the library services regularly. These connections are important in bridging the information gap between the legislature and agencies in other branches of government as well as promoting library services.

While some legislators will remain in elected office for many years, there is likely a significant amount of turnover after each election. In order to familiarize new legislators with the services of the legislative library, legislative libraries might conduct tours and participate in orientation or information sessions for new legislators. Even with these more formal ways to introduce legislative library services to new legislators, existing legislators and legislative staff that have had positive experiences will point newcomers to the library. In this way, as important as it is for any library to promote their services, it is often word of mouth that informs people of where to get the information they need.

The same can be said for state agencies where there might be a consistent stream of new employees or interns, along with people who have been in their jobs for decades. Depending on the mission of the library, reaching out to regular patrons from the executive and judicial branches to provide an introduction to library services for new employees or interns can

be fruitful. Formal training sessions for new and tenured employees in other branches of government can do more than introduce people to library services by going more in depth into how to carry out legislative research. Even with the more in-depth trainings, attendees will likely still need further help when they need to conduct reference. Their familiarity with the materials and ideas of legislative research will give them confidence when using the legislative library.

RESEARCH SPECIALTIES

Legislative librarians are law librarians that specialize in legislative and government research, in particular information that documents and informs the promulgation of written law, guides the legislative process, and provides a historical perspective of the legislature. This section focuses on areas of research that distinguish legislative librarianship from other types of law librarianship.

Legislative history research

Legislative librarians perform extensive legislative history research on a regular basis. A legislative history is the record of the actions and documents produced by the lawmaking process. Legislative history research is used by attorneys and judges to interpret statutes when the application of a law is in dispute, by state agencies in writing rules and regulations, by legislators in drafting new legislation, or by any researcher who wants background information about the development of a certain area of law.

Statutes can be traced back months, years, decades, or centuries. The materials that comprise a legislative history vary from state to state and have changed significantly over time. They generally include versions of a bill as it goes through the legislature, journals or debate from both chambers of the legislature, legislative committee proceedings, and legislative and government agency reports. Legislative librarians work fluently with contemporary and historical documents and legal citations as well as superseded and archived versions of their state's statutes.

Legislative procedure research

The procedures by which state legislatures consider legislation is governed by a combination of constitutional provisions, statutes, legislative chamber rules, parliamentary authorities, and local tradition. Sometimes, these procedures are disputed, wherein case law or an attorney general's opinion might clarify how a particular procedure is applied. Legislative librarians answer questions about which laws and rules govern certain legislative procedures and situations. They are also asked to find precedent for legislative procedures.

Examples

- “Who has the authority to call a special session of the legislature? How must this be done?”
- “What constitutes final adjournment of the legislature?”
- “Has the governor ever failed to return a bill that was recalled by the legislature?”
- “Can you find several instances where a Senator moved to reconsider an action and then voted against the motion to consider?”

In addition to primary and secondary law resources, legislative librarians consult their legislature’s House (or Assembly), Senate, or joint chamber rules. These rules are determined by the legislature itself. They are amended, if necessary, and adopted at each session. Legislative librarians also use published manuals, such as *Mason’s Manual of Legislative Procedure* and *Robert’s Rules of Order*, which have been recognized by their state legislature as a parliamentary authority. To answer questions related to procedural precedent, legislative librarians research current and archived chamber journals or other records of legislative action.

Other categories of research common to legislative librarians

Legislators and legislative staff often ask about the laws in other states as well as bills that have been proposed in their own legislature in the past.

Examples

- “How do other states regulate powdered alcohol?”
- “Have any states recently proposed or passed legislation to address student debt?”
- “Send me legislation from the past ten years that proposed professional license requirements for home inspectors.”
- “I’m looking for a bill that was proposed in the last couple of sessions related to the legalization of psilocybin mushrooms.”

Legislative libraries can be a source of information for current and past legislator biographical information. Patrons might ask about a former legislator’s years of service, including committee assignments, party affiliation, and sponsored or co-sponsored bills. Legislative librarians also field questions about historical events and circumstances related to the legislature.

Examples

- “Who was the first woman to serve on the Appropriations Committee?”
- “What was the longest legislative session since 1973?”
- “Which governor has vetoed the most bills?”
- “Has the legislature ever met someplace other than the State House?”

CONCEPT IN ACTION: DAY IN THE LIFE

It's the last scheduled week of the legislative session. The halls of the State House are bustling with legislators, staff, lobbyists, protesters, and reporters. Katrina, a legislative reference librarian, doesn't know when she'll be going home tonight, but it will probably be late. The Legislature is still hashing out details of the annual budget, a lengthy process involving partisan negotiation, the drafting of numerous amendments, and extensive floor debate. Thankfully, Katrina reflects, there is no indication that there will be a government shutdown like there was two years ago when legislators couldn't agree on a budget. When the Legislature is in session, Katrina is very busy. This afternoon, she's working on several urgent reference questions from a variety of patrons. Her top priority is a question from a State Senator about the rules governing the authority to convene a special session. Katrina is looking forward to the interim, i.e. when the Legislature is not in session, when she can catch up on a digitization project and take a vacation. Time off is hard to come by during the legislative session.

Having delivered the results to her patrons, it's time for a break. Katrina has lunch and checks Facebook. Many of her friends' posts are about politicians or controversial issues. Though she respects their decision to do so, Katrina doesn't post these types of things or react to them for the same reason she doesn't put candidate signs on her lawn or contribute to state political campaigns: She is a nonpartisan employee of the Legislature and is restricted by the Legislature's personnel policies from certain political activities.

LEGISLATIVE LIBRARY COLLECTION

Whether or not a legislative library serves the public will largely dictate the collection development of legislative libraries. For these legislative libraries, it might be necessary to have legal treatises and other legal books for lawyers and people representing themselves in court. Collection development of treatises will generally follow the practices used by other law libraries.

Legislative materials

The core of any legislative library naturally consists of materials produced by the legislature. This might include bills, published and recorded proceedings of the House (or Assembly), Senate, and legislative committees, legislative study reports, newspapers, and state documents related to the work of the legislature. The legislative library might be the only repository in the state for these types of materials. Even if a separate archive, library, or other department maintains these items, the legislative library is likely the only place where patrons can find expert help navigating the complicated nature of legislative resources. While the collection of the legislative library might be searchable in an online catalog, the unique nature of the materials make legislative librarians indispensable in helping patrons carry out thorough research.

In order to increase access to legislative materials, which have traditionally been available only within the physical library, some legislative libraries have digitized historical materials and made them available online for faster and easier access by librarians and patrons. Nevertheless, legislative librarians are important to connecting patrons with the information they seek.

Additionally, legislative librarians might have general reference resources similar to other law libraries as well as subscriptions to legal research platforms. Depending on the mission and budget of the library, legislative libraries might subscribe to services such as Lexis Advance, Westlaw, Bloomberg Law, and HeinOnline.

For legislative libraries of all sizes and missions, when the library lacks access to something that a patron is looking for, there is a community of law librarians that can help retrieve materials through email listservs, online message boards, and direct communication with other libraries. Legislative libraries also might be a part of a library consortium and might use interlibrary loan to supplement their collection.

As with any library, the collection should fit the library's mission. In the legislative library setting, the focus will be on the unique materials produced and used by the legislature. Facilitating access to these materials is an invaluable service to the legislature and the citizenry as a whole.

Legislators

Legislative libraries often have a substantial historical collection. Biographical materials about individual legislators, information about renovations to physical spaces, and other materials that do not necessarily relate to the legislative process might be helpful to document the history of the institution of the legislature. The legislative library might be the

only resource for the type of biographical material to help patrons understand the people behind legislation and for families seeking information about a deceased relative's service. Knowing what bills someone sponsored, the committees that they served on, how they voted on certain bills and even their recorded comments may be the only way that people can get a picture of a former legislators' politics and what they contributed to their legislature and state.

Government documents

Legislative libraries also might collect government agency reports and documents, which can play an important role in the legislative process and can be a valuable part of legislative history research. There might be issues discussed in state agency reports that act as catalysts for legislation. Conversely, state agency reports might discuss potential or actual consequences of proposed or enacted bills. These unique perspectives and in-depth discussions of legislation might be a way to understand motivations behind a bill.

Superseded statutes and historical versions of statutes

In tracing current law to its origins, it is important to be able to consult superseded versions of statutes. Historical versions of statutes might act as stepping stones to get back to when a law was originally enacted or when specific language changed. Superseded statutes also can be useful in seeing what a statute looked like at a particular point in time. This snapshot can be useful to see what a particular criminal statute looked like at the time a crime was committed. Likewise, it can be much easier to understand what a statute looked like at a particular point in time rather than trying to piece together various session laws, which might print only a specific portion of a statute that is being amended.

Finally, historical statutes can be a quick and easy way for someone to view a large swath law from a certain period in one place. This can provide context for understanding the laws at a particular time or useful as a jumping-off point in other types of legal research.

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PART IV.

PRIVATE LAW LIBRARIANSHIP

CHAPTER 20.

PROFICIENCY IN PRACTICE: PROVIDING ESSENTIAL RESEARCH SKILLS FOR NEW ASSOCIATES

JAIME KLAUSNER AND AVERY LE

In addition to mastering the substantive body of law in their practice area, the new associate (NA) must also gain their footing in the actual practice of law, an often daunting amount of information and novel skill-sets to absorb. NA in this context is an attorney within the first five years of either public or private practice. The legal librarian (LL) is most often the NA's initial guide into practice, especially the large law firm LL because of the intensity and demanding need for research. In relation to the NA, the LL role frequently exceeds simply providing research guidance; the onus on training the NA in developing skills-based knowledge is often the responsibility of the LL by default. In law firms that have a legal research department, the LL is most fitting to assume this role.

Key Concepts

- Debunk and balance employer expectations with the new associate's experience and realities of practice
- Acknowledge the importance of incorporating a multitude of resources and necessary research skills into new hire orientation and training
- Identify multi-faceted relationships with other departments, associations, and vendors for collaboration opportunities to prepare NAs to practice

WORKING WITH NEW ASSOCIATES

Expectations vs. Reality

The NA feels pressure to master, or at a minimum become familiar, with the prolific anthology of substantive knowledge in their practice area as well as how to access such data. Unfortunately, law students are frequently only exposed to the “Big Three” legal information vendors— Bloomberg Law, LexisNexis, and Westlaw; in our experience, the post-graduate NA is often surprised at the amount of resources at their disposal when they begin practice. A significant part of NA orientation is providing awareness of the breadth of available subscription research resources. Further, the LL often highlights the seminal secondary sources in the NA’s practice area, especially for those who have graduated with a general, non-practice area-specific education.

Further, the perception of practicing law which is cultivated in law school is often incongruous with reality. Speaking from personal experience, co-author Jaime Klausner had an entire semester in law school to draft a brief in her legal writing class. It is not uncommon for the governmental or law firm NA to be given just days, if not hours, to craft same. During law school, there are few time limitations on assignments, nor financial constraints in researching. Yet the NA’s employer expects the NA will already have knowledge as to when the logical conclusion of their research has been reached as well as the skill-set to draft a concise document within short time parameters— competencies not typically taught in law school. Therefore, the LL with a juris doctor degree may be at an advantage in working with and assessing the post-graduate NA’s practice area knowledge and research aptitude.

These are not the only examples of how employer expectations differ from the reality of the NA’s practice area knowledge and research skills. Thus, is it the LL’s responsibility to teach when there is a failure to understand the structure of the law (e.g. the difference between a statute and a regulation)? Is it the LL’s duty to simply expose the NA to the multitude of research platforms at their disposal, or do we also provide the organizational skills to manage this “explosion” of information? Further, the recent post-graduate NA who did not complete an advanced research skills course is not going to be fluent in subject-specific research skills.

The burden typically falls on the LL to create “practice-ready” attorneys almost immediately upon new hire orientation while simultaneously fielding inquiries from the NA reliant upon the LL to fill in the knowledge gaps. Therefore, for the NA’s successful transition into practice, it is incumbent upon LLs to fully understand the NA’s current research proficiencies and depth of subject-matter knowledge, particularly for the post-graduate NA. And since legal resources and materials vary amongst organizations, as do the processes and procedures of each library department, to assume a transferring NA with some practice experience has significant research aptitude would be folly.

Emerging Changes in the Workplace

The Covid-19 virus has significantly reshaped the structure of the workplace so even the NA who has been in practice for a few years, training on how to access office-IP-authenticated resources when working remotely is now a necessity. For the LL, working virtually requires additional training for the NA on how to maneuver through resources when not in the physical office space. Prior to the global pandemic, the trend away from print towards online resources was in place and only recently accelerated as social distancing and remote work become normalized. Given that legal information resources are oftentimes now only available online and once-visible print collections are now “invisible,” new hire training to introduce the vast amount of available resources is imperative.

In order to smoothly integrate the NA and provide a thorough introduction to the multitude of legal resources, the LL must consider not only the NA’s physical location and print accessibility but also their organization’s business structure and office economics, such as budgeting and time limitations. Unlike government and academic organizations, the LL in the private sector, even in a large-law setting, is going to have the additional challenge in teaching the NA that the Big Three vendors may not include “universal” content which was previously accessible in law school.

PREPARE TO PRACTICE

The Big Three vendors are familiar with both the needs and challenges within law firms and academic and government institutions, but their priority is sales and marketing. Collaboration with vendors can be beneficial to impart advanced and specialized training if conducted in conjunction with the LL. Vendor-led trainings can alleviate the time burden on the LL, particularly for the private-sector LL who must also factor in client-facing work such as pitch writing and client development. If the LL provides a roadmap of the necessary points for the vendor, the vendor can focus on what the organization deems essential, and thus, the “sales pitch” performance is minimized. For example, when co-author Avery Le taught at University of Florida Levin College of Law, the LLs collaborated with a Bloomberg Law representative to teach the final class of the required legal research course. The students were given pre-assigned readings and slides on the importance of dockets- what they are, how attorneys use them, how to access on various databases- and the students were prepared for the training. Avery provided an outline to the vendor directing the focus on specific docket functions and features, along with a representative example, which complimented the course syllabus. This pre-planning allowed adequate time for questions during the actual training, and the training was just that, and not a sales pitch.

It is important to note that legal research is not a course offered in all law schools; if such

a course is offered, it may be elective rather than a mandatory, credited course. The post-graduate NA, therefore, may begin their employment with just rudimentary concepts of legal research. Even if the NA has advanced research skills, most NAs are now proficient with the global search engine. And the rise of research databases backed by artificial intelligence may also encourage the NA to place blind trust in the effectiveness of these emerging technologies and have the effect of decreasing the quantity and quality of searching. It is not inconceivable that Boolean research skills will erode and may ultimately become obsolete as AI-backed technologies, which promote natural-language search queries, proliferate and become the norm.

Additionally, unvetted non-subscription resources are also potentially problematic. There is a gap between understanding which open web resources are credible and those which are unverified and/or considered politically motivated, false news, or uninformed opinion pieces. NAs, particularly those who were born in the digital age, expect thousands of results at their fingertips in mere moments. Thus, a false sense of confidence arises when navigating simple open-web search engines, social media platforms, and popular online news outlets. This can be a double-edged sword when it comes to researching complex legal inquiries that are difficult to simplify. Direct and specific terms of art, and the use of Boolean searches, are often needed to formulate a well-rounded search. We have found that NAs (and in particular, summer associates afraid of incurring large costs) will begin their research on the open web to uncover seminal cases and key concepts. In our experience, it is uncommon for a summer associate to begin research on a verified government website- they almost always choose Google if the Big Three vendors are cost-prohibitive. However, if the data gleaned from unvetted, open web sources is solely relied upon and not later verified on legal research platforms, the NA is performing incomplete research and possibly paving the way for malpractice if the information is false or outdated. The formulation of quality search strings and selecting vetted resources are skills that can only be taught and then developed through practice and experience, and the LL is a large component of that teaching and experience equation for the NA.

The LL is essential to exposing the NA not only to vetted legal resources but also specifically to specialty practice-area resources. Further, with little or no practice experience, the NA (particularly the post-graduate NA) may be unaware of the emergence of new technologies impacting the legal industry such as blockchain, smart contracts, and artificial intelligence. One such technology, legal analytic data, is greatly influencing client communications and litigation strategies. Is it incumbent upon the LL to familiarize the NA with both the existence of this data and teach how to access and utilize it?

Keeping pace with new and emerging technologies is just one of the many challenges both the LL and NA face. For the latter, though, some of these challenges can be lessened, if not eliminated entirely, if addressed before they enter the workforce during law school.

CONCEPT IN ACTION: UPDATES AS A LIBRARY SERVICE

NA Jacqueline often asks for assistance in finding proposed state legislation, as well as tracking the bill. As the firm's Research Team, we are happy to assist with creating Jacqueline's legislation alert as there are a number of no-cost e-mail trackers available through state government websites that can be utilized as an alternative to subscription-based services like Westlaw Capitol Watch and Bloomberg Alerts. Initially, Jacqueline tracked bill changes through Google- she felt she could bypass the wait for us to assist and get instant results. After she missed a bill update, she met with us and came to recognize that some of her open-web sources were not current nor did they accurately track bill changes. Our short tutorial with NA Jacqueline left her well-versed in identifying which legislative government websites provide the text to the proposed legislation, and how to utilize options to create a reliable tracking alert, and we both opened new levels of communication going forward between the Research team and new associates like Jacqueline.

Law schools can mandate a legal research course and also request syllabus feedback from local firm and government LLs. This insight would provide instructors with employer-identified research knowledge gaps and emerging legal research trends (e.g. legal analytic skills). For example, the Atlanta Law Libraries Association, a local chapter of the wider-known American Association of Law Libraries, holds monthly meetings wherein it was recently brought to light that law students are not provided instruction on company research, public records searches, SEC filings and government publications such as press releases and proposed rules and regulations. When the firm LLs inquired as to whether students had access to such databases, it was mentioned that vendors have low interest in marketing to law schools because of the lack of subscriptions outside of large law. This dialogue between local academic, firm, and government LLs helped invite an exchange of ideas on how to better transition the law student's legal research skills (and corollary knowledge gaps) into practice-ready skills upon graduation.

This leads to another suggestion: law schools provide "prepare to practice" sessions to promote research skills training and a greater understanding of the realities of practicing law. As previously mentioned, academic LLs have a significant opportunity to influence vendor/departmental relationships and use those connections to enhance student research skills. Academic LLs can also collaborate with local firm and government LLs in order to better train NAs on the realities of practice, such as bill-back procedures and developing the skills to identify when a legal issue has been thoroughly researched. Such collaboration would help meet the NA's employer expectations and give the NA confidence as they embark in their career.

For the academic LL, while constructing lesson plans, our suggestion is to illustrate the importance of cost-effective research and the impact of billable research on the relationship with a client.

CONCEPT IN ACTION: TIMING RESEARCH WORK

In co-author Avery Le's required Introduction to Legal Research course for first-year LLs, she included several exercises wherein her students had to track the length of time it took to conduct research on Westlaw or Lexis from beginning to end, in six-minute increments similar to bill-back procedures in law firm settings. It served three purposes - 1) to begin adapting to a time-tracking approach for client-related tasks, of which students often lack experience; 2) to grasp the expense of the "per-click" model on Westlaw and Lexis and be cognizant of cost-efficient research methods; and 3) for the students to appreciate the value of their research expertise when bill-back client costs are tabulated. Her students learned a valuable lesson in time and cost consideration when beginning their research, as well as determining when to *stop* their research so that the billing rate is not extraneous to their clients, rather than relying on the free version of Westlaw and Lexis, which was no longer available once they graduated.

At present, law school students are given unlimited, unbilled access to all databases within the Big Three research platforms and are urged to explore. Students are even rewarded points for "tasks" completed on each database that can be exchanged for gift cards, textbooks, electronics, and other prizes. While the point-reward system encourages the student to get acquainted with research skills, this "free-for-all" perception is ultimately harmful- the student has little realization that each of these tasks in reality have a large monetary cost that will ultimately be billed back to clients. One recommendation: the Big Three legal vendors add an optional time-tracker tool into their platforms to demonstrate to the law student how much their research would have cost in retail prices in a billable setting. Such an option, available in "real-time," will train students how to be both time- and cost-effective. This would help students transition from law school to law firm effortlessly, as billing for time is one of the essential practice-ready building blocks and would make legal research course exercises like the one mentioned above easier to manage and absorb.

Government employers and law firms can assist the NA by providing support for training outside of the initial new hire orientation. Sometimes it is mere perception, but oftentimes reality, that there is a lack of time for elective training. Perhaps the employer can promote more legal-research-based or subject-specific CLE training despite 1-2 year post-graduate NAs not having a CLE requirement to fulfill. Law firms may also want to provide a client-matter number for training to allow the LL sufficient time to provide a thorough review of the multitude of database options and research complexities.

CONCLUSION

It is not inconceivable that as we continue to work remotely, the current push for more interconnectivity and interaction via video-conferencing will provide additional opportunities for specialized legal research training, such as certification training courses. How the COVID-19 pandemic will permanently alter law librarianship is still to be determined. There are easy steps the LL can take to create a warm and supportive environment during the NA's remote new hire orientation. Some examples include: offering to add the NA to the same newsletter and other routed materials as their mentor, alert creation for tracking client and industry news, and providing helpful tips about research or the culture of the organization (i.e. this is where to locate a helpful list of client-matter numbers or your spam/quarantined e-mail; attach a copy of your research history to time-intensive projects to demonstrate the breadth and depth of your research skills; there is a widget shortcut to retrieve non-billable judicial background reports to consider attaching to your written document and make yourself stand out as going the "extra mile" to your supervising attorney). The NA has quite the trek over a daunting mountain of new skills and information and will surely be grateful to the trusted LL guide at their side, helping shoulder their burden and guiding the way over to the other side.

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CHAPTER 21.

COMPETITIVE INTELLIGENCE – BREAKING IT DOWN

MARK GEDIMAN AND JULI STAHL

Competitive intelligence research is a type of research unique to private law libraries. It can be used to gather information on potential clients, opposing parties in a litigation, or competitors. These varied applications make it an extremely valuable skill for law librarians to possess.

Key Concepts

- Competitive intelligence is the art of researching and analyzing information to develop intelligence enhancing the firm and attorney's ability to excel at obtaining new client engagements.
- The process utilizes the researcher's knowledge of available resources, skill in applying the research process, and utilize critical thinking skills to analyze relevant information in an ethical manner.
- The report is delivered in a clear, concise, and strategic format tailored to the needs of the requestor.

COMPETITIVE INTELLIGENCE DEFINED

In the legal marketplace, competitive intelligence (CI) is defined as either obtaining information on competitors or obtaining perspective client information. Both types provide attorneys the ability to be competitive in securing new clients. Researchers in the law firm environment provide support to both types of competitive intelligence. This chapter focuses

on acquiring clients. The nature of the required information in the subsequent competitive intelligence report are best determined by the one performing the research. The inherent knowledge of research resources combined with the research staff's professional research skills land squarely in the information professional's sweet spot.

Competitive intelligence has become increasingly important in the legal industry as competition for clients has intensified in the post-2009 recession marketplace. A key component to successfully winning the business of many clients is impressing the legal team in-house at the company. A meeting of corporate counsel in 2012 provided a roadmap in preparing attorneys when meeting with these prospective clients. In-house counsel expects the firms, and their representatives, to know about them before you meet them, know about their business, know about their competition, know about future trends, and provide examples of how you have helped others with the same problem, and – most importantly – assisting in success with their company and career.[1] The objective of any competitive intelligence report is to provide information to successfully meeting these expectations.

How information in the report comes together depends on the information found in the available resources, the attorney's needs, the time given to compile the report, and the researcher's skills. At its finest, a competitive intelligence report tells the story of the company.

SKILL SET FOR COMPETITIVE INTELLIGENCE

Staff CI positions require a skilled researcher who is not afraid of analyzing the data and is a skilled communicator. Librarians are a good fit for these types of positions. They are proficient researchers; they conduct analysis in their research; and they know their audience. As the recipients of regular research requests from attorneys across all practices, they have a high-level view of the firm's strategic goals and the unique strengths of each attorney. This allows the researcher to view and analyze the data within this high-level frame of reference. Reports crafted with this in mind are more relevant than generic reports that provide analysis without context.

The librarian's unique ability to perform Competitive Intelligence tasks arises from their knowledge of daily routine of attorney research. Legal Research Memos are presented in the format of Question Presented, Answer and Discussion. Reviewing and producing work product with this in mind allows important information and analysis to be communicated clearly.

Analysis is also an area of unique expertise for the librarian. When researching, the librarian typically reviews a broad range of data sources and retrieves a large amount of information.

Specifics on how this information is handled are discussed in more detail in both the analytics and deliverables sections of this chapter.

GENERAL TOOLS

There is a plethora of research tools that can be utilized in the search for information on prospective clients. Research departments vary widely in the resources available to perform research. “Naming names” and providing a list of the available options may be what you think you need; it isn’t. Becoming skilled in extracting the needed information from the tools that are part of a firm’s resources is considerably more important. The information to be sourced for the report will follow the roadmap set out by corporate counsel and discussed previously.[2] Additionally, the research goals will be formed by the results of the reference interview discussed subsequently. Realize that not all “premium” resources are appropriate for every circumstance. Evaluate what the market offers, honestly considering the client your firm typically competes to represent and then purchase those services that best align with your needs. Having the right resources is important, and getting funding is rarely easy. Be circumspect and responsible when lobbying for new resources.

Tools used to provide basic information on the corporate entity can be found for a range of prices and contain information commensurate with pricing. Information for public companies is the easiest to come by, as vendors simply need to mine Securities and Exchange Commission filings. In recent years availability of corporate data for private companies has grown. Any available corporate data is self-reported. Due to the nature of governmental filing requirements for public companies, that data is more reliable. Enron reminded us that even with strict governmental requirements, data can be massaged, and careful analysis and interpretation of the information in those reports is necessary. Private company data is more reliant on the company as there are no standard national or state filing requirements for these entities. To that point, the two states (Delaware and Nevada) with the highest number of companies formed under their laws require companies to provide the least amount of information of all of the states. Corporate research tools can include some or all of the following information: location, phone/fax number, sales, balance sheet, credit rating, number of employees, state of formation, officers, directors, in-house counsel, corporate family relationships, products, brands, industry, competitors, and statement of purpose. As information professionals, we expect information to be up-to-date and error-free. Corporate profiles are rarely that, even for publicly held companies. Critically evaluate the information provided and validate the information, if possible, against at least one other comparable source.

INFORMATION RESOURCE TYPES

These are the most commonly used types of information resources mined by Competitive Intelligence professionals when preparing reports on prospective clients.

Public Records

Public records are documents or information which are not confidential and are collected as a by-product of some government agency or governmental activity and cover a wide swath of information. Public records are considered a primary resource and are available, in one form or another, through many of the large online legal information vendors. However, laws governing access to public records are specific regarding what can be accessed and why. While the information is public, some is incredibly sensitive and, under the wrong circumstances, can be misused. As a result, researchers are required to confirm the research use falls within permissible uses under those laws before access is granted.

The public records generated by each of the three levels of government – local, state, and federal – are vastly different. Public records are a by-product of governmental activity; not all governmental entities agree on the levels or amount of information they will provide to the public. Simply because the information is public does not mean that the information is accessible directly from the agency that collects and disseminates it. Some information, such as addresses on new moves, is only available through commercial resources. A thorough understanding of the differences in public records and their sources is a valuable skill for CI researchers.

News Sources

News sources can be incredibly valuable sources for uncovering nuggets of reputable and actionable information. News sources have the potential to provide insight into the operations and needs of a business. The information can, but doesn't always, provide insight on a business' structure, officers, representation, special needs (zoning, tax), general counsel, and transactions. Using news to get to the valuable nuggets of information can be tedious. Even with the most tightly crafted search, informational noise such as quarterly earnings calls, stock price notifications, and obituaries have to be filtered out using any one of a number of strategies. The most effective strategies include crafting or creative search strings or utilizing special search exclusion features introduced by commercial vendors. In addition to filtering out textual noise, many commercial research vendors now provide tools to remove duplicate articles from search results.

News is the one area of Competitive Intelligence research that not only can, but should, be mined and delivered to the attorney beyond the delivery of the completed report. News

provides ongoing insight into the changes happening to the target client, providing the attorney continuing opportunities to connect with the prospect beyond the initial meeting. Competitive intelligence should not be simply a one-shot and done report, but an ongoing living tool to provide continuing opportunities for attorneys to make a connection with both prospective and existing clients.

Courts

Information from court cases is a type of public record that is relatively easy to access. Case information is one of the tools in providing insight on competitor firms and potential clients. The data points listed below provide both context to the CI report and actionable intelligence on the competition for the target's business. Here are a few examples of the available data:

- The nature-of-suit information can indicate the types of challenges faced by the organization. It can also provide a sense (not definitive by any means) of problems they may be facing due to shortcomings in their transactional representation.
- Mapping out the courts where an organization has cases filed (both for and against) can show how their needs match with the firm's experience.
- Looking at their representation will show which firms an organization relies on and firms used for specific types of cases and their volume.
- Fee Schedules (motion for attorney fees) are occasionally filed with the court and often include hourly rates for competitor firms.

Nationwide federal court information is available through the PACER platform, a timely, relatively inexpensive source of litigation information. The data is parsed by many providers in a variety of graphs and charts, providing easily understandable analyses of the location, type of case, and previously retained counsel. This eliminates the need for manual tabulation of the data.

State court data availability can vary wildly from court-to-court, even within a state. There is no standard format for state court data. To obtain analytics researchers need to manually tabulate data from state and local courts.

Transactional

Transactional materials are materials used by organizations in day-to-day operations and include contracts, legal opinion memoranda, merger and acquisition documents, shelf registrations, and employment agreements. These documents can be created by outside counsel. Connecting transactional activities to the firm involved in drafting the documents can provide additional insight into the competition for a prospect's business. Several

commercial vendors provide access to this data through proprietary deal information as well as mining filings with the SEC.

Data on transactions can include parties involved in the transaction, the amount of the deal, legal and financial advisors on the deal, deal notification date, deal closing date, and – if the transaction was a merger/acquisition – identification of the buyer/seller and the surviving corporate entity. Information on corporate transactions, such as mergers, acquisitions, and financing agreements, are data points for which there is no comprehensive resource. Providers tout their “proprietary” data stream for this information to entice firms into subscribing. However, no one source is comprehensive. The value of the transaction, or deal, information to a competitive intelligence report is relative to the levels and types of transactional work done by the attorney/firm. Choosing a transactional research tool is another time when stewardship of funds is important. While having transactional data is certainly useful and provides another dimension to the report, if the attorney or client team does not practice in that area, the data can be noise. In these instances, a general corporate research tool that incorporates deal data into the basic offering is a viable alternative to spending money on that information.

ANALYTICS

Analytics in a Competitive Intelligence report can be as simple as verifying information or as complex as determining the relationships between corporate entities and individuals. Developing analytics is an integral part of the CI process and, based on the needs of the patron, inform the structure and content of the final product; the deliverable.

Process

The process of finding and integrating the data into a report is determined by what best advances the story told by the individual researcher in his/her report. As you are researching and compiling the report, keep in mind that the ultimate goal is to tell the story of the company. Who they are, what they contribute, why they exist, and how they relate to their industry and society are critical components to that story. A few key tips to consider when telling the prospect’s story: research is not linear, a report is not a data dump, corroborate your data, analytics have many forms, use illustrations to make the story more easily intelligible, and finally, just because you can do something doesn’t mean you should.

Research is not linear. As the data is compiled and processed, informational holes appear, and questions arise. A good researcher goes back looking for information to plug those holes and answer the questions. Researchers are like sponges; we absorb information and can make connections based on seemingly unimportant factoids as the story takes shape. This one facet

is a critical reason why the researcher should be compiling the report and not handing a “pile o’ papers” (See: Data Dump Below) to someone else to write the report.

A competitive intelligence report is not a data dump. Rather, it is a guide to ensure the report contains meaningful and actionable information. This means that any information going into the report should be there for a reason. Do you really need to list ALL the products, by name, in the report, or will a general listing of types and brands be sufficient? Yes, a form of the corporate financials is a really good idea if you get something that is manageable and you provide a brief narrative on the important points (if there are any) but make sure the actionable information is called out.

Every fact and point in the report needs to be corroborated, triangulated, or vetted based on the source of information. Invariably information comes to light that could be invaluable information to present in the report that cannot be corroborated. The decision to include, or not, the information should be based on the patron, the information, and the relative importance of the information. It is always going to be a case-by-case basis and left to the person compiling the report. If the decision to include the information is made, be sure to include some form of a statement noting that the information’s veracity could not be confirmed.

Including analysis in a report is, at first, the most intimidating piece of crafting a competitive intelligence report. Analytics can include the overt narrative points in the report or executive summary that connect dots, draw conclusions, and posit solutions.

Not all reports will include this type of analysis. Not all companies will have dots that need to be connected, conclusions that need to be drawn, or solutions that need to be posited.

The advanced analytical skills needed to craft complex Competitive Intelligence reports will develop with time and experience. Make no mistake, basic levels of analytics make up the foundation of every report. . They are as important as overt analytics and form the foundation of every CI report.

CONCEPT IN ACTION: REPORT TEMPLATE

Template Report at the following link: <https://www.aallnet.org/pllipsis/wp-content/uploads/sites/13/2018/01/YAWT-TIPSHEET-COLORS.pdf>

Parsing through the facts to provide an up-to-date picture of the company directly affects the value of the report. Examples of basic analytics include:

- determining the correct location when faced with multiple corporate addresses

- identifying corporate structure when subsidiary lists differ
- determining whether common termination dates of officers is significant

Filling in holes in information and providing context for events are critical and routine analytical events. They aren't as flashy as the stand-alone analytics. Complete corporate information is critical to providing a solid, well-developed report. This data is part and parcel of what research professionals do as a matter of course in performing research.

Standing alone as numbers, information has little meaning, is monotonous, and appears irrelevant to the story. Introduce the same numbers as graphs or charts, comparing relevant data sets; suddenly you have a story and provide a quickly visible analysis of those numerical data sets. Tables and numbers can be easily turned into graphs and charts using pivot tables. Pivot tables are fairly simple and a plethora of YouTube "how-to" instructional videos can easily be found. Commercial vendors eager to compete in the burgeoning analytics surge are making more data available as charts and graphs at the point of retrieval. Other online services, such as credit scores, now report proprietary numbers as graphics. These seemingly random numbers now have easily visible context.

The classic SWOT (Strengths, Weaknesses, Opportunities, and Threats) analysis, is a great way to organize your information and conclusions in a quick easy-to-read format. This type of chart can be used to analyze your competitors, the industry, or your firm. After you create a SWOT chart for both your firm and the competitor, plot the information using a Venn diagram to visually communicate the areas you differ and the areas that you are similar. This gives an added dimension to the competitor report and visually shows how your firm stacks up to the competition.

Deliverables

The researched data is now sitting on your computer and you've drawn some interesting conclusions. Now comes the big challenge: communicating this to your audience. Putting together a report is a delicate balancing act between providing enough and too much information and communicating your conclusions concisely.

Let's take this step-by-step, beginning with this caveat: Beware the Data Dump!

What is a data dump? A data dump sends all the information discovered by your research to the requestor without filter or analysis. This usually results in a stack of documents that, when printed, rivals the famed Leaning Tower of Pisa (in this case, a Leaning Tower of Paper). Your requestor would be required to spend time he or she doesn't have reading this material. It won't happen. Nothing will turn off the requestor more than seeing this stack of

documents (or multiple email attachments). In fact, you probably won't be asked for another report.

Before you start, it's important to determine the purpose, time constraints, and context surrounding the request. The tables following this section can assist in providing guidance on the length, content and format of a report based on its purpose and time constraints. Generally, time constraints beat purpose when selecting report format and length. The context of a report will intuitively shape the report from the requesting party or practice group's perspective. Context ensures the report meets the requestor's needs and dictates the data collected and information presented in the report. Respecting context ensures that the report is useful and targeted. Contextual factors affecting a report can include the type of work being solicited to the skillset of the attorney responding to the solicitation.

Simpler reports with quick turnaround times are going to require much less research and written analysis. Longer reports offer the opportunity to present the research and analytics in a format that balances the need to communicate your conclusions while still giving your audience access to the underlying information. There are as many variations to these reports as there are people preparing them. We'll take a look at the process of preparing a report step-by-step, with some discussion as we go along of the important factors that should be considered.

Keep the report as concise as possible. Prominently place and clearly state important analytical conclusions within the report. Communicate the results clearly, concisely, and interestingly to grab and hold the reader's attention. An unread report is not only a waste of time and effort, it's also a lost opportunity for the researcher and potentially the firm.

Time is a precious commodity; including an executive summary respects your client's time. Think of the executive summary as a written "elevator speech." Include information they need to know and could be communicated in a two-minute elevator ride.

The executive summary can have different labels. I prefer to call the first page of my report "Things You Should Know" and use colorful graphics to draw the reader's attention. The items that go in this section are the conclusions drawn from the research. It may be a series of bullet points along the lines of:

- Opportunity: XYZ Company has been hit with 5 harassment suits over the past year and a half.
 - The harassment suits began soon after a merger was completed
 - Areas we can help: Employment advisory services, Investigatory services, Litigation services
 - Useful Experience: Partner Smith and Partner Jones helped client A through a

similar situation last year

Managing Expectations

Managing expectations is about clearly communicating the depth of report that can be provided in a specified amount of time. CI programs strive to be responsive and develop a reputation for providing exceptional service. Communicate report capabilities realistically. It's important for the consumers of the information to clearly understand the direct relationship between turnaround time, purpose, and the format of the deliverable reports. The relationship between the depth, type and quality of the report is important to keep in mind (See Table 1)

Reports by Time Constraint

(Table 1)

Turnaround Time	Deliverable	Contents
Short Term (about 1 hour)	Data Dump: Very little or no analysis	Prepackaged Reports* Recent News
Same Day	Email or short memo: Minimal analysis with broad conclusions	Prepackaged Reports* Brief in-house format covering predefined limited information Relevant News Detailed, in-depth report Graphs and Charts where appropriate
Long Term (3-7 Days)	Briefing Pack: Key analysis and findings	Legal Work Analysis, both inside the firm and by other firms Important news relevant to the practice mix of the firm and the strengths of the attorney pitching the work.

**Examples include: West Litigation Monitor Suite, Lexis Context, Lex Machina, Hoovers, or Bloomberg Analytics*

The reason for the report determines which content is included. It is the stated purpose of the report that prevents the use of the same specific template for all requests. Simply put, different purposes call for different reports (See Table 2).

Report by Purpose

Purpose	Report Format	Types of Information
Lunch Meeting	Single Page	Company News Current Revenue Which firms do they use?
Formal Pitch Meeting	Detailed Information and Analysis	Company profile Which firms do they use? SWOT analysis Profiles of Interviewers & executives Financial Analysis
RFP Response	Detailed Information and Analysis	Company's legal challenges Scope of RFP and how the firm aligns with it Relevant Company news Practice Mix Representative cases (if applicable)
Lateral Evaluation*	Detailed Information and Analysis	Presentations Articles (both written by and about)
Internal RFPs*	Detailed Information and Analysis	Clients Cases filed against Principals background check

**Supporting documents should be included in these reports for on-demand reference.*

Examining the tables together demonstrates the importance of conducting a thorough intake interview (also known as the reference interview by librarians. The turnaround time and the purpose are just as important as the research subject. These tables do not stand alone. It's necessary to know what the categories are from both tables in the original request.

The reference interview model is essential for handling this type of request. Four core questions to ask the requestor to obtain information necessary for this report are:

- Who is the meeting with?
- What type of work is being pitched to the prospective client? (i.e., Employment Litigation, Environmental Remediation Advice, or Transactional)?
- What information is most important for this meeting?
- Are there time constraints, is a tear sheet product adequate for their needs?

Frustration with delivery times and formats could cause the CI service to fail. This is why it's important for requestors of the information to clearly understand the direct relationship

between turnaround time, purpose, and the format of the deliverable reports. The depth, type, and quality of the report are directly affected by when it is needed, as shown in Table 1. The purpose of the report determines what content is included (Table 2). This prevents the use of the same specific template for all requests, as different purposes require custom reports. Templates are useful for reports, but locking in specific types of data can be a challenge. Taken together, these tables show the importance of the reference interview. The required information should also be captured by the intake form. The turnaround time and the purpose are just as important as the research subject.

Reports can be developed using either a template or a free form. Both have positive and negative aspects. Report templates are unique to each firm and are guarded as proprietary; rarely shared to outsiders. Most firms develop a series of templates to meet the needs of specific types of reports (see table 2 above). Templates typically provide an outline within which a report is crafted, providing reminders of the information to be included and the order in which it is reported. Free form reports are a flowing narrative dictated by the research results, requiring more narrative from the specialist crafting the report. Building a CI report with a template is recommended for those new to the craft.

Template reports are uniform and provide reminders for the researcher of the information to be included in the report. Report formats are firm specific. Many firms consider templates proprietary and the firm's intellectual property. A template format offers the requestor a consistent place to refer to for specific information. Patrons know the information is not found at the designated place it isn't because it was forgotten. Templates are simply guidelines and, to the skilled CI specialist, can be molded to fit the full complement of data and information necessary for a comprehensive quality report. Beware, however, not to be complacent and limit the report to the strict boundaries of the template. The report should reflect your research and vice versa. A link to a sample template can be found below in the "Concepts in Action" section.

Freeform reports are for more experienced specialists with developed writing skills and are exceptionally adaptable and can be organized in the manner the specialist believes best communicates the information. Free form is an extremely flexible method and does not place restrictions on research process. At their best, a free form report tells the target's story in a succinct, logical flow of information and carrying the requestor through the report. It is critical to maintain the coherence and flow of the report lest the reader gets confused.

The ultimate report format combines the best of these forms, both the predictability of the template and the flexibility of the free form report. This can be done by organizing the report into broad categories (i.e., Executive Summary, Analysis, Executives, Financials, and News), carrying from report to report. This formatting retains the flexibility to add new information

within these categories giving the requestor the comfort of a familiar product and including unique content.

Lastly, here are some tips to make a report stand out:

- Make sure to indicate on the report who prepared it and when.
- This ensures that anyone using the report months later will know the age of the information in it. And the attorneys know who to go to when they need it updated.
- Deliver the report as a read-only pdf, which protects the information from being inadvertently changed. Bookmarks and links internal to the document can be added to make the report easy to navigate.
- Use color charts in the body of the report.
- Make the cover page eye-catching with images related to the subject of the report making it easier to identify later on.

When producing large in-depth reports, be sure to make your executive summary interesting and brief. A successful report will be able to communicate insightful analysis quickly and intuitively. The key is to make it intuitive and relevant to the reader. Keeping the print to a minimum and communicate the important information through charts will make your reports impactful and widely read.

CONCLUSION

In this chapter we've provided background on the information and processes that are possible elements and tools that combine to provide the means to delivering a well-crafted CI report. Keep in mind that just because you can do these things, doesn't mean you should. Include only ethically source information. Include only credible information. If you find you must include unverified information be sure to mark it as such. Stay on point including information that is relevant to the story, and make sure to connect the dots if the relevance is vague. Not all research is going to result in information that lends itself to separate exposition. Don't force analysis if there isn't anything to analyze. Pictures can be an important part of the story, not all statistics show a clear story and can become the exact noise we try to avoid. Think critically about how the report is crafted, the needs of the patron, and the best way to communicate the information to the patron.

DIVE DEEPER

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CHAPTER 22.

NON-LEGAL RESEARCH FOR THE LAW FIRM LIBRARIAN

JANET PEROS AND JAYSE SESSI

Working as a research librarian in a law firm is often quite different from the same position in an academic or court setting. This is true in both day-to-day duties, as well as the type of research performed. Law firm librarianship can be challenging and very rewarding.

Research librarians are often called research analysts, research specialists, or a different title as many law firms have done away with the title “librarian” as well as the term “library” for the department. Often, job descriptions outline the databases you need to learn or the specific job duties the position entails. Other times, your duties change and can become more specialized once you are with the firm.

Key Concepts

- Law librarianship in private law libraries provides opportunities to research niche areas such as patents, scientific research, and company research.
- Cost-effective research can be interpreted differently depending on the culture of the firm you work for.
- Quick turnaround times for projects mean there is no time to produce a custom, in-depth report, which is often done with competitive intelligence work.

Vendors for many of the databases mentioned in the chapter often provide trials or are willing to offer free training for their products. Networking with your local AALL (American Association of Law Libraries) chapter or other law librarian groups (SLA (Special Libraries Association) and ILTA (International Legal Technology Association) for example, is also a

great way to learn new skills by attending educational programs and finding a mentor should you wish to pursue a career path at a law firm. Lastly, once you are on the job, looking out for possible solutions that are low cost and can save time, can be a boon to firm management and attorneys, and might allow you to work on the project you want. Possible solutions to save both time and money are always welcome!

COST-EFFECTIVE RESEARCH

Cost-effective research can be interpreted differently depending on the culture of the firm you work for. It generally means, don't waste money when you don't have to! Use databases that have a "flat fee" vs. those that charge the client for every search performed. If you do have to use an expensive database, be conscious of how many searches you will need to run to get the results needed.

All that being said, researchers at law firms often bill their time, and time is money. Often, the time lost in using subpar free resources might not be worth it when one quick search could have produced more accurate results. When in doubt, check with your supervisor and other team members for best practices. The rules that apply at one firm might be different at another firm. Even individual attorneys or clients you are performing research for might have different preferences for how research should be handled or budgeted. As part of the reference interview, check with the attorney on their budget for the research, particularly if you are considering running an expensive search or purchasing an expensive report. Every request, attorney, client, and situation might have different meanings of what cost-effective research is. It is critical to be aware of this as a researcher at a law firm.

When using costly databases that charge per search or per time used to, a useful tip is to contact the vendor helpline (these are often available 24/7 or at least during regular business hours via phone, email or chat). The vendor will then be able to compose an effective search for you with your guidance and let you know if there are no results for the search or point you to a specific citation which is usually much less expensive to pull up than performing a global search. This will save you the cost and time of running multiple, fruitless costly searches and allow you to only run one search or none at all.

DELIVERABLES & TURNAROUND TIME

Performing research at a law firm is a fast-paced job. Deadlines for requests often range from a day, to several hours, to 15 minutes. Part of the research analyst's job is often triaging requests to ensure that deadlines are met, and requests are acknowledged in a timely fashion, even if they don't demand immediate attention. Maintaining excellent customer service and flexibility to pivot from one task to another is often listed as a requirement in job descriptions because it is such a key feature of this type of work.

The quick turnaround times for projects means there is no time to produce a custom, in-depth report as is often done with competitive intelligence work. That said, the days of sending 10 PDFs attached to an email with no explanation or analysis are gone. Attorneys, paralegals and other clients you perform research for demand and expect *some* analysis of the results even if it is a short paragraph outlining the steps you took in your research, what sources were used, and the answer, if there is a clear one. Often, an easy method to follow is listing sources attached or findings found in a clear, numbered or bulleted list in an email. Again, the general format used and expectations for deliverables are greatly dependent on your department and firm. Often, the requestor might state their preference for the deliverable with the request, or you can check during the reference interview process to ensure that the client is happy with how your results are presented and packaged.

BUSINESS, COMPANY, & MARKET RESEARCH

Company Information

In contrast with the detailed, strategic reports that competitive intelligence professionals provide and are discussed in the preceding chapter, attorneys often need information on companies, whether it be determining where a company is incorporated, financial information, executive bios or determining where a company has operations. These queries are usually related to a client question that arise out of a litigation or transactional deal.

At many firms, who handles what research is often determined by whether the research is for an existing client (billable matter) or a potential one (non-billable) (most research analysts at law firms bill their time just as attorneys do). Also, queries containing certain terms as “pitch”, RFP, or “potential client” often flag the request as best handled by the competitive intelligence team vs. the research analysts/reference librarians.

Lastly, a key distinguishing feature between competitive intelligence work and research is turnaround time. While a request for an in-depth report composed by competitive intelligence usually has a deadline from anywhere from 24 hours to a week or more, a research request usually needs to be completed by end of day, or is often needed ASAP (i.e. the attorney is in court, has a call with the client in an hour, meeting with the lead partner on a deal in two hours, etc.)

How do you obtain this type of information once you determine that the research being requested is best handled by you/your teammates? A great starting point, whether the company is public or private, US based or foreign, is the company’s own website. Depending on the size of the company, public status, and how much they are willing to disclose, you can often find press releases, annual reports, biographies of executives and board members, and geographic locations of the company. Often, small private entities have very sparse

information on their company website. That is no accident, as they are not required to disclose their revenue, major initiatives, or even who the executives are. These companies are often difficult to research.

In addition to the company website, fee-based databases have company reports available that can be downloaded into a PDF or Word document. Capital IQ, Hoovers, Bloomberg Law, and Pitchbook (for private equity firms) are examples of these. They are easy to search, and provide full reports which are easy to download. Of course, the breadth and depth of the information available in the report will likely correlate to the pattern you already discovered by looking at public websites and searching the internet. Large public companies have a wealth of detail and multi-page reports and small, private entities will not contain much information at all and the report may consist of several blank pages.

A common research question that arises either out of a litigation matter (in which jurisdiction should a particular entity be sued) or for due diligence on a transaction (what state or country laws govern an entity that is about to be acquired) is discovering the state or country of incorporation of an entity.

A company report from one of the previously mentioned databases should have the data to determine the country. If the company is public and US-based, it will have the state of incorporation.

For private entities, the process is not as straightforward. Searching for the state's Secretary of State website and finding the company or business search is helpful. If the attorney has an idea where the entity is incorporated, that will be helpful. Otherwise, looking at the company website or a company report to see where they are located is often a best guess. Many companies (but not all) are often incorporated in Delaware. This is due to tax advantages, flexibility in corporate structure, and privacy protections offered to business entities in Delaware. For this reason, the Delaware Secretary of State website is a good starting point to search if there are otherwise no clues. If a company comes up as "foreign" that indicates they are registered in that state, but incorporated elsewhere. The search will usually tell you where. You can then search that state's secretary of state website to get their record of incorporation.

As a final note for state of incorporation research, states vary widely in how much information is available for free or otherwise. Most states are free to search (New Jersey and Texas are exceptions). Some states offer the underlying documents free of charge, but most require you to order them either directly from the state, or through a third-party vendor (i.e. Wolters Kluwer or Cogency Global). Although the vendor may likely charge more than the state, the turn-around time is much quicker this way (same day vs. several days).

SEC Filings

A great source for information on public (and sometimes private) companies are SEC filings. These are freely available through the SEC website, and certain subscription databases allow for more robust searching of filings. What type of information can be found in SEC filings?

SEC filings are mandatory to be filed for US publicly-traded companies, as well as foreign companies that trade on a US exchange (foreign private issuers) and include annual reports (10-K), quarterly reports (10-Q) and a multitude of other documents regarding the company's equity and debt, executives and board members and their compensation, shareholder proposals, etc.

In addition, to the filings themselves, exhibits to the filings offer press releases as well as detailed agreements outlining terms of a merger, executive compensation, license agreements, corporate governance documents like charters and bylaws, and much more.

Many third party databases such as Intelligize, Bloomberg Law and Westlaw Business allow for robust searching of SEC filings. Still, EDGAR is available through the SEC website free of charge to anyone.

Even if a company is privately-held, it's parent might be public or it might otherwise have a relationship with a public company. There might be *some* information available on them such as basic financials, agreements, or major changes to the company's structure. Hence, it is still worthwhile to do a quick check of SEC filings for any information that might be available.

Market Research

Performing company research often coincides with market research for a particular industry. Some law firm librarians exclusively focus on competitive intelligence research and are more likely to perform market research regularly. Analyzing peer firms for certain metrics is another task often handled in this realm.

Attorneys or marketing and business development professionals at a law firm often need industry data or statistics when competing for a new client. In addition, they may have questions about the law firms they are competing against, such as if they have tried many cases like the one of interest (asbestos, securities class actions, etc.) as well as their experience in a particular court or before a particular judge.

Certain databases such as IBIS World, Statista, and analyst reports on a particular company or industry can be used to assist attorneys who are investigating a potential client before a client pitch or need to know more about a client's industry for any number of reasons. These industry reports contain market share information, colorful pie charts, and graphs that can

be excerpted (with permission) in a slide show or report that is being compiled internally. This type of data is usually quite difficult to obtain from free resources. If your firm does not have a subscription, market research reports can often be purchased individually, although they can be quite costly (several hundred to several thousand dollars).

Public Records

Often in the course of litigation or company research, there is a need for public records research of all types, from real estate deeds to data on individuals, both current and historical.

Many public records, like real estate deeds and criminal records, can be found online free of charge depending on the jurisdiction. Occasionally, there is a nominal fee you can pay for via credit card and do not need a subscription for. Coverage varies greatly depending on the state, city, or county you are interested in and can range anywhere from getting full PDFs documents for leases and mortgages to having to go to the county registrar or clerk in person to search microfiche.

Public records can also be obtained via Westlaw, Lexis, or Accurint. The advantage of these resources is the searching capability and ease of retrieval. When using individual websites from a particular jurisdiction, you often need to submit a captcha, download each record individually, purchase records individually, etc. In the interest of saving time, running a search in a subscription database, although sometimes costly, can save time and money.

NEWS, CURRENT AWARENESS, MONITORING, & ALERTS

News & current awareness

The universe of free and fee resources to both search and monitor current awareness is vast and constantly growing. We will touch upon different categories of tools frequently used for this purpose.

Searching news and press releases and setting up alerts is a frequent task of the law firm librarian. One tool in a law firm librarian's arsenal is a news aggregator. This tool allows you to set up RSS feeds to share on your firm's intranet or send targeted, curated newsletters to a client team or practice group that may be monitoring. Examples of these tools are Convergence, Manzama, and Osmozys.

News aggregators are helpful to compile and disseminate news from multiple sources on a specific topic. They allow you to filter targeted publications that you subscribe to, as well as free resources. They also allow you to create RSS feeds to monitor a particular website for any changes. A useful example is any government agency that you might be monitoring for a

particular release that will only be published on the agency website and not in a news source. If the site has an RSS feed, you can paste the URL into your aggregator tool and receive emails whenever the site is updated.

Newsletters often are needed to monitor the news for a particular client, industry, or competitors. In addition, attorneys often want to stay abreast of news in the legal industry from industry publications such as *Law360* and the *American Lawyer*.

Setting up Alerts

If you decide to pursue a career in law librarianship at a law firm, your job might entail setting up alerts and ongoing maintenance of the alerts.

News alerts can be created to monitor current and potential clients, industries, or topics of interest. Depending on how broad the topic is, or how large the company is, you may need to restrict sources feeding the alert and add additional terms to the search. By contrast, an alert for a small entity, in a particular location, or a very narrow topic, may likely have little to no news. In this instance, you will want your search to be as broad as possible to capture anything and everything. It is often necessary to revisit the alert parameters a day or week after you set it up to ensure that it is capturing what you need.

Cases are also often monitored through third-party databases such as Bloomberg Law, Westlaw, or Lexis. Often, an attorney wants to see any new court filings in a particular matter, or anytime an opinion of interest is cited in any new opinions.

Alerts can also be created to capture new cases filed against a particular entity or individual that may be a client. In addition to the databases already mentioned, Courthouse News is a database used to monitor new complaints across federal and state courts. In some instances, setting up multiple alerts on different databases is advisable due to court coverage issues if that is a concern. Some courts that offer electronic filing for attorneys on record for the case still do not make these filings publicly electronically available. When in doubt, check the coverage scope of the database or contact the database help line directly.

Although federal cases are easy to monitor and search for (through PACER), state court coverage is limited. In fact, among the over 3000 state and local courts across the US, less than half have any electronic access at all and often only for dockets and not for actual case filings. This poses a challenge when monitoring cases in certain jurisdictions. It is important to communicate with the requestor so that they are aware of the limitations of the alert and how wide or narrow a net is being cast.

SCIENTIFIC LITERATURE

Open Access Databases

Researching scientific articles and searching scientific literature databases is very different than general legal research. One of the main differences is that the research is primarily for publication information (i.e., citation, abstract, and index terms) since most scientific literature databases are not full text. Though some databases are multi-disciplinary, many scientific literature databases are subject-specific. There are some open-access databases such as PubMed (medicine / biotech), TRID (transportation) NTIS (national technical reports), Agricola (agriculture), IEEE Xplore (computer science /electronics). It is imperative to ensure that the search conducted is in the appropriate subject database. The Smithsonian Libraries' website has a list of free databases, which can be very helpful when looking for an appropriate scientific database.

Subscription Databases

Some databases can be purchased with a subscription; prominent ones include Dialog, Scopus, and Web of Science.

Dialog has multiple databases, that cover a wide range of business and scientific fields. Record levels vary based on the specific database. One advantage with Dialog or another platform aggregator, such as ProQuest, EbscoHost, or Ovid, is that multiple databases that are appropriate for the subject area can be searched at one time, often with the ability to remove duplicates.

Scopus is a source-neutral abstract and citation database curated by independent subject matter experts. Scopus indexes content from 24,600 active titles and 5,000 publishers and is rigorously vetted.

Web of Science is a platform consisting of several literature search databases designed to support scientific and scholarly research. It includes publisher-neutral research across the sciences, social sciences, and arts and humanities from journals, books, and conference proceedings. There are 34,000 journals indexed, some of which go back to 1900.

SciFinder or SciFinder-n, as the new/updated platform is called, offers a small set of databases: CAPlus (CAS chemical abstracts), CAS Registry (CAS RN records), CAS React (CAS chemical reactions), chemical suppliers, and Medline. Patents are included with PatentPak. SciFinder is a unique database for chemists where the user can run searches based on chemical structures and retrieve results containing articles, abstracts, and patents.

This add-on combines both articles and patents on a topic, eliminating the need to run two separate searches. SciFinder is a flat fee database.

CITED REFERENCE SEARCH

The cited reference search is unique to scientific literature. Not all scientific literature databases have this feature. Historically, the Science Citation Index (SciSearch) or Social Science Citation Index (Social SciSearch), have been the primary databases for this type of search. They are now part of Web of Science. As it's becoming more popular, other databases like PubMed (limited to PubMed Central [PMC] articles, only), IEEE Xplore, and SciFinder are starting to include cited references. Search a vetted database like the above for the most accurate results, rather than rely on Google Scholar. The algorithm Google uses can be multiplicative and skew results very inaccurately. See Deep Dive section for articles that address these Google Scholar issues.

Full-Text Scientific Articles

Once a scientific literature search is completed, the next step is to obtain the full-text article. Unlike colleges and universities, companies or law firms may not subscribe to databases containing scientific publications. Some scientific journals are open access and are readily available online through a simple search. Others may be available in manuscript version on a platform such as PubMed Central (PMC). Many publishers have article purchase options directly on their websites. Another option is to use a document delivery vendor to consolidate article purchasing and billing and mitigate any download issues.

Digital Object Identifier (DOI)

In the mid-1990s, when scientific articles were first published on the Internet, it was common to find broken article links. These would happen whenever a publisher changed a website, migrated a publication, or merged with another publisher. To solve this problem, persistent interoperable identifiers were created. In the publication world, these are known as digital object identifiers (DOI) and are registered with the International DOI Foundation (IDF). In 2000, the static identifier DOI was introduced for scientific and government literature, research, and reports. By including a DOI in a scientific article citation, there is a permanent link to a publication no matter where it may be housed on a webpage.

INDUSTRY STANDARD RESEARCH

Industry Standards

Industry standards foster cooperation, compatibility, and conformity assessment procedures across a wide variety of industries, including communications, computers, automotive, mechanical, industrial engineering, etc. There are many industrial organizations that have engineering specifications and standards for an industry. A few of the most well-known are ASME, ASTM, IEEE, ISO, SAE, and UL, but there are many more. Some standards may be a collaborative effort between multiple organizations, may have joint authorship, or may result in the adoption of international agreements. Some organizations make their standards freely available, while others are available for purchase via their website. In some cases, a membership may be required to access any standards or other publications. NIST has a wonderful list of organizations that have free access, free access with registration, or standards included in the membership.

Standards Stores

There are also standards stores such as The Document Center Inc., IHS Markit Standards Store, and Techstreet, where one can purchase standards from just about any industrial organization. Using a standards store can simplify standards purchases since they are one source covering multiple organizations and have access to both US and international standards. . They can obtain both historical as well as current versions of standards. It is important to know the time period for the research so that the correct standard in effect during the correct time period is purchased. Prices for standards can vary greatly, from under \$50.00, to several hundreds, to even several thousand dollars, for a single user copy. If standards need to be shared and a pdf version purchased over a print copy, then multiple copies or a multiple access license/subscription will need to be purchased.

PATENT RESEARCH

When searching for patents, it is best to use a resource dedicated to patents. A wealth of information is available on open access patent databases such as the United States Patent and Trademark Office's (USPTO) Public Patent Application Information Retrieval database (Public PAIR). For European patent information, there is the European Patent Office's (EPO) Espacenet patent database and European Patent Register. There is also the World Intellectual Property Organization (WIPO) PATENTSCOPE patent database. These are free to search and retrieve a variety of patent documents. US patents can also often be found on Google Scholar. These databases are useful when the patent number or the patent application number is already known, and you only need basic information such as the published

document. Espacenet has an advanced search function that can be useful for more detailed search requests but still has limitations for complex patent searches. The key to successful searching on these types of databases is to understand the difference between the various types of numbers: application number, first publication number, granted patent number, provisional patent application number, re-examination number, PCT number, etc. International patent numbers can require historical knowledge, especially when dealing with older Japanese Emperor style numbers.

Examples of US numbers one may encounter:

- US granted patent number: US 6,287,704
- US Application number/ serial number: US 09/171,558
- US Re-exam serial number: 90/006,211
- US Earliest Publication Number: US 2003-0207133
- US Provisional serial number: US 60/456,294 or US 61/763,403
- PCT number: PCT/US2002/020249

Some popular subscription-based patent databases include Questel Orbit, Minesoft PatBase, Lexis TotalPatent One, and Derwent Innovation. These subscription databases are very powerful search tools and provide excellent searching capabilities for complex requests.

CONCEPT IN ACTION: RESEARCHING PATENTS

Researching patent families can have different results based on the database family definition. There can be differences between a Derwent patent family and an INPADOC patent family.

If multiple resources are available when researching patent litigation, it is imperative to check multiple databases. There have been occasions when the results for a set of patents vary depending on the database, as some databases cover different courts or time periods.

Patent Litigation

Texas, California, and Delaware are the major courts for patent cases, and any appeals will be filed in the Federal Circuit Court. This also includes Patent Trial and Appeal Board (PTAB) cases.

Some excellent subscription resources are Docket Navigator, Lex Machina, Bloomberg Law,

and Lexis CourtLink. Subscription patent databases like Minesoft PatBase are also starting to include litigation information. Darts-IP is a database for international patent litigation.

OTHER INTELLECTUAL PROPERTY: COPYRIGHT, TRADEMARK

Other intellectual property areas include copyright and trademark. To have a clear picture of a company's intellectual property, copyright and trademark should also be included in any research or due diligence.

US copyright records may be searched on the US Copyright Office's website.

Some open access trademark databases include The United States Patent and Trademark Office's Trademark Electronic Search System (TESS) and WIPO Global Brand Database. The WIPO Trademark Database Portal has links to many countries' trademark databases. Like the open access patent databases, these are useful for simple, straightforward searching. For more complex searches, there are many subscription-based trademark databases such as Corsearch, Marquesa MQ3, Orbit Trademark, to name a few.

FINDING OPPORTUNITIES FOR NICHE WORK

Law firms with Intellectual Property groups or patent and/or trademark groups will have a need for these types of research skills to support patent prosecution, the filing of new inventions for patents with the USPTO, patent, trademark, and/or copyright litigation. Also, law firms with product liability or medical malpractice groups will have a need for research skills in scientific/medical database searching. Other firms that support medical, scientific, or engineering companies will have a need for these types of skills.

DIVE DEEPER

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CHAPTER 23.

FUTURE OF LAW FIRM LIBRARIANSHIP

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Law firm libraries function as a support center providing services and information to meet the demands of both the firm and its clients. The roles and responsibilities in a forward-facing law firm library are continually evolving. This agility results in both improvement of services and increased opportunities for the librarian.

To best adapt to these continuing needs, librarians must maintain a deep understanding of the business of the law, changing roles of the librarian, emerging technology, and outreach to facilitate the adoption of research tools and services by library patrons. This chapter will explore and identify how legal information professionals can prepare and mold the future of research departments in the law firm environment.

Key Concepts

- Understand the business of law and how the firm librarian fits into the legal market by requiring agility to meet firm and client demands.
- Demonstrate innovative ways law firm libraries remain an integral business function of tomorrow's organization by staying abreast of emerging market needs and trends.
- Demonstrate that traditional librarian skills suit the evolving expertise of legal information professionals.
- Remain vigilant of emerging legal technology as it drives the evolving functions of legal information professionals.

THE FUTURE OF LEGAL PRACTICE & THE LIBRARIAN'S ROLE

The Transformation of Law Firms

Well before the legal recession of the early 2000s, client demands were already changing. The days of unquestioned billable hours were fading. Law firms felt and responded to economic pressures, and companies were exploring building in-house legal departments to lower outside legal costs. Then the recession hit, and the practice of law was forever changed.

More than a decade later, clients continue to scrutinize bills and demand greater value from their counsel.

[s]ince the Great Recession, demand for Biglaw services has increased at a sluggish pace, well below the growth of GDP over this period. More specifically, a survey of in-house counsel found that 30 percent of them plan to decrease their use of outside counsel (compared to 15 percent who plan to increase their use and 55 percent who plan to stay around the same level).[2] What's driving this? The high cost of outside counsel — 62 percent of surveyed law departments said they're reducing their use of outside counsel to realize cost savings, leading to in-house counsel "taking back" work from their outside lawyers. Almost two-thirds of law departments said that work previously done by outside counsel is being transferred to in-house attorneys.ⁱ

Have law firms dug in their heels and continue working as they have for a century and a half? Perhaps some firms did just that, and they are out of business or are fading from the legal market. Innovative law firms have chosen change and taken a new approach.

Over the next two decades, the way in which lawyers work will change radically. Entirely new ways of delivering legal services will emerge, new providers will enter the market, and the workings of our courts will be transformed.ⁱⁱ

Over the past few years, some have argued that the production of certain legal services is becoming commoditized.ⁱⁱⁱ In the practice of law, many firms are adapting and are increasingly relying on technology and integrated solutions. Law firms are embracing technology to improve their legal work processes. As noted by co-author, James Jones, "service providers going forward will need to be more multi-disciplinary, more integrated into the solutions they provide, more willing to think about innovative pricing strategies, and more focused on outcomes."^{iv}

Some law firms are turning inward and relying on their own professionals to assist in increased productivity. Law firms are reorganizing and creating departments to increase productivity, efficiency, and profitability along with improving internal systems.^v Law firms

are adapting to the new market by creating unique strategies specific to client needs. These firms will need to address various factors such as its clients, practice areas, market competition, and positioning.^{vi} Within this change, the role of the law librarian is evolving, developing, and evolving. Law librarians are included in this process to increase productivity, efficiency, and profitability by lowering^{vii} overhead and bottom-line costs. The forward-facing and future legal information professional recognizes her place in evolving law firm business models and creates an agile research department in response.

[G]rowing firms know how to bring in more business while also increasing the capacity of their lawyers to do more work and collect more revenue for every case and client they bring in.^{viii}

THE BUSINESS OF LAW FIRM LIBRARIES

Legal practice has changed and is changing, so how does the librarian and research department fit into the future of the practice of law?

To actively contribute to the efficiency and competitive edge of the firm, a successful firm librarian will understand how the firm makes money, how the firm budgets are set, what costs are passed to clients, and client sensitivity to costs and fees.

Law firm profitability is not determined solely by the number of attorney hours billed; rather, all costs must be applied to revenue to calculate profits. Corporate staff in a law firm may be under the false impression they have no ability nor responsibility to affect firm profitability. Those same employees may believe that if an attorney bills the requisite number of hours in a year, the law firm will make money. This is inaccurate yet is a critical concept for new law firm librarians to grasp. You can play a part in the success of your firm.

Altman Weil, a leading legal consultant management firm, surveys law firms and publishes reports on their findings. A 2019 report discusses improved practice efficiency.

Clients are continually seeking “better, faster, cheaper” ways to meet their business objectives – it’s just the way of free-market competition. Law firm leaders agree almost unanimously (96%) that a focus on improved practice efficiency is a permanent trend in the profession.^{ix}

In today’s market now more than ever, firms compete for business against other firms, in-house legal departments, and alternative legal providers. In this difficult environment, firms must provide their services with improved efficiency and value. The firm librarian is a key factor in providing this efficiency. Firms will not accomplish ‘better, faster, cheaper’ simply by working attorneys harder. Information professionals can provide superior resources, anticipate information needed to assist attorneys in advising clients, conduct proactive

research, and serve as differentiators to the firm to provide the competitive edge.^x In the 2020 Altman Weil survey, librarians can provide an edge to a law firm by

[i]mprov[ing] efficiency, value and profitability of legal service delivery; learn and improve as you go; build on successes and systematize effective new methods by replicating them in other parts of the firm; and turn your real new capabilities into sustainable competitive advantages by committing to them, locking them into your organizational processes and structures, and communicating, supporting and demonstrating them to clients.^{xi}

In previous years, the legal profession was far less focused on business techniques, and the billable hour was the ultimate baseline. The library was ultimately a support center for the hourly billing machine. Focusing on efficiency, pricing, and value, librarians have become critical in less traditional reference work. Traditional reference will continue to have a place in law firms, but ultimately reference is a reactive service. The library as an information center should provide attorneys with predictive research. As described in “Old Skills, New Tricks,”

Predictive research provides attorneys with the answers to questions the client is about to ask, making librarians invaluable to the firm. Previously, a reference desk might receive a question requesting three years’ of class action filing data organized by jurisdiction and broken down by industry. Starting from scratch, such a project could take weeks or months. With a well-thought-out predictive research strategy, a modern library will have this information at their fingertips, customized for the attorney and ready to dazzle the client.^{xii}

During the 2020 AALL PLLIP Summit, Key Note speaker Ari Kaplan asked the audience, “How can you innovatively impact the law firm’s competitive advantage?”^{xiii} The law firm librarian understands all resources in the firm’s library collection. This includes print resources, online legal research platforms, and other technology products. And, as discussed in more detail later in the chapter, librarians must watch for emerging products and new technology that will change the way legal research is performed. Librarians will find they must know how to legally inform their attorneys better, faster, and stronger than the competitor’s firm to contribute to the firm’s success.

INNOVATION IN LAW FIRM LIBRARIES

In the changing legal economy, law firms differentiate themselves by demonstrating an investment in innovation as a function of the business of law. These initiatives require a shift in culture and legal information professionals often lead the charge. Librarians have a long history of innovation. They have always created classification systems, indexed resources, provided access to information, and curated specialized knowledge archives. Because of their

awareness of and expertise in finding information, they are well-suited to identify emerging client and business needs and offer insights to firm leadership.

To earn a seat at the table, information professionals must find opportunities in which their skills are unique and of value and by proactively offering their skills when firm leadership is looking for novel solutions. Careful documentation of the library's work, using quantitative project management tools, such as ServiceNow, Quest, or Research Monitor, shows firm leaders just how productive libraries are, the work attorneys trust them to do and advances their place as experts in legal practice technology. Librarians should also identify and document the outcomes of their work product. When discovered case law leads to winning arguments, competitive intelligence reports bring in new business, and traffic to information-rich intranets increases, librarians will be trusted with firm-initiated innovation projects. When the library has a proven record of tracking emerging practice trends, formalizing data analytics, and monitoring client requests, firm decision-makers will trust the insight of librarians when innovation is needed again.

Innovation can be defined as simply as a new method or idea^{xiv} or as nebulously as trying to describe a complex process. In the law firm environment, however, both are true, and innovation is practiced daily as librarians solve issues of efficiency and create value-added products their firms market to clients. Librarians traditionally create in multiple areas of information distribution, having implemented classification systems, written finding aids, and now move toward single-sign-on technologies or build proprietary databases. The heart of innovation is problem-solving, and as the legal marketplace continues to evolve, librarians listen closely to the pain points and identify creative solutions.

Part of innovation and finding solutions to novel issues is a thorough evaluation of the problem and the resources meant to solve it. Two of the library's most valuable resources are staffing and finances. Both must be expended wisely to retain the trust of firm leadership. Librarians employ evaluative skills to ensure that new products created and technology purchased solve a problem experienced by the many and not the few. Shiny new technologies may promise to solve problems, like analytics, but unfinished coding or jurisdictional coverage may preclude the usefulness of such tools. Never create or buy without solving a problem.

Learning about new technologies is an important still. Ask, what is the problem this technology purports to solve, and how? If you are not spending time understanding new technology, tools, and strategies, eventually a savvy client won't trust your firm's ability to deliver. Librarians will not keep up with innovative ideas and solutions that move the firm forward without the vigilance of rapidly evolving legal technology sources.

Besides understanding the claimed solutions technology provides, law librarians put new

platforms to the test with real-world use cases during the evaluative process. They analyze results and usability to ensure the tool creates efficiency and provides novel information delivery that provides a competitive edge to attorney legal practice. During testing, librarians are vigilant of technology capabilities that may not have been the original intended use but emerge as information is collected and data manipulation returns new use-case scenarios.

CONCEPT IN ACTION: ANALYTICS

The marketing department at Big Law Firm increasingly requested benchmarking statistics to compare prospective client litigations needs against business competitors. They need to point to real data showcasing the firm's successes in litigation when defending companies in the client's same industry and strained with similar allegations. The library brought on a legal analytics product that uses litigation data from the federal courts to assist with this business development model.

What happened next was the librarians discovered a wealth of additional insights in the analytics. Not only could they deliver insight on businesses and industries, but understand the patterns of opposing counsel, glean strategy when attorneys face particular judges, and identify winning brief templates in various jurisdictions. The analytics tool has proven helpful in more than its intended initial use and is now integrated into early case analysis across the firm, more than returning product and research return on investment.

Forming strategic groups within the library supports big-picture thinking and contributes to the business of the law firm. Communication between the library and firm leadership sets goals upon which the library can design solutions and predict research needs before they are requested. To identify goals and reduce redundancy, strategic planning groups within libraries will be necessary to communicate with firm leadership and various departments.

Formal innovation programs and departments are gaining popularity in large law firms. These groups are often diverse, inviting practicing attorneys and staff from accounting, information technology, risk management, and marketing, alongside information professionals. Librarians must ask for a seat at this table by proving their unique tools and skills in product evaluation, reporting, and metrics. (AALL Innovation Bootcamp Resource Guide, How mature is your organization's capability to innovate? Adapted from Carnegie Mellon Capability Maturity Model).

Innovation in Action

An institutional commitment to innovation does not alone provide the tools for such innovation. Although some solutions arise through day-to-day implementation, larger-scale projects are often developed through formal ideation and process improvement exercises.

Evolving client needs for efficient and tailored information delivery is a great driving force behind law firm innovation today. Coupled with the difficulties of wading through myriad information sources and evaluating constantly updated technology places the library as a hub for problem-solving.

Experts suggest several methods for innovation, whether through formal exercises, or informal, spontaneous collaboration. Design Thinking is a creative process leading librarians to identify solutions to user problems, “at the intersection of three factors: desirability, feasibility, and viability.”^{xv} Service Design is a collaborative approach to problem-solving, taking teams through multiple stages of identification, observation, implementation and maintenance, all while remembering the user experience.^{xvi} Exploring various methods by which teams identify problems and solutions not helps put ideas only into action but fosters a culture of creativity and open ideation within the library department.

Whether formal or organic, pain points will emerge throughout any innovation process, including budget restrictions, resistance to change, or insufficient technology. However, librarians often are the right team and best-suited professionals to tackle barriers because they know the needs of their firms and how emerging technology or novel services can solve problems.

CONCEPT IN ACTION: EXAMPLE INNOVATIVE SOLUTION

Years ago, Big Law Firm started tracking federal and state legislation to keep attorneys informed of potential and enacted changes to the law most pressing for their clients. The undertaking required librarians to identify a partner vendor to deliver the nation’s legislative reports but also had to ensure that content fit the unique needs of the firm and its clients, which no third party could provide. The library built a proprietary database and published charts of pending and enacted bills. Over time, the legislative project grew with the firm’s move into new practice areas and the need for even further tailored reports. Now, librarians still create the large report but also provide reports to practice groups, bill tailored legislative information to clients, and look forward now to a global need.

Projects such as legislative and regulatory tracking let attorneys know what they need to know before they even realized the information was needed. They use the reports to proactively contact and counsel clients, returning an increase in business.

EVOLVING ROLES & OPPORTUNITIES IN LAW LIBRARIES

The law firm library of today looks different than it did ten years ago and will continue evolving into the foreseeable future. Meeting the requirements of 21st-century clients and

business goals means all corporate departments, including libraries, must adapt frequently. The mission of the law firm library is to harness information, creating efficiency and a competitive edge for the firm. Innovative application of knowledge differentiates information professionals and ensures continued reliance on their skill set. The future law firm librarian will retain a strong footing in traditional legal information finding and dissemination but will also embrace new technologies looking for innovative opportunities.

In the past, a law firm library was a showplace. It was meant to be seen and was often a focal point in large offices. Wood paneling, rows upon rows of bound reporters, large reference desks, study carrels, and a physically present staff were the norm. Attorneys could be seen browsing shelves or flipping through pages before requesting copies of cases or chapters in treatises from the library staff. Books with post-it notes and “do not shelf” notices would be strewn across work tables. Research was done in books, and the firm library was a hub of activity as well as a showplace to indicate success and a depth of resources.

The move from lush, large, and luxurious libraries to technology-driven research centers was a slow and laborious process with many factors contributing to the transition. No one deciding factor moved a firm library from print to electronic resources overnight, and there remains a wide variety of opinions on how legal research is best performed. Never the less the 2020 COVID-19 pandemic has brought about the ultimate demise of print resources in a law firm library. Shut out of their offices, attorneys had little choice but to learn to utilize the online tools provided by their firm.

Evolving Law Firm Librarian Contributions & Credentials

The 2019 AALL State of the Profession report provides a breakdown of how law librarians contribute to their firms in roles other than the traditional duties of research.^{xvii}

As AALL reports, the law firm librarian no longer only waits for attorneys to ask questions. They actively participate in business-generating functions of the firm and offer their skills to areas of research beyond the firm’s practice. They are active contributors of crucial information in every aspect of firm development.^{xviii}

Becoming a law firm librarian can look different for each individual. According to the recent 2019 *AALL State of the Profession Report*, most have obtained an MLS, MLIS, or MSIS.^{xix} Of particular interest is the less than 25% with a JD. While a background in and understanding of the law are critical, the JD is not a necessity for a law firm librarian. Some library schools offer legal research elective classes, and there are a few legal research certificate programs. In addition, at most law firms there will be training to introduce the key legal research concepts. If the firm has a specific specialty, there will be an introduction to those legal concepts and terminology. Here is a breakdown of the education background:

From Traditional Law Librarians to Modern Legal Information Professionals

Although job descriptions may change, traditional skills still apply. Adaptive librarians translate those skills into new roles and we see the bridge librarians cross to fulfill evolving information needs. This means law firm librarians continue to perform reactive research in response to attorney queries and build processes to provide proactive and predictive information products that help attorneys answer complex client problems without reinventing the wheel with large, unprofitable projects.^{xx} Librarians will take on multiple functions within a smaller institution, while larger firms appoint librarians to specific functions. Many firms are embedding Knowledge Management functions into their research departments and more will follow.

Knowledge Management

Law firm libraries increasingly adopt Knowledge Management (KM) principles and functions, especially those in mid to large settings. Frequently, libraries are embedded in KM departments and contribute to innovative information delivery initiatives. Myriad definitions of KM exist (see Winston), but Knowledge Management is generally accepted to encompass targeted curation and redistribution of internal and vendor-provided knowledge to fill common information needs. By harnessing KM philosophy and pairing new technologies with traditional legal research librarians differentiate themselves as innovative leaders in the law firm. KM teams provide practice group support, harness data analytics, and provide attorneys with proven insights giving them a leg-up for successful client relations and legal strategy. The skills of traditional legal librarians prove crucial to successful KM adoption and inform new projects based on trends of requested information. Information organization, product evaluation, technology skills, and research acumen all translate to evolving KM roles. These innovative information professionals bridge attorneys, staff, and clients with the firm's collective experience and knowledge compiling and delivering presentations, memos, forms, and subject matter experts, and keeping online portals stocked with user guides, demos, links to publications, and contacts. Knowledge Management departments offer a variety of service solutions providing attorneys and clients with direct access to toolkits, practice group email distribution lists, template storage sites, various e-books published by KM attorneys, document automation software, and extranets designed to enhance client communications. The law firm library is strategically positioned to connect this compiled knowledge to those who rely on expert information. By managing the content of client-facing extranets, training users, researching legal updates, and immediately distributing sample documents and publications, the team frees attorney time for client services and interpretation.[21]

Reference Librarians

Law firm reference librarians are innovative and agile and understand the fundamentals of, and are skilled in, traditional and complex legal research. This requires expertise in where the law is found and how to harness that information in response to legal questions. Reference librarians know the importance of a reference interview, direct users to the right sources of information, and know when to suggest new tools and technology, like artificial intelligence, that quickly aligns an argument with precedent or data analytics that reveals patterns in litigation or internal work product that reveals the knowledge of other attorneys' experiences. They must have expertise in well-known sources of legal information, such as Westlaw and Lexis, but will also be experts in analytics research, resources targeting a specific area of legal practice, and Document Management Systems, and other enterprise search.

Increasingly, firm attorneys rely on information professionals to find the law and offer summarization of their findings in their responses to research requests. This means that librarians identify legal holdings and should be able to package concise results, explain their findings, help attorneys understand the results of new technologies, and highlight the information within. The goal is not only to provide legal precedent but also to demonstrate insight uncovered by new platforms.

COLLECTION MANAGEMENT

Efficient legal information delivery will remain the central goal of collection management. Collection Development remains an ever-evolving and increasingly complex function of the law firm library. To supplement traditional legal research librarians evaluate new delivery systems and the technologies and tools that add valuable new insight to legal problems. The librarian in any environment remains vigilant of resource cost comparing print retention to database duplication and weighs collection decisions with client demands for attorneys utilizing data in advice and litigation services.

For law firms with Knowledge Management, special consideration must be given to how internal work product supplements or replaces vendor-provided sources of legal information. A librarian fulfilling the collection development function at a law firm will need to remain vigilant of updates to internal information or whether to continue providing access per vendor tools.

Technical Services

Technical services in law firm libraries can look vastly different from other institutions due to the pronounced integration of digital legal information collections and the strategies for finding resources. Traditional skills of cataloging, harnessing metadata, building taxonomies,

and creating paths to information through easy-to-follow interfaces still apply. These librarians, however, tackle new types of information. They are working with vast amounts of data and perhaps thousands of internal documents. Utilizing technologies such as single sign-on and underlying practice support intranet pages with online catalogs of electronic resources requires technology expertise and vigilance. Many librarians asked to take on data analytics functions are applying the same skills catalogers use to gather, apply metadata, and present swaths of information in concise, easy-to-find collections.

Special Collections

Special Collections are traditionally defined as those niched areas of research for which resources have been curated and gathered together, usually in an archive or other separate physical space. Now and in the future, legal information professionals are employing the same principles but in virtual spaces for use by the law firm. Applying the principles of Knowledge Management, librarians create intranet pages, toolkits, surveys, and other resources of interest to practitioners of topic-specific areas of law. Because the law changes, librarians managing the new breed of special collections remain vigilant of updates, subject matter expert advice, and new technologies to replace or supplement existing repositories.

ADDITIONAL RESPONSIBILITIES

Legal Technology Evaluation

The modern law firm library is an information center, and as noted, while there are fewer books, there is vastly more information. Legal research is now heavily influenced by technology, and new platforms are moving beyond the attempt to mirror a print experience onto a screen. Research is being accomplished in ways that were never possible in print, and the selection of a new research tool can give a firm the competitive advantage needed to build business. Just as librarians have traditionally been the keepers of research books, now they are the keepers of legal research technology in the firm. Librarians will find that rather than reviewing the content of a book for collection development, they will review content and the technology considering aspects of usability, accuracy, stability, and search precision.

The 2019 *AALL State of the Profession Report* indicates that law firm librarians manage 100% of the research platforms and 40.9% of the knowledge management systems. As seen below, the report further provides a skills synopsis for firm or corporate law libraries. It states that 67.3% are experts in resource evaluation.^{xxii}

A law firm librarian should not be surprised to learn that they will review and be primarily responsible for recommending legal information and technology tools rather than asking the attorneys what tools they would like the library to order. Today's attorneys do not have time

to review and evaluate products. They need an information professional to advise them. A strong professional law firm library will be curated by you, the informational professional providing the correct content in the best format utilizing the best technology to fill the needs of the firm.

Besides research platforms, the future law library will utilize emerging technology. This is an evolving area and will need to be carefully monitored for developments that might be beneficial to the firm. Legal technology is industry-created to make the practice of law easier, more efficient, but most importantly, more profitable. Part of a librarian's responsibility is to understand the trends in legal tech and identify those new products that match a use case within the firm. When introduced to a potential new technology tool, thoughtful evaluation of the company, coverage of data, need of finite data sets, and usability must all be evaluated and reevaluated. Legal information professionals will know a variety of tools, both built internally at the firm or provided by a vendor, that fulfill attorney requests for information and provide clients with a complete analysis of their legal issues. Not every new shiny toy will work for every firm. Forward-thinking librarians will stay informed and be able to connect the best tool with the appropriate use case, thus achieving efficiency, added value, and profitability.

With the expansion of legal technology, law firm librarians are moving beyond providing traditional reference and research services by providing data analysis, technology support, and client development. Job opportunities for developing, running, and improving automation technology will accompany the emerging technology.

Virtual Service, Outreach, & Remote Work

Over the decades, as reference work has come out from behind the desk, services have moved to satellite offices or spaces away from the physical library, and increasingly librarians and attorneys conduct their work virtually. As the large cherry wood reference desks were removed from law firms and office space became smaller and smaller, the need for the work performed did not shrink. The library department might have transformed from a print showcase into a modern research center, but the skills of informational professionals and the needs of attorneys have kept evolving.

In light of the COVID-19 pandemic, the physical footprint of the future law firm is uncertain. However, we have learned virtual work is possible for far more employees and tasks than previously believed. Both attorneys and staff have found new flexibility in remote work, and it is reasonable to expect remote work to continue as the workforce determines how and when to return to physical offices.

By providing virtual services, law libraries can support attorneys regardless of location, time

zones, or availability. Indeed, the call for 24/7 service is growing to meet the demands of local and global attorneys as the workday expands. Extended coverage supports flexibility for both attorneys and staff. To face the virtual world, communication skills become more imperative, and Reference Librarians should adopt multiple channels to conduct reference interviews and work through legal problems. Email, instant messaging, phone calls, and office visits connect attorneys and information professionals.

Training

Law librarians are also responsible for training new hires, seasoned attorneys, and summer associates. Given the demanding schedule and physical environment, librarians may create virtual training, which allows attorneys from any office location to participate. This also alleviates scheduling issues and travel logistics. With the availability of WebEx and Zoom, training can be provided efficiently and in a condensed fashion. Librarians can record short training videos utilizing WebEx, Zoom, Captiva, and other technology to provide tutorials and current technology training.

CONCEPT IN ACTION: BUILDING RELATIONSHIPS

Julianne, a senior librarian at Big Law Firm, has visited and met attorneys around the country while highlighting technologies and innovative services provided in the research department. Unfortunately, a new policy has restricted an attorney's access to a trusted treatise. The attorney is upset and frustrated after attempting to find the treatise's content on physical shelves and online tools. He remembers, "Julianne and I discussed that access is changing due to newly adopted technologies," and he calls her. The relationship that the librarian built fostered trust, and she was able to assure the attorney that the treatise's content is located in an easy to access virtual environment and provided excellent service in providing online credentials, training on navigation, and took it a step further by conducting the research quickly. The attorney doesn't even use his online credentials. Instead, every time the treatise is consulted, a librarian is trusted to find the required sections and send them swiftly, freeing the attorney's time for client counsel.

In firms spread across multiple offices or the nation, regular in-person visits are crucial to the connection between offices without librarians present and the responsibilities of the law library. This is a chance for law librarians to highlight new technology and learn the pain points encountered by attorneys when providing client service. However, these sessions should not focus on training alone. Attorneys in one office may cover a variety of practice areas and have different information needs. The librarian can also offer updates as to the responsibilities of other corporate departments, the breadth of information available and will meet with attorneys individually to help them build their business with tailored

services and tools. The connections made through face-to-face encounters prove fruitful as more attorneys utilize the services of the library and trust librarians to deliver thoroughly researched information.

Marketing

Library services must be marketed to the attorneys indicating the value and necessity of each tool. Law librarians are not only providing support but also are taking on the role of marketing and outreach. Marketing and outreach comes in various forms, such as internal research pages, newsletters, emails, training, blogs, office visits, and inter-office competitions (just to name a few). Targeted marketing is important if there is a new research platform or services for a specific practice area. Customized outreach to specific practice groups highlights the value and the law library's expertise and tools. Below is a list of some of the marketing and outreach responsibilities:^{xxiii}

- Implementing and promoting library services and programs to support attorneys
- Participating in the development of instructional materials in research techniques
- Creating library marketing materials
- Maintaining the library's electronic presence with research resources
- Developing relationships with offices, attorneys, and practice area groups to assess their needs for outreach
- Providing library orientations and trainings to summer associates, new hires, and seasoned attorneys

When librarians market their services and products, they must remember that not all resources relate to every attorney, and attorneys only need to know about a product if it solves a problem for their practice. Time is of the essence, so outreach must be relevant, captivating, and convincing that the use of a new product is more efficient for their attorney. Marketing savvy law librarians answer the question, "why does an attorney want this tool, and how will she use it?" If the service or product does not pass the test of serving the many rather than the few, then wide-reaching marketing is not the best strategy. Librarians are trusted to know attorney pain points in client service delivery, and new products or services must make this easier. By addressing pain points and solutions and keeping end goals clear, librarians can put content into the right hands.

CONCLUSION

While there has been significant change in both the legal profession and library services in recent years, the opportunities for informational professionals in the law firm setting

are growing and will provide the proactive, creative candidate a rewarding opportunity. Individuals who seek a workplace full of collaboration, ingenuity, transformation, and prospects should seriously consider a career in the law firm's research department.

DIVE DEEPER

- "Legal Trends Report, 2019," Clio, <https://www.clio.com/wp-content/uploads/2019/10/2019-Legal-Trends-Report.pdf>.
- *Design Thinking for Libraries: A Toolkit for Patron-Centered Design*, (IDEO, 2015)

PART V.

**NAVIGATING A CAREER IN LAW
LIBRARIANSHIP**

CHAPTER 24.

NAVIGATING YOUR CAREER GOALS: GOVERNMENT, PRIVATE & ACADEMIC LAW LIBRARIANSHIP

VICTORIA DE LA TORRE, CLANITRA STEWART NEJDL, AND MARCELO RODRIGUEZ

Whether you got your first job or are about to embark upon a new job in a different institution or area, navigating your career goals should always be at the top of your priorities. Starting a new career or even considering one may, at times, feel daunting or too risky. The authors in this chapter aim to provide a few suggestions, tips, advice, and expertise on how to navigate your goals when working in three specific law librarianship cohorts: government, law firms, and academia. Based on their professional experiences, the authors strive to shed some light on the numerous considerations, implications, or issues you should also keep in mind when navigating these groups.

Key Concepts

- Government, private or academic law institutions all have unique dynamics to be aware of.
- It is important to match your career goals to the expectations for government, private and academic law librarians.
- There are skills and experiences that prove to be essential when changing jobs.

CAREERS IN GOVERNMENT LAW LIBRARIANSHIP

Landing Your First Job as a Government or Court Librarian

The significant amount of laws, statutes, regulations, policies, and guidelines make the government an ideal place for work for any law librarian. Be it federal, state, county, or city levels, government law librarians have an insider's knowledge on how the government works, how a bill is passed, how the law gets amended, and the regulations and policies percolating from statutes and laws. Because of our expertise and interest in the law, most law librarians working in the government tend to work in the judicial system. However, other law librarians do find themselves working in other government agencies such as presidential offices, governor's offices, Federal or State congresses, legislatures, staff attorneys, public libraries, etc. Suffice it to say that anywhere in the government where there is a need to compile, preserve, access, and analyze legal information, chances are that there is a law librarian in its midst.

If you find yourself working as a government law librarian in a courthouse, it is essential to become acquainted with the judicial system that pertains to your jurisdiction. Your understanding of the judicial process will allow you to understand better the components and people involved in the different steps and their goals and needs. The more familiar you are with the legal process in your jurisdictions, the better equipped you will be when interacting with potential users and their questions and services they might request.

Basic knowledge of other legal processes should not be discarded even when it does not pertain to your job directly. For example, residents of New York City are governed by federal and state laws as well as city regulations. Therefore, the capacity to excel at your position will be dramatically increased the more you understand the complexities of different laws and statutes, sometimes at conflict, of utmost concern to your users. Your interest should not be reduced to the laws and regulations that apply to the people in your jurisdiction. A knowledge of neighboring or just other jurisdictions nationally or even internationally may prove to be advantageous in your work. If you are acquainted with or know how to access information in a different jurisdiction, you may be able to provide unique and valuable insight into a specific research question.

Working on Behalf of the Government

When you work for the government, your public service career defines your professional identity. Different levels of ethical and professional regulations, rules, and considerations govern how and to whom you provide library services and which services. As a public civil servant, you represent the government when interacting with others. Generally, public

expectations of government officials include trust, transparency, and accountability, among others. Throughout history, these public expectations have become ethical considerations, rules, case law, and statutory guidelines for government employees with consequences that can impact both the employee as well as the institution she/he represents.

If this is your first time working for the government or you moved from federal to state or vice versa, there are numerous sources that can help you understand the ethical and professional standards that you should be aware of since day one. Your local Human Resources (HR) office or representative should be your first source of information. Other places and people to look for further information include your immediate supervisor, your colleagues, especially those with significant institutional memory, your ethical office, your union representative, and many others.

Knowing your ethical and professional standards becomes critical when considering your social media posts, political participation, writings, participation in professional associations, and name just a few examples. When thinking about these potential scenarios is important to keep in mind what you do during and outside working hours and who you are interacting with. As a private citizen, you might be allowed to like, share, comment on social media posts of your favorite political candidate. During working hours, the same acts might be construed as tacit approval or support from the government institution you work for or even the entire government for that particular political candidate. Another example to keep in mind, especially when working in courthouses, is whether you consider fundraising or volunteering for an organization or entity that might become a party or litigant in a case. Given our country's encompassing and complex legal system, almost all entities we interact with as private citizens might become parties in a case. However, some organizations are more obvious than others, such as legal nonprofits or any entity with an explicit legal goal or section. These examples are not meant to be exhaustive. Whenever in doubt, you should always consult the ethical and professional consideration explicitly governing your government position. It is important to note that a clear disclaimer may help you prevent any potential misunderstanding or confusion when writing or participating in professional organizations.

As a government law librarian, you should always strive to engage in critical librarianship. There is no need to shy away from the pressing and urgent topics that affect our profession and society at large. The purpose of mentioning and clearly understanding your ethical considerations and professional responsibilities as a public civil servant is for you to be aware of the framework in which you can operate. Being able to express your personal ideas, passion and voice might seem limited at times, especially so for those contemplating a promotion or in your first days in your dream job. However, please always keep in mind that silencing your ideas and unique voice does an even greater disservice to our profession and

to society at large. Learn from previous cases and the ethical considerations in your position and stand firm both in that knowledge as well as the truth in your conviction and voice.

Multiple Stakeholders Using the Same Public Space

As a government law librarian, you should know that different stakeholders, at times adversarial, will use the same library space and have access to the same research and reference services and virtual and physical collections. It is your duty to be aware of the multiple and disparate goals of these users when using the same space at the same time. Navigating and fulfilling the different goals and needs of these stakeholders will inevitably become a balancing act that will need to consider numerous elements. The needs of your patrons must match your library's budget, actual space of your library, equipment available, number of staff and their expertise, size of your collection, etc.

To give you an example, court librarians need to be aware of the fact that most court libraries need to accommodate the following users: judges, law clerks, staff attorneys representing different parties, public defenders, researchers, court staff, pro se, etc. As you can immediately notice from these users, they may be adversarial parties or involved in different roles in the same case. As a member of the library providing services to all these patrons, you need to be aware of these potential issues, and as much as possible, you should provide solutions. Some court libraries have assigned private space for the exclusive use of judges as well as their chambers staff. Other court librarians have opted for a separate space designed to accommodate pro se litigants and the public in general, including parts of the collection to which they should have access. One of the most important considerations you should always keep in mind when considering providing unique or "special" services, collections, space for a particular group of users is transparency. Your plan needs to follow any standards which might be available in your government institution as well as others. Please bear in mind that because of your responsibility and accountability to the public, your plans, guidelines, or standards might attract public scrutiny.

The Public as Your Most Important Stakeholder

As a public civil servant, your ultimate stakeholder is the public. Government law librarians, for the most part work in institutions open to the public. This public access poses a significant array of questions that law librarians need to consider when providing reference and research services, access to the collection, and more. Working with the public offers government institutions an opportunity to liaise with the communities they serve closely. Therefore, if you enjoy public services from a law librarian perspective, this should be the perfect track for you. A few of the services public law librarians create for the public are exhibits, events,

classes, and civic education programs in general. These community programs place the public law library at the center of an ongoing conversation regarding access to justice.

CAREERS IN LAW FIRM LIBRARIANSHIP

Landing that first job

The landscape of new hires in Law Firm Librarianship as it stands is filled with frustration. Librarians fresh out of library school with limited to no hands-on legal research experience are often stonewalled from entry-level positions that require either a JD or several years of experience with the major legal research tools. If you already have a JD, finding and earning your first position might be equally challenging because your ability to argue and interpret law does not reflect your ability to research law on a resume. Regardless of your background, entry-level positions with law firms that are willing to take risks on green candidates are often few and far between.

Many law schools across the country offer certificate programs or extra-curricular seminars on legal research methods and techniques. These classes are either offered by the Library or sponsored by it, with the primary instructors holding MLIS degrees. Not all schools are able to make exceptions, but if you reach out and network with different law school librarians in your area, you might be able to audit or partially participate in some of these classes.

Another excellent opportunity to learn about legal research is to join and become an active participant in local or national chapters of professional organizations. The individuals present are often eager to share the knowledge and resources that helped them start in the profession. Earning leadership positions in these organizations shows a tremendous amount of drive, and some law firm libraries are willing to overlook a few missing years of experience for initiative and passion.

When searching for that first position, try to find library directors who have a reputation for hiring “green” candidates or candidates who have limited to no experience. For highly skilled positions like private law librarianship, many directors prefer to hire green candidates because they are able to train the individual from the ground up. To these directors, more seasoned librarians are undesirable because in addition to all the knowledge and experience they bring to the table, they also bring their research habits which are not always useful or appropriate in this new environment. Finding these directors is a challenge, but don’t forget that this community is incredibly tight-knit. Seek out a few informational interviews with active law librarians. If they are well connected, they will quickly point you towards directors who are either hiring or who prefer candidates with experiences like yourself.

Types of goals in your career

A career in Private Law Librarianship is what you make of it. I have known individuals who have been in the same position for over thirty years and are having the time of their lives, in addition to individuals who change jobs every other year and receive just as much satisfaction. One thing is for certain, predicting the type of career you will have is impossible. The only way to ensure stability and upward mobility in this field is to competitively seek opportunities for success outside and inside of your day job. Each of these opportunities, if well-executed, has directly applicable and visible results.

The objective of achieving these extra-curricular goals should be more than building a resume. The challenge with private law librarianship is that very few people know what it is, what purpose it serves, and why it is relevant (even within your own law firm!). Seeking additional opportunities should always be to 1. Better yourself, 2. Better your department, 3. Market yourself, and 4. Market your department.

Speaking, publishing, and teaching courses either in or outside of your firm not only establishes your own credibility but the credibility of your department. Regardless of how mundane the subject might be, I can guarantee that you will receive the feedback of “I didn’t know you did that!” from a colleague in reference to your skillset and day-to-day work.

Establishing this credibility not only solidifies your importance and relevance with your law firm, but it will also open the doors of opportunity to you should you ever decide to embark on a new path.

Especially with Covid-19, law firm libraries are either moving remote or being removed. It is essential now, more than ever, to be adept and knowledgeable about new technologies and technological solutions to the common frustrations of attorneys. This includes finding a balance between serving your patrons who prefer physical texts to those who require everything to be paperless, and it includes justifying expenses to your firm. Even before Covid-19, being laid off from a law firm or watching a ten-person library department dwindle to one is a very real and common occurrence. The best thing you can do for yourself, your department, and your firm is to stay relevant and never stop marketing internally.

Earning typical roles

Reference Librarian: This is the meat and potatoes of the department. This individual will answer research and reference requests on a daily basis. Some of these requests take fewer than 10 minutes, some many, many hours across many more months. Having a JD in this position is certainly useful but not necessary. If you would like to be a reference librarian in a law firm without a JD, it is imperative to show initiative, as outlined earlier in this

section, regarding learning legal research tools independently and demonstrating your value in professional organizations.

Materials handlers: This person manages physical materials such as books, cataloging, and the organization of bills, contracts, and other important departmental documentation. A JD is not necessary for this position at all, and an MLIS is seldom required either. This is an excellent stepping-stone position for earning a Librarian role, especially if your supervisor allows you to learn additional skills during the workday.

Electronic services librarians: This is a relatively new role in law libraries that combines several different areas of work. This person can catalog, answer research and reference requests, manage online contracts and departmental documentation, in addition to managing e-resources such as ebooks, mobile devices, and troubleshooting online research platforms or databases. Each law firm library department defines this position differently, but this person works the most closely with the IT department. Earning this position can be a challenge because it requires a balance between knowing legal research tools and knowing the technology itself. While an IT background or a JD background is not necessary, being knowledgeable of both areas is imperative for success.

Director: As the leader of the department, this individual handles all administrative and department managing related responsibilities such as budgeting, advocating on behalf of the department, and ensuring that the department is able to operate. This position often includes negotiating contracts and building vendor relations, but the role varies from firm to firm. To earn the director title, this individual must be willing to “let go” of being a reference librarian in order to handle all of the behind-the-scenes work.

Solo Librarian: This individual is alone in their department and accomplishes all of the tasks listed above in each role. While this is an overwhelming position for most, many enjoy the solitude as an opportunity to drive the “department” in whichever direction they choose, acting as both the captain of the ship and the crew. Having as much experience as possible will benefit you in this role, and it is not recommended for newer librarians.

Above and beyond

Independent projects push the field forward and allow us to contribute our unique knowledge and skillsets to topical conversations, but we must also share this knowledge with our patrons. Often in trying to accomplish work for ourselves outside of our day job, we forget that our clients, our patrons, are those who have the real power to lift us up in our careers. Without our attorneys, we cannot be private law librarians.

CONCEPT IN ACTION: FINDING FULL-TIME EMPLOYMENT

A common career route for new law librarians is to jump from job to job because breaking into a full-time law librarianship career can be immensely challenging. Different factors outside the new candidate's control, including the state of the economy, the over-saturation of librarians in markets around library schools, and lack of funding for new positions, can all contribute to a dismal job hunt. While living from contract to contract is not ideal for some, this situation could be used to your advantage.

One of the authors of this chapter, Victoria De La Torre, struggled with finding a full-time job after graduating from her MLIS program. Despite becoming the president of local library organization chapters, having excellent referrals, and performing flawlessly in her graduate program, the job market simply was not in her favor. She decided to accept whatever library or archive-related temporary positions she could obtain, without regard for salary or whether the position aligned with her ultimate career goals. She often worked several jobs at once to make ends meet, but she ended up with a more well-rounded resume than competing candidates who had been in the profession for five to ten years.

Even though her ultimate goal was to work in law libraries, Victoria tried to work in varying institutions even if they had nothing to do with legal services. She focuses on law librarianship now, but she has maintained positions in archives and museums as well. The most important quality interviewers search for in a candidate is whether or not they can accomplish the task at hand in a cost- and time-effective manner. Sometimes, a candidate with a more diverse background can tackle problems in unexpected and ingenious ways.

When accepting a new contract, Victoria decided to outline specific relevant skills she would like to learn while in her role and communicated these goals with her supervisor. Supportive managers either helped her work toward those goals or made suggestions about gaining more experience to reach those goals. For example, after discussing a gap in her resume with one supervisor, the supervisor allowed her to split time between different tasks to bolster her career. Further, she sought volunteer opportunities in professional organizations that allowed her to learn more about the field. Victoria took the needed steps to acquire experience in multiple areas.

Few things in life are more challenging than starting a new career. Remember that it is not only possible but commonplace for library and information professionals to find stable and fulfilling work, although it may take time. The fastest way to progress in your career will be to embrace every success and failure as learning opportunities. If you stay positive, network, try new things, and have clear goals, you will succeed.

While completing tasks for attorneys, there is always the opportunity to network and transform the relationship from transactional to personal. When we are able to put a face, a name, and a story to the person providing a service for us, we are more likely to advocate for that person. In addition to networking, providing additional information (and knowing when to stop) will add to your value in your institution. You are then demonstrating that you are not only a pleasant person to work with, but you are also highly skilled and knowledgeable. That individual will be more likely to return to you time and time again for assistance.

A great way to go above and beyond for yourself is to constantly continue searching for jobs. Unless you want to, you don't need to apply for these jobs, but keep the list of requirements for hire. Job descriptions often list the core competencies along with a wish list of skills they would like to see. If you are able to focus time on achieving skills on these wish lists, you will not only be a competitive candidate for job searches in the future, but you will quickly become eligible for promotions within your job.

CAREERS IN ACADEMIC LAW LIBRARIANSHIP

Another fulfilling career in law librarianship can be found in academia. Academic law librarians primarily, if not exclusively, focus on the information-related needs of a law school's faculty and students and may serve in a variety of roles within the law library. Some academic law librarians may teach research-related courses or workshops, while other academic law librarians may provide reference and research assistance to the law library users. Other academic law librarians may assist the members of the law school's law review or law journals. In contrast, still others may focus on the collections or technical services needs of the law library. In most cases, academic law librarians simultaneously handle a combination of these functions.

While daily life as an academic law librarian can be challenging, it is rarely dull. The variety of activities accompanying academic law librarianship may suit even the most restless of individuals. However, there are several issues to be considered regarding a career in academic law librarianship, including whether to pursue a tenure-track or non-tenure-track position, the opportunities for advancement as an academic law librarian, and the likelihood of obtaining a position as an academic law librarian.

Landing Tenure-Track Positions vs. Non-Tenure-Track Positions

Applicants for academic law librarianship positions will encounter vacancies for positions that are on the tenure track and that are not on the tenure track. Academic law librarians on the tenure track hold faculty status either within the library system, within the law school, or within the university. If a position is on the tenure track, after a set number of years (specified in the offer letter), the law librarian may be awarded tenure. A committee will make

the tenure decision of faculty members who have already received tenure at that institution, based on their evaluation of the level and quality of the law librarian's work in the areas of librarianship, teaching, service, and/or scholarship. Law librarians on the tenure track will be provided with written guidelines detailing their rights and responsibilities under the tenure system. Tenure-track positions involve more extensive professional responsibilities than positions that are not on the tenure track. For example, academic law librarians holding a tenure-track position will usually be required to produce their own scholarship for publication, participate extensively in professional development activities, and serve on law school or library committees, in addition to their regular responsibilities.

The most obvious benefit to a tenure-track position is the job security tenure affords. Once awarded, tenure can mean guaranteed employment for the remainder of the law librarian's time at that institution if certain criteria continue to be met. This job security is closely tied to academic freedom, which protects faculty regarding teaching, scholarship, and other aspects of life in academia. Additionally, academic law librarians who have faculty status will be able to take part in shared governance, meaning they will be able to participate in decisions affecting the institution. Further, law librarians with faculty status also tend to have higher salaries than law librarians who do not. Finally, holding faculty status is typically considered more prestigious than holding a staff position.

Academic law librarians who are not on the tenure track hold staff positions instead of faculty positions. Not eligible for tenure, law librarians in these positions may receive continuing appointments or may be at-will employees. A continuing appointment or similar contract provides the terms of employment and often includes a presumption that the appointment will be renewed. Law librarians who are at-will employees have no special protections regarding employment other than those provided under law. For most, this makes non-tenure-track positions with continuing appointments or other contractual bases a more attractive option than at-will positions.

There are also some advantages and disadvantages to holding a non-tenure-track position. An obvious disadvantage is the lack of job security associated with non-tenure-track positions. However, non-tenure-track positions tend to have fewer additional requirements beyond librarianship. For example, these academic law librarians may be free of requirements to publish scholarship or to participate in committees and other tasks. Requirements for professional development may also be more limited, which can be a disadvantage to the law librarians in terms of improving skills and making connections within the profession. Further, non-tenure-track positions may be more attractive because of the risk of failing to earn tenure. If tenure is not earned by a law librarian on the tenure track, there is typically an appeals process that the law librarian will be able to initiate. After that process, however, if tenure is still not granted the law librarian will be required to leave the position. For some law librarians, particularly those who are not interested in scholarship or service, the risk of

not earning tenure and having to find a new position may not be worth the potential benefits of holding tenure.

It is worth noting that the process for obtaining a non-tenure-track position as an academic law librarian is less prolonged than for tenure-track positions. For a tenure-track position as an academic law librarian, candidates may need to be evaluated by a search committee, have an initial interview, visit the campus for a more extensive in-person interview, and then wait until the search committee for the position checks references and comes to a decision. In some cases, the process for tenure-track academic law librarian positions can take close to a year.ⁱ

Landing Your First Position as an Academic Law Librarian

The first step in finding your first academic law librarian position is to review current vacancies. There are many resources advertising current law library vacancies, including the American Association of Law Libraries Career Center and the Special Libraries Association Career Center. Be sure to pay attention to the location of the law library, the salary and benefits associated with the position (if the vacancy contains such information), and the reputation of the law library and law school at which the vacancy exists. Because academic law librarian positions are limited, candidates may need to move to other areas of the country to secure their first position as an academic law librarian.

The next step is to follow the directions for applying for the vacancy closely. In many cases, this will require providing a resumé or curriculum vitae (CV), while in other cases, the candidate must also complete an online employment form provided by the institution. The importance of tailoring your resumé or CV to emphasize your qualifications for the position cannot be understated. Candidates should also prepare a cover letter and a list of references. The cover letter is used to express your interest in the position but should primarily highlight why you are right for the position. The directions may also require the submission of references who can provide information on your skills and abilities, particularly those related to the skill sets needed for the position. Be sure to proofread all documents submitted carefully.

The hiring law library may offer several candidates an interview by phone or via a video conferencing program like Skype. This initial interview will be relatively short and may take place with the entire search committee or specific search committee members. In preparation for the interview, the candidate should research the institution and publications from the law library's employees, especially the law library director. Candidates should research potential questions that may be asked during the interview process and prepare to answer those questions while including information that shows why they are the best fit for the position. They should also prepare questions to ask of the interviewers that will help determine

whether to take the position if it is offered. Many consider it inappropriate to ask about salary during the initial interview, but that asking about benefits is appropriate.

Candidates who are successful in the initial interview may then be invited for a final, in-person interview. The in-person interview process is far more rigorous than the initial interview. The in-person interview usually involves dinner with representatives from the law library the night before the day of the interview and a full-day interview the following day. As part of the interview, the candidates will meet with many individuals in the law school, potentially including the other law librarians, law school faculty members, administrators, and law students. Candidates may also be required to give a presentation, which will allow the search committee to evaluate the candidate's abilities and suitability for the position. Recognize that the candidates are being assessed for suitability for the position throughout the entire process, from the dinner the night before through the end of the interview day. Therefore, they should comport themselves accordingly and maintain a collegial yet professional demeanor throughout, using every opportunity to share information that shows suitability for the position. As with the initial interview, candidates should have questions prepared to ask during each portion of the interview process.

After the interview, candidates should send thank-you notes to each member of the search committee. These notes can be sent via email or by mail, but cards sent by mail should be sent as soon as possible after the interview. It may take some time, but a candidate will be notified as to whether they have been selected for the position. If the candidate has been selected, an offer will be made that includes relevant details such as the salary, benefits, start date, and other aspects of the position. The candidate should then consider whether to accept the offer or to negotiate the salary or benefits. Once the candidate accepts the offer, it is important to obtain written confirmation of the agreements made.

Opportunities for Advancement in Academic Law Librarianship

Opportunity for advancement is important in any position, and academic law librarianship is no different. Often academic law librarians hired in one position can earn promotion to a higher position within the same law library. However, it is sometimes necessary to move to another institution to advance to a higher position. There are multiple levels within the law library hierarchy between the entry-level position and the highest position in most cases. Such positions include serving as a department head for certain services (e.g., "Head of Reference" or "Head of Technical Services"). Beyond that, positions as "Assistant Director" or "Associate Director" may be available. The requirements for promotion to such positions vary depending on the institution, although for tenure-track positions, those requirements will generally be provided in writing at the time of hiring.

The highest position in the academic law library is that of the law library director. The law

library director may or may not be on the tenure track, depending on the institution. Law library directors on the tenure track are typically part of the law faculty and will therefore have teaching-related, scholarship-related, and service-related responsibilities in addition to their administrative responsibilities related to running the Law Library. Law library directors are sometimes also assistant or associate deans within the law schools. Several resources that provide valuable insight into life as a law library director are provided in the endnotes.ⁱⁱ

MOVING FROM ONE TYPE OF LAW LIBRARY TO ANOTHER

Because the library and information sciences skills are so highly transferable, it is not uncommon to see people with varying types of libraries on their resumes or CVs. The time may come when you decide to leave a position in one type of law library for a position in another type of law library. Before you make this transition, you should be aware of a few practical considerations. While the core competencies remain the same between law libraries, the day-to-day expectations and responsibilities may vary.

First, there are financial implications to making a move between public and private institutions. While the salaries for private institutions may generally be more competitive, the long-term employment benefits available at public institutions should not be overlooked. Additionally, court and government law libraries have a mandate to provide services to members of the public, while academic and firm law libraries may limit their services to specific user groups. Therefore, the length and depth of your interactions with patrons may vary depending on your institution. Finally, because work-life balance expectations fluctuate between types of law libraries, be sure to ask questions about hours and workload during the interview process.

CONCLUSION

With all of this information in mind, remember to keep an open mind when pursuing your career goals. As with other types of careers, there is no one route to a successful career as a law librarian. Law librarians may pursue multiple paths and roles in the course of their careers and may find themselves working in multiple sectors. Given the realities of the economy, the job market, and the changing world of law libraries, circumstances can often direct a career as much as any planning. With adequate preparation and self-reflection, however, a law librarian can forge a career path that is both fulfilling and long-lasting.

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CHAPTER 25.

NEGOTIATING SALARY & BENEFITS

JANEEN WILLIAMS

Early-career law librarians should always negotiate initial salary offers to ensure financial security and future job satisfaction. New librarians have barriers in salary negotiation, but that should not deter them from asking for what they need and deserve. This chapter will present a review of literature on salary negotiation behavior and include suggestions for new law librarians on how to approach salary negotiation. The chapter begins with an overview of salary negotiation behavior differences between men and women. It continues with an overview of salary negotiation practices of librarians. The chapter concludes with best practices for salary negotiation for early-career law librarians.

Key Concepts

- You should always negotiate starting offers.
- Identify your target salary range before you negotiate.
- Consider all compensation in addition to salary.

SALARY NEGOTIATION

A modest increase in starting salary can have a substantial impact on the earnings of a worker throughout her career. This starting salary serves as the basis for future merit increases and promotions. By negotiating the starting salary, early-career librarians can attempt to raise their final offers by a few thousand dollars and can impact their financial security. Although

studies differ in the amount that negotiation can raise the starting salary, studies support the proposition that the process of negotiation increases final salary offers.ⁱ

There are two types of factors that determine whether a worker is likely to negotiate: individual factors and structural factors.ⁱⁱ Individual factors are factors specific to the individual applicant. Extraversion, gender, age, and race are all individual factors. Personality is an individual factor that may be an indicator of the likelihood that an applicant will negotiate salary successfully.ⁱⁱⁱ One study found that risk-averse personalities are less likely to be successful in salary negotiations because they are not willing to use one of the two negotiation strategies that consistently lead to increases in the final salary offer: collaborating and competing negotiation strategies.^{iv}

In contrast, structural factors are contextual. Structural factors are not tied to a specific applicant but are instead more situational. These factors are related to power dynamics. They include the amount of the initial job offer and the number of other offers that the applicant has to leverage in the negotiations.^v In general, the party with the most power has an advantage in the negotiation.^{vi} The party that is more dependent on the job offer may be more reluctant to negotiate. For this reason, applicants who have multiple job offers are more likely to negotiate because they are less dependent on the one job offer.^{vii}

Furthermore, studies have attempted to identify the reasons why applicants chose not to negotiate a salary offer. An applicant may choose not to negotiate if she believes the initial job offer is fair.^{viii} Applicants who thought that employers did not offer salaries that were commensurate with their worth were more likely to negotiate. Often applicants decided to negotiate because “they thought they were ‘worth more’ than the initial offer, and those who chose not to negotiate, frequently did so because they thought the initial offer was fair. Such comments indicate that the subjectively perceived fairness of the initial offer may drive the decision to negotiate to a higher degree than the actual objective size of the offer.”^{ix}

As mentioned previously, applicants’ individual factors can influence negotiation behavior; employer behavior can also shape the negotiation. Applicants are more likely to negotiate when employers allow the applicants to discuss salary. One study found that “forty-five percent of the applicants who were given the option to present their salary needs negotiated, while only eight percent of those who were not negotiated.”^x

Salary negotiation and gender

There is a common misperception that women are less likely to negotiate salary than men. Study results do not uniformly support the widespread belief that women negotiate less often than men; there is variance in the results of the studies. Social scientists have studied the salary negotiation behavior of people in both laboratory and real-life settings. One study

of negotiation behavior in MBA graduates found there was no significant difference in the rate of salary negotiation between men and women.^{xi} However, other studies have found that men negotiate at a higher rate than women.^{xii}

Study results also differ on the outcome of salary negotiation for men and women. In one study, applicants who negotiated salary saw an average increase between the initial offer and the final offer of average \$1500, and women were able to raise their salary at least as much as the men.^{xiii} Other researchers found that women and men negotiated salaries at similar rates, but the outcome of the negotiation differed with the average final offers for women being lower than the average final offers for men.^{xiv}

Researchers have obstacles in identifying the reason for the lower final offer for women. There are often compounding variables of age, race, experience, and job title that make it difficult to isolate one variable's impact on salary negotiation outcome.^{xv} In an attempt to study the impact of one variable among many variables, researchers used statistics to estimate the relationship between the different variables and pay. "Multiple regression analyses that control for experience, work hours, training, education, and personal characteristics such as race, ethnicity, region of residence, having children, etc. however, produced an unexplained pay gap of 5 percent among workers one year after graduation and 12 percent among workers ten years after graduating from college, likely due to gender discrimination."^{xvi}

Compensation and female-dominated professions

Female-dominated professions share some commonalities in terms of compensation. Law librarianship is a majority female profession. According to the AALL membership report, 74% of AALL members are female.^{xvii} Salaries for female-dominated careers, like teaching, nursing, childcare, and food service, are lower than salaries in male-dominated careers. Caregiving and service professions pay less than other professions.^{xviii} This recognition has led some to suggest that women who desire higher salaries should seek jobs in higher-paying professions. However, career change is not a remedy for pay disparity. Evidence suggests that when women move into high-paying professions, the salaries drop. Conversely, when a female-dominated profession has an influx of males, the wages trend upward.^{xix} Further, men make higher salaries than women when they perform substantially similar tasks but have different titles.^{xx}

All the evidence suggests that employers do not pay women less because they are in a certain profession or performing specific tasks; women receive lower pay because employers value work done by women less than work done by men.

SALARY NEGOTIATION FOR LIBRARIANS

An overview of salary trends in librarianship can advance the discussion on salary negotiation for librarians. Employers construct salary based on several factors, including market rate, or what other similarly situated institutions pay, and the value that the applicant can bring to the institution.^{xxi} Non-profits do not judge applicants based on the money they can bring to the institution, but instead, employers perform a valuation based on the estimated future output of the applicant.^{xxii}

Employers who hire librarians may make a value determination by balancing the expected output of the librarian, based on the training and experience of the librarian against the amount of additional training the new hire will require.^{xxiii} Using this equation, experienced librarians with dual degrees, JD and MLS, would warrant a higher salary because they would be able to increase the output of the library on day one and would require little training from the supervisor.

In contrast, a new librarian would require more training and mentorship and may not substantially contribute to overall output until perhaps month six. The supervisor would need to devote substantial time to training the new librarian as well. Using the output equation, new librarians warrant a lower salary because they need more training and at first may not contribute to library services output.

Salary surveys provide data on current wages for librarians. According to the Occupation Outlook Handbook, the median salary for librarians in 2018 was \$59,000, and the entry-degree is a Master's degree.^{xxiv} According to the AALL Biennial Salary Survey & Organizational Characteristics (AALL Salary Survey 2019), the mean salary for academic reference/research librarians with less than two years of experience was \$64,511. The mean salary for firm librarians with less than two years of experience was \$70,561.^{xxv}

A few researchers have studied librarian salary negotiation behavior. One study that surveyed academic librarians found that about half of the survey respondents negotiated their job offers.^{xxvi} Researchers "confirmed that many academic librarians negotiate, and discovered that they are negotiating at higher rates than librarians in other settings."^{xxvii} Ultimately, most negotiators were successful in this study and applicants were able to raise their final salary offers.^{xxviii}

Another study of librarian salary negotiation behavior provides insight into why librarians chose not to negotiate their salary offers. In a survey of librarians across different library types, half of the respondents reported that they negotiated their first professional librarian job offer.^{xxix} Of the librarians who did not negotiate a job offer, the respondents most often gave one of two rationales: they were satisfied with the initial salary offer, or they did not

perceive an opportunity to negotiate. About 80% of respondents who: 1) did not negotiate, and 2) were happy with the initial offer had no regrets about their decisions to forgo negotiations. Some of the librarians who were satisfied with the initial job offer later regretted choosing not to negotiate. Further, most of the of respondents who did not negotiate because they did not perceive an opening to do so, later regretted their decision not to negotiate.^{xxx}

Best practices for early-career law librarians

Research

Librarian applicants should consider what compensation is most important to them and what will have the most impact on their quality of life before they begin negotiating. Based on the review of negotiation strategies and salary trends for librarians, the following recommendations can help early career librarians negotiate compensation packages. As previously mentioned, applicants chose not to negotiate in part because they perceived the initial offer to be fair. Early career law librarians should negotiate because they could underestimate their value and what they perceive to be a fair offer may not be fair in actuality. Also, in a study of librarian salary negotiation, 20% of respondents who choose not to negotiate because they perceived the initial offer to be fair later regretted their decision not to negotiate.^{xxxii} If budgets are frozen and cost of living increases are not awarded, an initially fair offer can fall below market rate after a few years. For these reasons, law librarians should negotiate initial offers.

Although the early career law librarians do not have the bargaining power of someone who has previous experience, the employer has an open position that they wish to fill. The early career librarian does have some power because the employer is short staffed. Further, because subsequent raises and increases are based on this starting salary, having a starting salary that is as high as possible helps to ensure financial security in the future. Finally, when employees feel their salary is less than they deserve, there is a negative impact on job satisfaction. Employees who accept an offer that they always felt was unfair are in an even worse position. "Pay dissatisfaction has been linked with undesirable employee outcomes and behaviors, such as performance decrements, lateness, and job seeking."^{xxxiii} To ensure job satisfaction and financial security, negotiation, even on the first job, is crucial.

Before negotiating the salary offer, applicants must familiarize themselves with salary standards in their field. The AALL salary survey is a vital tool for all applicants who are engaged in the job search process. The salary survey includes mean and median salaries for law librarians across different legal environments and in different geographic locations. The

salary survey compilers classify salaries by the level of experience, so even new law librarians can ensure they are equitably compensated.

Public university salaries and government salaries are public, and applicants can find these salaries by searching the state flagship newspapers for government and public academic salaries. Government librarians are hired at a certain grade or within a pay band. Search the government's human resources or personnel website for publication of the salary for the designated pay band.

Private firm salaries and private university salaries can be more challenging to find. The AALL salary survey does include mean salaries for private institutions. Applicants can also ask mentors, instructors, and supervisors at internships if a starting salary seems fair based on their experience.

Once librarian applicants have researched industry standards, they can establish their own desired salary and walk away salary. The desired salary is your ideal salary; the walk away salary is the salary that is too low for you to accept. Do not share the desired and walk away salary with the other party during negotiations. They are to help the applicants determine their own target and bottom lines. Especially for geographic locations with high rent and high home prices, carefully consider the cost of living. Bottom lines are intended to ensure that librarians do not accept salaries that will not cover their basic living expenses.

Reviewing salary surveys and open conversations about compensation with colleagues can help applicants objectively judge salary offers to ensure they are adequately compensated. Librarian applicants can use market research and cost of living calculators to set a salary range. The American Association of University Women (AAUW) workbook recommends setting a desired salary near the salary median for the applicant's position title.^{xxxiii}

Negotiation

There are different negotiation strategies, and certain strategies are better for use in salary negotiations. The collaborative negotiation strategy and the competitive negotiation strategy are both associated with increases in final salary offers.^{xxxiv} However, the competitive negotiation strategy involves threat and intimidation and is not the best strategy to use when negotiating with a party an applicant could work with long term.^{xxxv}

The collaborative negotiation strategy has many benefits. In negotiation, the collaborative negotiation strategy is associated with both an increase in the final salary offer and a positive reaction to the salary negotiation process.^{xxxvi} This strategy includes an assertive presentation of the applicant's salary needs while also seeking a resolution that is beneficial for all parties involved. The goal of a collaborative negotiation is a win for both parties.

Salary is the essential factor in salary negotiation. However, librarians should also be aware that they can negotiate for nonmonetary benefits that will enhance their work-life and support a positive work/life balance. Compensation other than salary can improve librarians' quality of life. Benefits like a housing subsidy or university housing can lower the out-of-pocket expenses in high cost of living areas. Student loan repayment assistance is another benefit that can improve quality of life and decrease out-of-pocket expenses. Moving expenses can be a part of a compensation package. Other compensation includes professional development payments, like professional organization membership fees and conference travel expenses, and additional personal leave days. You may also be able to negotiate work hour flexibility and remote work options. Applicants should carefully consider what is most important to them before they negotiate compensation. Compensation and benefits that will be most impactful for the librarian depend on family makeup, personal finances, and the cost of living.

Additionally, before a job interview, when the law librarian applicant reviews their accomplishments, they should think of a few examples of ways that they have added value to an organization and ways that they would add value to the organization they hope to join.^{xxxvii}

CONCEPT IN ACTION: SAMPLE EMAIL COUNTEROFFER

Dear Ms. [],

Thank you for the offer of employment with a starting salary of 60,000. I am excited about the prospect of working for your institution. I have reviewed salary averages for this region, and in accordance with the regional averages and the high cost of living, I am looking for something closer to mid-60,000. Is there any wiggle room with the salary? In addition, I would also like the option to work from home one day a week. I am also interested in financial support for professional development (i.e., professional organization membership, and conference travel).

As my references can attest, I have taught a research workshop, created tutorials, and staffed the reference desk. Although I am early in my career, I have the requisite experience to be successful in this position. I am excited about the opportunity to work with you, and I look forward to hearing from you.

Sincerely,

As mentioned previously, negotiators using the collaborative strategy seek a win-win outcome; they present their own interests but also seek to understand the other party's interests. Since the collaborative strategy encourages negotiators to consider the other party's

stance, a crucial part of the negotiation is determining whether the employer can negotiate. They may be offering the highest salary that they can, or they may have reached a salary cap. To try and discern if the salary is negotiable, applicants can ask, “is there wiggle room in the salary?” If the employer has reached the limit of what they can offer in terms of salary or if the initial salary happens to exceed the applicant’s expectations, librarian applicants should then negotiate other desired components of the compensation package. At this point, they can negotiate moving expenses, annual leave, professional development support, and flexible work hours and work location.

While negotiating, applicants can counteroffer around a 5-10% increase of the initial offer.^{xxxviii} Applicants should express their continued interest and enthusiasm for the position. The counteroffer should include the applicant’s rationale for asking for an increase, and applicants should use the market rate and the cost of living for the geographic region to determine the amount of the increase. The counteroffer should also include a statement about the value that the applicant will bring to the organization. AALL annual meeting frequently has sessions on salary negotiations that can prove helpful as you review your job offers.^{xxxix}

Applicants may encounter difficulties in negotiation. External environmental forces may limit the salary amount that the employer can offer. Further, the applicant may negotiate with human resources instead of the library supervisor. Also, individual salary negotiation may not be possible if a union bargains librarian benefits collectively.

Applicants are not solely responsible for salary equity. As Aliqae Geraci and Shannon L. Farrell highlight in their call to “normalize negotiation”, all people in the information profession play a role in salary equity.^{xl} Salary secrecy is one of the contributors to salary inequity. Experienced librarians should be open about their compensation to support newer librarians in their negotiation process, and the author also encourages employers to be open about salary ranges in job postings. All information professionals, through transparency and open communication about compensation, can do their part to help eliminate salary disparities in the profession.

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CHAPTER 26.

BALANCE, BURN-OUT, & MENTAL HEALTH

BABAK ZARIN

Wellness concerns in both the library and legal profession have become well known as awareness of the toll of working in either profession has grown. Yet how are law librarians, who operate in both professions, meant to engage with these concerns? This chapter provides some initial guidance and insight into this question, beginning with a review of how wellness concerns have evolved in the legal and librarian professions. This overview is followed by discussions of approaches towards mental health and practical applications of these approaches before concluding with additional resources. In doing this, readers of this chapter are provided with the awareness, knowledge, and practices necessary to begin engaging with wellness concerns, both of their own and of their patrons.

Key Concepts

- Mental health concerns are valid.
- There are many customizable best practices for engaging with wellness.
- You are strongly likely to have to engage with wellness issues, as are those around you.

Given the nature of the topic, the author of the chapter feels it is important to be open about the perspectives being brought to this chapter. More specifically, the author has both personal and professional experience in engaging individuals with concerns related to mental health, including depression, anxiety, and imposter syndrome. While these experiences cannot be universalized, they have helped to shape an awareness of the imminence and impact of

this topic. Therefore it is strongly encouraged that those reading this chapter consider its contents seriously, as the odds of new librarians having to engage with these concerns are high.

Key Concepts

- Mental health concerns are valid.
- There are many customizable best practices for engaging with wellness.
- You are strongly likely to have to engage with wellness issues, as are those around you.

EVOLUTION OF WELLNESS CONCERNS

What are wellness and mindfulness? Why should law librarians be concerned about either?

These primary questions have had many answers. This is because the role of wellness and mindfulness has changed in conception over time and appeared in different dialogues within the legal and librarianship professions. As will be seen shortly, it took a long time for the legal profession to accept wellness as an area of concern based on worries over burnout and practitioners adopting maladaptive coping mechanisms such as substance abuse. While librarians were similarly slow to discuss wellness formally, they have done so rapidly over the last decade, with current conceptions emphasizing the context of librarians facing burnout. This is particularly in related issues such as imposter syndrome,ⁱ where a person doubts the validity of their accomplishments, or vocational awe,ⁱⁱ which is defined as the values and assumptions librarians have about themselves and librarianship stemming from the idea that libraries are inherently good and sacred.

The second question is more readily addressable. Law librarians should care about wellness and mindfulness for two equally important reasons. First, their professional identity often requires them to engage these needs to provide patrons with high-quality service. Second, the demands placed on them to do such emotional labor can cause significant personal challenges related to poor mental health. Consequently, law librarians should care out of both personal necessity and professional expectation.

Wellness in the Legal & Librarian Professions

The first notable systematic attempt at addressing wellness occurred in 1989 when Jon

Kabat-Zinn, director of Boston's Center for Mindfulness in Medicine, Health Care and Society, offered a Mindfulness-Based Stress Reduction class for judges. However, it was not until 2002 that the first significant forum on wellness occurred, and until 2007 for the first journal article on wellness to be written in a top ten law review journal.ⁱⁱⁱ This slow adoption can partially be credited to the legal profession's tendency to emphasize external motivations such as recognition and financial awards over internal motivations such as personal enjoyment, a tendency that begins in law school.^{iv}

Nevertheless, there has been a boom in forums, articles, and classes being offered for lawyers and law students on the topic of wellness.^v This is largely due to how positive the results of such practices are on overall lawyer well-being and productivity.^{vi}

This means that today's literature on the mental health and emotional distress of lawyers is well built.^{vii} Popular legal news websites like Above the Law have an active, dedicated Health and Wellness section.^{viii} The American Bar Association provides resources for lawyers facing mental health and substance abuse issues.^{ix} That wellness is such a huge concern for legal practitioners is unfortunate, to say the least.

The librarian profession has taken a different approach when it comes to engaging with matters of mindfulness and wellness. Formal literature on these topics was scarce before 2008, likely due to a combination of limited resources and the reality of programming generally being geared towards broader institutions.^x However, the last 12 years have seen a large uptick in the number of resources and conversations surrounding these topics. Organizations like the American Library Association-Allied Professionals Association^{xi} and the American Association of Law Librarians^{xii} have established subsections to support librarians engaging with wellness and mindfulness.

This strong uptick is partly to changes in the communities librarians serve. School librarians have found themselves facing job creep or increased job expectations while working in understaffed libraries and facing "rude" patrons, resulting in work and instructional overload.^{xiii} These expectations are connected to issues surrounding vocational awe and beliefs that librarians serve without limit or expectation of return.^{xiv}

Even this is somewhat idealized. As Andrews (2020) points out, many minority librarians also face *additional* challenges. These can include layoffs, refusal to grant tenure, sudden community pleas for help, attacks at professional conferences, and/or cultural trauma from working in slave-built libraries located on stolen indigenous land.^{xv}

Given all of the above, it is clear why wellness concerns have become a topic of discussion within both the library and legal professions. Practitioners in both face incredible demands on their time, energy, and resources to help those with particular needs at potentially challenging times in their lives. Practitioners in both are expected to do this labor with

ease and little complaint. These expectations have resulted in practitioners facing mental health concerns with severe consequences. All of this makes it valid for practitioners to be concerned about mental health and wellness.

For law librarians, who work in the intersection of both professions, the concern is more serious. As legal professionals, they are expected to address effectively the needs of a wide range of patrons in ways that impact future dealings with the legal system. This is true regardless of whether the patron is a legal professional, student, faculty, pro se litigant, or even prisoner. As librarians, they are expected to do this with increasingly scarce resources and with little complaint.

Combined then, it becomes paramount for law librarians to learn and develop a host of approaches to engaging with issues connected to wellness, mental health, and mindfulness to mitigate the high risk of negative impacts from poor mental health.

APPROACHES TO MENTAL HEALTH

Mindfulness is “the practice of maintaining a nonjudgmental state of heightened or complete awareness of one’s thoughts, emotions, or experiences on a moment-to-moment basis.”^{xvi} The American Psychological Association defines mindfulness as the “moment-to-moment awareness of one’s experience without judgment.”^{xvii} Notice that mindfulness has a very broad scope and is implicitly long term as it is a maintenance practice for one’s internal state. Given this broad scope, it’s worth knowing there are many different approaches to mindfulness.

One popular approach is to imagine a wellness tree. This tree is divided into “roots,” “trunk,” and “branches.” “Roots” focuses on internal motivators such as personal values, personal identities, and the ability to make choices. The “trunk” emphasizes the act of self-care, which enables individuals to align their actions with their internal motivations. Finally, the “branches” are different domains of life that actions occur in, such as intellectual, social, spiritual, environmental, financial, physical, and creativity.^{xviii} This tree is sometimes also envisioned as a wheel.^{xix}

Under this approach, individuals engage in self-care by reflecting on how their actions in each domain interact with other domains and their root values. This helps to ensure general harmony between act and intent, and thus overall wellness. Note that this model is heavily dynamic since it is taken for granted that nobody is in flawless balance in all areas of their life at all times.

Another popular approach is the contemplative practice. These are a set of actions that help practitioners gain greater insight into themselves and their surroundings. These practices

help to build a stronger mindful awareness and thus strengthen the greater ability to be mindful. This is in addition to benefits like reducing stress, reducing insomnia, and increasing self-confidence.^{xx}

Contemplative practices are also often visualized as a tree. This tree has seven branches, one for each “family” of practice. Families include stillness practices like centering, movement practices like dance, and creative practices like journaling or singing. Families also include practices like activism, rituals, relational practices like dialogue, and generative practices like visualizations.^{xxi}

Outside of these practices, there are additional approaches worth knowing. For example, it is common for mindfulness practitioners to learn more about various means of therapy and thought reframing, such as cognitive or dialectical behavioral therapy (CBT or DBT). There are also additional time/stress management techniques from the perspectives of those who suffer other types of illness or pain, such as in the case of Christine Miserandino’s spoon theory.^{xxii} While these additional approaches are beyond the scope of this chapter to treat deeply or effectively; readers should know these approaches exist and are worth exploring independently.

APPLICATIONS OF APPROACHES

The wide range of potential ways to develop general wellness and mindfulness is encouraging for law librarians since it gives them the option of choosing among them with little risk. Nevertheless, this same range raises a simple question: how should law librarians actually apply these practices?

First and foremost, law librarians are encouraged to adopt what works best for them. This is because you must help yourself before you can help others. Adoption can be done either in a “small scale” manner, like taking a moment to be contemplative, or in a “large scale” manner, like establishing work boundaries and expectations.

The latter is of particular importance. Many librarians do not come to the field with a background or preference towards serving as counselors or engaging in emotional labor. Knowing one’s boundaries, therefore, enables a library overall to establish what amount and kinds of wellness services are offered.

CONCEPT IN ACTION: EXPLICIT EXPECTATIONS MAKE BETTER STAFF RELATIONS

Paige, Ezra, and Alexis all work as law librarians for the small law firm Booker & Sinkler, LLC. While they’re able to provide resources for the firm’s attorneys, the three have to work fast

and rarely get to spend much time together. Recently, Booker herself has asked the three of them to develop a wide-ranging research survey on the impact of a set of state tax law changes passed in the prior year.

After dividing up the work on the survey, they schedule short “bonding breaks” so they can check in with each other. Alexis helps to enroll her coworkers on a free email listserv she uses that offers 1-minute meditation exercises, while Paige sets them up with free accounts on an app she has that structures managing the project like playing a video game. These measures combined help the three law librarians to strengthen their staff relationships and maintain reasonable work expectations, all of which help Alexis, Paige, and Ezra to avoid getting burned out and uncertain how to best support each other.

Applications of a stillness practice (meditation), relational practices (discussion and gaming), and a ritual (bonding breaks) helped law librarians strengthen their wellness by avoiding burnout and fostering a stronger, more supportive community. This is just one potential application, though: what other applications are there?

Below is a set of potential ways the approaches discussed in the last section might be used. Note that the exact application can vary dramatically based upon setting as where a law librarian often dictates the range of resources available to them. While the discussion will attempt to show how applications may occur in each section, readers are encouraged to think deeply about what possible resources they might have in the settings they are or wish to be working in.

Collection

First, patrons in all settings may request to have resources made available to them as part of the collection. This includes informational pamphlets about mental health resources and CDs/DVDs offering instructions on wellness practices. While librarians in all settings must follow their library’s collection processes, it is worth considering how materials can be easily identified in the collection for use by others.

For example, those in public or academic libraries may want to consider making a clearly indicated year-round display of materials in an easily-located, relatively-private part of the library. Some may want to work with student organizations and other departments to provide space for meetings or wellness-orientated events (see next section for more.) Law libraries may also want to consider having handouts describing where to find resources in a larger public library or at the university’s main campus.

Those in private law firm libraries, government libraries, or jailhouse libraries often have

stricter limitations on being able to add materials. Still, librarians in those settings may want to consider making materials such as local bar association resources or calling cards available as possible.

Programming

Programming is generally the first instinct of many librarians when it comes to implementing these practices.

For law librarians at public law libraries, programming can often be found as part of the larger library system they are embedded within. This may mean providing literature such as the library's calendar of events in visible areas, or promoting library events to patrons as part of their visit. Academic law libraries may want to do the same kind of promotion with wellness events hosted by the main library system, academic departments, and student organizations. Both may also be able to do independent programming in a limited manner.

For example, at a discussion den in the 2018 AALL Conference in Baltimore, academic law librarians shared doing a wide range of programming to provide students during final exams with opportunities to improve their wellness. These programs included live streaming videos of animals (e.g., dog cams, cat cams) on the library announcement screens and providing color books and crayons for relaxing. Some identified rooms as “quiet” rooms for those seeking silence or provided healthy snacks (including a peanut butter and jelly bar) and coffee to students. This had the additional benefit of addressing food insecurity among students.^{xxiii}

In contrast, many private law firms, government, or jailhouse law librarians may face great limitations on holding programming due to the time constraints of their patrons (e.g., prisoners can only visit the library at certain times). For that reason, librarians might arrange “micro-programs” like 1-minute yoga or meditation challenges, signs with a daily reflection/motivational quote on them, or small healthy snack bowls.

Outreach

There are also opportunities for law library outreach to their patrons on these topics. Many law librarians have the ability to use messaging platforms such as blogs, newsletters, listservs, or public speaking to talk about what resources the library has or offers for mindfulness and wellness concerns.

For example, an academic law librarian may choose to blog about where items regarding wellness in the collection are, or what the main university health center is offering, as part of outreach before final exams or studying for the bar begins. A public law librarian may share information about where to find the local bar association's information on mental health

as part of a newsletter released for Mental Health Month in May. Even law librarians in more restricted settings, such as jail and government lawyers, may do things like speak with patrons on the topic if it seems the patron may be interested or begin a public speaking event with a 30-second meditation.

Utilizing any of these approaches offer law librarians and their patrons an opportunity to strengthen mental health. In some cases, this is because the program addresses unspoken needs the patrons might have, such as food insecurity or a need for socialization. In others, the application directly addresses a clearly spoken need, such as stress management or opportunities to process what is occurring around them. All strengthen the relationship between law librarians and their patrons. This, in turn, provides law librarians both with a chance to develop their own mental health and develop their ability to address such concerns in the future.

CONCLUSION

As the above discussion shows, the need to maintain balance and good mental health is both normal and deeply important for law librarians. This is true both in terms of maintaining their own mental health and in terms of helping their patrons.

Furthermore, the ability to address such wellness has never been stronger. While this chapter focused on developing practices and programs, there are a plethora of both physical and digital resources beyond those mentioned above. This includes resources from more localized bar associations as well as broader computer applications (or “apps”) such as Headspace, Calm, or Ensō. These resources can supplement pre-existing physical resources and database resources in a library’s collection. All help law librarians develop mindfulness practices that work best for them and their patrons.

That said, it is worth remembering such practices are not “one-shots,” i.e., meant for temporary application. The use and choice of mindfulness strategies alter and evolve for many people as their understanding of their mental health needs develop. Consequently, while this chapter is a good starting point, readers should consider continuing to develop their own knowledge of mindfulness. Doing so ensures that they are able to ensure their own mental health more effectively as time goes on.

DIVE DEEPER

To learn more about this topic, both from the perspectives of librarians and lawyers, consider reading the following five resources:

- The Mindful Librarian: Connecting the Practice of Mindfulness to Librarianship by Richard Moniz, Joe Eshleman, Jo Henry,

Howard Slutzky, and Lisa Moniz

- Recipes for Mindfulness in Your Library: Supporting Resilience and Community Engagement by Madeleine Charney, Jenny Colvin, and Richard Moniz
- Lawyers as Changemakers: The Global Integrative Law Movement by J. Kim Wright
- The Best Lawyer You Can Be: A Guide to Physical, Mental, Emotional, and Spiritual Wellness 1st Edition by Stewart L. Levine
- Difficult Conversations: How to Discuss What Matters Most by Douglas Stone, Bruce Patton, and Sheila Heen

CHAPTER 27.

PROFESSIONAL DEVELOPMENT

TINA DUMAS, CATHERINE MCGUIRE, AND HOLLY M. RICCIO

Professional development is a cornerstone of any successful career in law librarianship. It not only enhances existing knowledge and skills but also facilitates building a solid foundation for future growth. However, when undertaken successfully, it is by no means a spectator sport—legal information professionals need to play an active role in crafting individualized plans to get the most out of associations, publications, conferences, and other professional offerings and volunteer opportunities. Leveraging the broad spectrum of professional development—from venerable professional associations and publications to social media and other 21st-century technology—and finding just the right mix of information and insight can fuel a lifetime of professional success and career fulfillment.

Key Concepts

- Understand the structure and requirements of your organization and incorporate those into your plan.
- Play an active role in constructing and re-evaluating your path.
- Reach outside the standard structure of opportunities to the full spectrum of options.

This chapter will look at professional development through a variety of lenses to illustrate differences and commonalities in both approach and application by library type—academic, private, and government. The authors will take a deep dive into various professional development types, from committee work to conference attendance, from scholarship to

social media. This chapter will explain the structure of library and legal organizations and provide insight into how best to navigate the opportunities therein. Lastly, the authors will provide guidance on how to get involved, network, and make the most out of professional development.

PROFESSIONAL DEVELOPMENT PERSPECTIVES

In this section, the authors will explore professional development from three different perspectives: academic, government, and private law libraries. Requirements, expectations, and opportunities can be different in each environment. Finding and justifying funding may be an issue, depending on your employer organization. Then, there is the matter of identifying the right professional development opportunities for your work environment and career goals. There are some common tactics to try to mitigate or minimize the cost of professional development opportunities, including the following:

- Take advantage of online/virtual opportunities that are either made available at no cost or have nominal registration fees.
- Look for conferences and events put on locally, by your AALL chapter, or other local organizations.
- Consider volunteering to plan or speak at a conference—while this is no guarantee of receiving funding to attend. It often helps create a stronger, more successful argument for attendance.
- Identify sources for grants to attend conferences, remembering that these can come not only from the larger entity (e.g., AALL), but also specialized subgroups (e.g., Chapters, Special Interest Sections).
- Find out what training/learning opportunities your employer makes available, and take advantage of those as appropriate.

Academic

Professional development for academic law librarians is often a required part of a position. Unlike private and government libraries, where development is often pursued for purposes of personal choice and preference, for academic staff, professional development, and more specifically publishing, may be required for promotion and advancement purposes. You should know what is required and what support you will be given towards those requirements before you accept a job offer.

Performance review standards in an academic library may include scholarship, service, and teaching. Academic libraries benefit from staff knowledgeable in specific topic areas. For

example, in a law school with recognized status in a particular topic area (such as entertainment, environment, or international law), having knowledgeable library staff is necessary. A high level of subject specialty can be fostered through professional development. In addition to augmenting reference provision, subject-specialized staff help increase the strength of collection development, enhance classroom instruction, and improve faculty interactions.

Like other law libraries, staff must be conversant with changing technology, re-evaluate processes, and innovate to meet changing demands in library space, reliance on digital collections, and a growing exploration of non-traditional library services.

Private, Corporate, and Consultants

There are usually no publishing requirements for information professionals working in private law firms, corporate legal departments, and consulting firms, as in academia, but writing articles for a professional publication can be a fulfilling experience, maybe more so without the requirement to produce. Attending professional development events and trainings can enhance job knowledge and provide benchmarking and trend information to an employer for strategic planning purposes.

Funding can be a challenge in any organization. Still, it's helpful to tie professional development funding requests to revenue or expense savings or, more broadly, to the organization's mission and goals in the private legal field. Look for educational opportunities that can teach more efficient use of a database or vendor negotiation tactics or tout the potential to discover more cost-efficient databases in the vendor hall.

Government, Courts, and Public

While professional development is equally crucial for law librarians working in and with the government, courts, and the public, effort in this type of setting presents its own set of unique circumstances and challenges. The obvious barrier is often funding, as securing funds in a government setting to attend conferences and other professional development offerings can be hard to do. The first step is to know your institution, the policies and procedures that need to be followed, and what funding sources may be available to you.

For law librarians working with public patrons, there is often an additional need for training that non-law librarian organizations may offer. Look to other entities, such as public libraries and legal services associations, for professional development opportunities focused around many of the soft skills needed when interacting with the public (e.g., communication, conflict resolution).

PROFESSIONAL DEVELOPMENT OPPORTUNITIES

Opportunities for growth and development appear in a multitude of formats, arrangements, and locations. Opportunities can appear in expected or surprisingly serendipitous events. Awareness of the many avenues of possibility will help you recognize and take advantage of those opportunities.

Conferences

The most obvious and usually first-mentioned opportunity for professional development is through conferences. Conferences can be a single day or across a span of days; can be offered by any professional group with a library relationship (AALL, ABA, SRLN, Partners for Justice, Computers in Libraries); can be national (AALL) or local (Chapter, county bar association). They can be library-related (ALA, SLA), law-related (ABA, bar association), or neither but relevant to the needs of a professional arc (education).

Conferences provide an opportunity to learn through educational sessions. And further, they offer excellent opportunities to network with like-minded members of the same or similar fields. Committee meetings, roundtable discussions, and social events provide ample opportunity to connect with fellow members and discuss opportunities for participation and growth in the profession.

Association Roles

Professional associations generally have a small staff of employees who run the basic functions—management, legal compliance, technology, etc. Beyond those basic functions, the association's membership drives community communications and educational development opportunities—generally, the benefits that pull professionals to join the association in the first place. Those “peer-powered” functions need volunteers to operate. Those association roles provide ample opportunity for professional development.

As an illustration, the American Association of Law Libraries (AALL) operates with a small staff that supports several thousand members. The Association has a complex structure of Committees, Boards, Special Interest Sections, Chapters, and other sub-sets that focus on geographic and topical areas of membership interest. For example, the Academic Law Libraries Special Interest Section provides opportunities for academic members to construct and produce webinars, write articles and publish newsletters, and discuss with the wider academic law library community issues of concern to their subgroup. The SIS has leadership and committee positions filled by volunteer members, where work is completed and made available to members. These positions are an excellent opportunity for professional development, allowing librarians to learn or build on a skillset, like web content

development, newsletter publishing, management of finance, and other skills that help them grow professionally.

Mentors, Sponsors, and Coaches

Mentorship and similar roles offer an opportunity for professional development to both the mentor and the mentee. Novice professionals can engage with mentors to build knowledge and network with others in the field. Veteran professionals can connect with novices and by passing on knowledge, encourage development, and inspire professional growth.

More in-depth coverage of mentorship is forthcoming in future chapters.

Scholarship

Either solo or in conjunction with others, research and publishing provides an excellent opportunity to expand knowledge and connect with colleagues. Opportunities to research and write abound.

For more in-depth coverage of scholarship, see Chapter 26.

Webinars, Seminars, and Podcasts

Multimedia provides easy access to professional growth opportunities. Material is streamed through podcasts, conducted online, presented face-to-face, or in a hybrid format. Time, space, and technology flex to accommodate individual learning preferences. Live or recorded sessions can be accessed while seated at a desk and computer, in a car while commuting, or on a back deck while on vacation. Online sessions are posted by professional associations (AALL, ALA, SLA, association subgroups), through affiliations or corporations (OCLC's WebJunction), and through vendors (Westlaw, Lexis, HeinOnline, ILS-based).

This category of professional development opportunities is generally available to any interested party. They can be excellent introductions to a new topic and to someone considering the library field, a specialty within the library field, or advancing knowledge in a sub-specialty.

Certificate and Continuing Education Programs

Development can be sought through more formal educational programs, available from educational institutions or from certificate programs through corporations. Completing a program in Paralegal Studies, Criminal Justice, or Adult Education through a university or local community college can help round out a non-legal library background. A certificate

program in conservation and digital curation or archives can provide marketable abilities in areas peripheral to, but often much-needed in, the law library field.

Unlike most other professional development opportunities, certificate and continuing education programs generally have selective admission. Applicants are required to submit materials illustrative of their worthiness for admission, including transcripts, resumes, and letters of recommendation. Such programs require a higher level of commitment in terms of time and money than other development opportunities.

CONCEPT IN ACTION: EMPLOYER SUPPORTED PROFESSIONAL DEVELOPMENT

Kendall accepted a position on the reference staff of the state supreme court law library. Before starting the job, Kendall had significant reference experience at a public library but no training or exposure to law and legal reference. After the first few months of hearing questions about the detailed vocabulary and procedural complexities of law, Kendall discovered that the local community college had a paralegal program with evening classes. When Kendall expressed an interest in developing her knowledge, the supervisor pointed to the employee manual, which explained that the court would pick up part of the cost of courses relevant to job duties. Kendall applied online and completed the paralegal certificate, with support from the court.

Social Media

Social media is a broad term that encompasses a variety of platforms. It offers a multi-level opportunity to develop professionally. Social media serves as networking, marketing, and educational gateways. Platforms like Twitter, LinkedIn, and Facebook allow professionals to view colleagues' activities, respond in real-time, exhibit notable efforts and accomplishments, and generally stay abreast of the industry's events. Connecting through social media promotes recognition of names active in parts of the field, and allows for easy connection in areas of interest.

Online professional learning communities, which come in a vast array of structures and include wikis, MOOCs, and blogs and the more social platforms above, allow professionals to collaborate and learn cooperatively and exhibit ongoing research and discoveries. As an illustration, Hack Library School, a collaborative project, began as a Google Doc, moved through a wiki form, and today is a web-based collaborative space for information professionals to express ideas on the profession. The core staff (editors) welcome guest posts, providing an opportunity for developing ideas and writing ability beyond standard reports and messages. The authors are mainly current or newly-graduated MLIS (or variant) students.

Teaching and Presenting

Librarians of all kinds include teaching and presenting among the many tasks and duties that make up a position. Teaching brings professional development full circle—giving the opportunity to develop oneself, while simultaneously providing development to others. Presenting material to an audience, whether live, recorded, face-to-face or virtually, is always an opportunity to review and assess one's own knowledge.

Teaching material and concepts you know well improves your own skills in observation, communication, and organization. Teaching strengthens your capacity for learning through an increased understanding of learning and communication styles.

As with other professional development forms, opportunities to teach are all around. There is a multiplicity of one-off events, such as information lectures for patrons or members of your staff or organization, presentations at association conferences, and guest lecturing at a nearby law school or library science program. There may also be opportunities to teach a full semester-long course, perhaps for the legal studies program at a nearby community college.

CONCEPT IN ACTION: TEACHING AS PROFESSIONAL GROWTH

Pieter, a reference and instructional law librarian, was contacted by the Director of the Legal Studies Program. The Program was rewriting its curriculum on Legal Research and Writing to decrease a long-standing focus on print resources and expand on digital resources. The Director asked for Pieter's input and feedback on the planned curriculum. After a lengthy discussion, Pieter was asked to construct the curriculum's resources portions and teach the two sessions of the semester-long course where online research was explicitly addressed.

Benefits of Volunteering and Supplemental Opportunities

There are many benefits to volunteering beyond the obvious main benefit of contributing and giving back to the law library profession. The skills gained through volunteerism are transferrable and universal—leadership, public speaking and presenting, interpersonal communications, people and time management, delegation, meeting management, etc. Volunteering, especially at an early stage in one's career, can be a great place to acquire, develop, and hone soft skills that one may not have an opportunity to gain within the work environment.

AALL

The American Association of Law Libraries (AALL) is the primary association for law

librarians and legal information professionals, and it provides a myriad of volunteer opportunities to its members. Below is a glimpse into the variety of offerings and opportunities members can choose from.

Committees and Juries

There are numerous standing committees and award juries that members can volunteer for, and a call for volunteers will come from the AALL Vice President/President-Elect in the fall. The AALL Appointments Committee makes appointments to standing committees and award juries in the spring. In addition, there are often other volunteer opportunities, such as special committees, task forces, and editorial boards, that are either appointed by the AALL President or have a separate call for volunteers process and timeline.

Special Interest Sections

These groups provide members the opportunity to become involved with their peers in specialized areas of law librarianship. Each Special Interest Section (or SIS) has their own volunteer offerings, including board and committee service and publishing and speaking opportunities.

Caucuses

AALL Caucuses are smaller, more informally structured groups formed by members to discuss various focused areas of interest, and most have leadership and other volunteer positions.

Chapters

AALL has many chapters across the US that provide a great way for law librarians to get involved locally. While part of the AALL organization, they are considered separate entities, with separate membership requirements and dues, which are typically very affordable. Chapters have volunteer offerings similar to SISs, but since chapters are smaller and regional, they often have opportunities for connection and increased responsibility on a more local level, and are often a great way to start on one's professional volunteer path.

Other Professional Organizations

Depending on library type and/or job function and responsibilities, law librarians may also want to join and volunteer with other professional associations. These may be in the general library or legal fields, or even beyond. For example, involvement in the International Legal Technology Association (ILTA) may be of interest for those whose jobs encompass or incorporate legal technology. Networking with peers and asking what associations they are involved with and members of is often a great way to identify other professional organizations one may want to join. Regardless of the association's focus, volunteering for

any professional organization provides the opportunity to learn and practice universally transferrable skills—whether that be to one’s job or work environment or to a volunteer role with another association organization.

Other Volunteer-Based Opportunities

Balance and diversity of experience are important aspects of one’s professional career, and one way to obtain and maintain both is to explore volunteer opportunities outside of the legal profession. Taking on a leadership role with a group or organization that matches a personal passion or interest adds to one’s soft skills toolkit and brings personal fulfillment and enjoyment. Taking time for this kind of self-care adds value to one’s life experience overall and makes for a more effective and successful employee.

CONCEPT IN ACTION: SKILLS ARE TRANSFERABLE

When Riley was working as a reference librarian, they were asked to serve on the Board of Directors for a non-profit organization that ran after school programs in several locations in their city. Riley was involved in managing, hiring, and firing of the non-profit management staff, budget discussions, wage negotiations, and fundraising at the organization. They served for three years and developed valuable communication and management skills. This allowed Riley to develop skills that transferred to their career when they applied for a management job in a law library a few years later.

TAKING OWNERSHIP & GETTING INVOLVED

The volume of professional development opportunities is so vast, it may feel overwhelming to choose among them. Determining which projects or involvements in which to engage can be managed through careful review and selection, based on several factors. First, consider your professional and personal development goals. Then, review the development opportunity carefully. Examine any course objectives or takeaways provided for training courses. Determine if the result or product has value to your personal and career goals. Weigh the advantages and disadvantages of the opportunity against factors like usefulness for your actual job, usefulness for your preferred career path, time commitment, and personal interest. Remember that the opportunity itself does not need to be specifically relevant in the moment; it may provide a foundation or important experience down the road. Look for deficiencies in your current knowledge, and build to fill them.

As an illustration, AALL’s Body of Knowledge (BoK) provides a guide for domains, competencies, and skills relevant to professional law librarians. The guide can be used to help identify areas where you may wish to begin learning or build on a nascent skill. All

AALL professional development content, including programs, publications, webinars, and resources, identify the related BoK, to help you determine if a particular experience will serve to augment your knowledge or skill in that area.

CONCEPT IN ACTION: GUIDES FOR PROFESSIONAL DEVELOPMENT

As part of the firm's annual review process, Wendell is a private law firm library manager and is asked to identify professional development areas and skills he would like to develop. Using the BoK, he lands on Teaching + Training and Research + Analysis as two areas to strengthen and hone, and identifies both a webinar (Using Cognitive Theory to Boost Long Term Retention) and *AALL Spectrum* article (Artificial Intelligence: Legal Research and Law Librarians) that will help Wendell start to achieve his professional development goals.

GROWING YOUR PROFESSIONAL NETWORK

One of the most important resources any law librarian can have is a robust professional network, made up of a diverse mix of individuals from whom one can learn from and turn to when needed. While much of one's network develops organically over time, it can also be cultivated purposefully and intentionally. As you meet and connect with other law librarians through work, conferences, and professional events, add them to your network by sending a LinkedIn invitation or a follow-up email. Think about your career aspirations and cultivate relationships with people in positions to which you aspire. Don't limit yourself to law librarians, either—there is so much to gain from networking with others in the broader legal and information industry. Your network can often help fulfill a seemingly impossible research request, which can be used to demonstrate the value of association membership and involvement to your institution. And, finally, be willing and able to help when someone in your network calls on you for a favor or help, as your professional generosity will always come back around and benefit you in the end.

GETTING THE MOST FROM CONFERENCE ATTENDANCE

Pre-Conference Preparation

Advance preparation will make conference attendance more productive and enjoyable. It is helpful to preview the schedule of sessions on the conference website and make a list of sessions of interest. Prioritize the list according to relevance and interest, then add the sessions to a calendar of choice. Many conferences have an app with a scheduling feature available. Attendees should ensure that the association or sponsors have updated contact information to stay informed of changes and invitations to social events.

Information professionals are great at research, obviously, and the keynote speaker(s) will be a highlight of the conference. Advance research will enhance the experience and prepare attendees for the session. It might also suggest a question to ask if questions are allowed at the end of the keynote session.

Review the schedule for events beyond the educational sessions. Committee and caucus meetings, advisory groups, and Board Q&A sessions can add to the value of conference attendance and provide interactive career development. Search for meetings with potential interest and add them to your schedule.

RSVP for all social events you are even remotely interested in and ask if you can bring a guest. You will often meet someone who didn't rsvp, but wants to attend, and then you can bring them along. This is an easy way to deepen a connection with a newly-met colleague.

Reserve time for yourself. Conferences can be exhausting, and a little self-care can improve your overall experience. If the conference is in a new city, take an hour or two to explore and re-energize. Find an independent bookstore, a museum, or a park of interest. Or, if you need solitude for replenishment, find a quiet garden or just take a break in your hotel room. You'll get more out of the conference if you don't overtire or overtax yourself.

CONCEPT IN ACTION: MAKING THE MOST OF A CONFERENCE

Tasha registered for a summer conference with excitement and anticipation. As the days of the conference approached, she reviewed the list of educational options, vendor-sponsored gatherings, and committee meetings with growing trepidation. Many events in which she was interested overlapped, and viewing the schedule through the conference app didn't allow for multiple-day viewing, making it challenging to determine where there might be flexibility for connecting with former colleagues and viewing vendor demonstrations. Tasha decided to set up a spreadsheet of events and include those items she was considering, so she could evaluate the entire conference for balance. By noting overlapping events in a clear manner, instead of deleting those she thought she couldn't make, she could be ready to change course through each day if new information arose.

Active Participation

Make the most out of conferences by actively attending as many sessions and events as possible (keeping in mind the tip above about self-care). Attendees should attend educational sessions that are of interest as well as those outside of their usual sphere. Sometimes session descriptions may be misleading or confusing—it is okay to leave a session and go to another one while in progress. This is an advantage of keeping an overlapping schedule (see Concept

in Action, above). It is often helpful to ask questions during the Q&A portion of a session as others might be interested in the answer, too.

Visit open meetings of committees or other subgroups you identified in your advance preparation. These can give you a sense of the group, and if their goals and mission align with yours, being present demonstrates your interest, and informs you about how to get involved and active.

The exhibit hall can also be a great learning experience during a conference. Make time to visit. Meeting vendors (and collecting swag—free vendor treats and toys you can pick up as you visit) can be a great way to learn about new products that may benefit your employer. Vendors will usually scan attendees' badges to obtain contact information to follow up, but some will also collect business cards for raffles. Take some of your cards with you, stashed in your badge holder or handy side-pocket, for this purpose.

Social events provide a great opportunity to meet people in a more relaxed atmosphere. Select them carefully, choosing from those more closely aligned with your interests, but chance serendipity can also lead to long-term professional relationships and friendships. Having business cards handy in a badge holder will also prove helpful at social events, as other attendees cannot scan a badge for contact information. Make notes on the back of any cards collected to remind yourself of conversations with other attendees.

Post-Conference Follow Up

Collect business cards in one place and try to reach out to any new contacts as soon as possible, either while you are still at the conference or upon returning to work. Connecting via LinkedIn or email with a brief description of how and where you met is a great way to stay connected.

See if your employer requires a written report and if there is a preferred format. If not, it is still a good idea to write a brief summary of your experience. Focus on what you learned and how it will be helpful in your work. You can include contacts you made with other information professionals or possible vendors from whom your organization may benefit. Highlight the positive benefits to your organization, which may help you get funding to attend other conferences.

Remote Conference Participation

Attending a remote conference or webinar is becoming more and more common. It's critical to carve out time for the conference or webinar and avoid distractions to get the most out of the experience. The important interpersonal connections will be harder to capture, but

connections can still be made. Some conferences (but probably not webinars) may offer virtual social hours. A chat or question pane for webinars and virtual conferences offers another way to make connections with other participants and speakers. If the schedule offers it, reserve some time for chatting with new connections.

SECURING PROFESSIONAL DEVELOPMENT SUPPORT

Making the Case for Attendance

An employer may require a brief memo or email explaining why and how attendance will benefit the organization. Tying attendance to the employer organization's strategic plan or mission is the best way to support attendance. It is also helpful to estimate any possible cost benefits to the employer.

Provide a realistic budget. Check to see if your organization has policies for expenses at conferences. Your employer may provide a per diem, or they may reimburse. If they reimburse, there may be a limit on the amount (e.g., \$12 for breakfast, \$15 for lunch). Be sure to carefully note what they will not pay for or reimburse, such as hotel staff tips, alcohol, or hotel wi-fi connection fees.

A budget should include:

- Registration costs
- Transportation, including airfare and/or ground transportation
- Hotel
- Meals
- Miscellaneous costs, e.g. shipping items back to the office or changes to travel plans.

All budget estimates should allow for taxes and tips.

Grants, Awards, and Other Funding Options

Many professional organizations offer grants to attend specific conferences, sometimes to conferences put on by other organizations. Other awards for writing papers or research projects may also be available. In most cases, the application will require information about interest in the program or financial need. Some, but not all, may require a personal statement.

Writing a personal statement for a professional development grant or scholarship is similar to writing a college entrance essay. It should include a personal introduction with information about your interest in the event that the grant will support. Other relevant work experience

or expected outcomes from attending the event should also be included, and of course, a strong conclusion that reiterates the applicant's qualifications and needs.

Salary Negotiation

Many people don't think to ask about professional development support when interviewing. However, it can be a strong tool to use when negotiating benefits. As with any salary or benefits negotiation, the topic should never be brought up at the beginning of the interview process unless the employer asks about it specifically. However, asking about the kind of support that the potential employer provides can be a part of later salary negotiations.

Questions to ask:

- Are memberships paid for?
- Will the employer pay for memberships to multiple organizations/associations?
- What is the employer's policy on conference attendance?
 - Do staff take turns, attending in alternate years?
 - Is preference given to individuals who are leaders in a professional association or if you are speaking at a conference?
- If the employer does not pay for conference attendance at all, will they still allow time off to attend? In this last case, try to negotiate for a higher salary that would cover the costs conference attendance (registration and travel).

CONCEPT IN ACTION: NEGOTIATING FOR FUTURE NEED

In a late interview, after the interviewer brought up salary and benefits, Dany asked how the firm supported employee professional development. The interviewer told her that the firm would pay for national and local memberships that were appropriate to the position but would not pay for her position to attend a conference. She would not be docked for any time she took to attend the conference, though. Dany also asked the interviewer what the salary range was that was being offered. As conference attendance was important to her, she calculated how much she would need for travel and registration expenses (if days off were required, she would calculate the cost of that, as well). The next time she spoke to the representative, she was able to explain that because these costs would be coming out of her own pocket, she was asking for slightly more than the highest end of the salary range. Her counteroffer was accepted.

CONCLUSION

Professional development is a career-long journey that will enhance your job experiences. Knowing your employer's perspectives and expectations will help you to find the best opportunities that will increase your worth. Knowing what role professional associations can play will bring value and fulfillment to both you and your employer.

Regardless of the type of library in which you work or aspire to work, this chapter should help you to identify ways in which you can hone your knowledge and skills, get involved and grow your network—all key components of any successful professional development plan and career path.

DIVE DEEPER

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CHAPTER 28.

SCHOLARSHIP

MARGARET (MEG) BUTLER

Law librarians benefit in many ways from their production of scholarship. Scholarship promotes the profession of librarianship. It encourages the identification and implementation of best practices, among other things. Employers may see the scholarship as an indication that the employee has interest and motivation and expect that to spill over into fulfillment of other job responsibilities. A librarian's interest in scholarship may also be perceived as an indicator that the librarian is aware of important ideas and trends in the profession.

Librarians can start small in developing their scholarship. Basic steps include starting small, writing regularly (practice), seeking support, and learning the market. Remember that it is important to find the right balance between regular work duties, creating scholarship, and enjoying your personal life.

Key Concepts

- The role of scholarship in hiring and promotion varies from employer to employer.
- Balancing daily job responsibilities with scholarly interests is a crucial skill for the aspiring writer.
- Develop as a published writer by starting small, volunteering, practicing, seeking, support and learning the market.

SCHOLARSHIP IN HIRING & PROMOTION

Many types of employers hire law librarians, such as law firms, government law libraries (including state, county, agency, and other government law libraries), and academic law libraries. This section describes the role of scholarship in hiring or promotion for librarians working in those environments.

Firm & Government Librarians

Remaining aware of current issues in librarianship is important for both law firm and government librarians. Although these librarians are not always expected to produce scholarship, they are expected to perform effectively and efficiently. Professional development, in the form of current awareness through reading blogs, newsletters, and journals remains important.

Hiring

When looking for a first position, job candidates often look for ways to set themselves apart from the candidate pool. Including a publication or two on the resume is one way to do so, particularly if the publication is relevant to the position's duties or in an area of interest to the employer. Publications on a resume demonstrate that the candidate is able to manage project-related tasks, such as planning and meeting deadlines as well as showing interest in the substantive material included in the piece. Those interested in pursuing work as a government librarian should, before an interview, educate themselves about conflict of interest limitations, as well as potential standards of conduct that may govern writing or other outside activities.

Promotion

When working as a firm or government librarian, it is important to understand the role of publication in the promotion process. Your supervisor can easily provide guidance about whether scholarship or publication is directly rewarded by your employer. Some law firms encourage and incentivize their employees to produce scholarship, such as blogs or articles, because it promotes the profile of the law firm. Other firms may offer no official recognition of scholarship, as they may not see it as a part of the librarian's job duties or promoting firm interests. Of course, some librarians' writing may be published internally on a firm intranet or externally as part of their regular job duties, such as the research guides and blogs produced by the Law Library of Congress.

There is a broad librarian audience for scholarship produced by government and firm librarians. The practical perspective is valued. Academic librarians want to know more about the tools and practices that law students will be using after graduation. Other librarians in law

firms and other private or industry contexts benefit especially from current awareness tools such as blogs and other programs produced by firm librarians. Note that, while law firms may not universally reward scholarship by their librarians, a number of law firm library directors actively produce scholarship, such as the blogs *On Firmer Ground*, *Dewey B Strategic*, and *Three Geeks and a Law*. These contributions to scholarship are credible and promote the profession, providing readers with helpful information for their own workplaces.

Academic Law Libraries

When applying for work, a newly minted law librarian may benefit from having a record of scholarly contributions. This section will describe in more detail considerations and issues unique to academic law librarianship for both hiring and promotion.

Table 1: Librarian Employee Types

employee at will	typically no expectation of scholarship, unless explicitly listed in job description as a duty; time for writing may not be compensated
adjunct faculty	typically no expectation of scholarship, similar to other adjunct faculty; it may be seen as a bonus; time used for writing may not be compensated
non-tenure track faculty	there are a variety of non-tenure track faculty types, and the job description and promotion guidelines will typically provide guidance about whether scholarship is expected and compensated
tenure track faculty	since scholarship is typically expected for promotion, evidence of success as an author can be helpful in hiring; time creating scholarship is compensated, and expectations may include the opportunity to have a sabbatical to support the production of scholarship

Hiring

As with firm and government librarians, there are some advantages to having a record of scholarship at the time of application. Review the job description or posting to see whether there are signals about how scholarship would be viewed by the employer. An academic employer, particularly one whose promotion or tenure system requires scholarly contributions, will review each resume or curriculum vitae for evidence that a candidate will be able to meet requirements to produce scholarship. A librarian who fails to meet the publication requirements of their library could be terminated if scholarship is a requirement. Employers that hire at-will employees, or treat librarians as adjunct faculty, may not have any expectations of scholarship. Depending on the type of employer, an applicant may want to highlight their scholarly interests.

If you are unclear about a prospective employer's expectations, it is worth clarifying them, particularly while considering an offer of employment. Some universities offer a sabbatical,

or a period of paid leave often used for writing. To receive a sabbatical to write an article for publication in *Law Library Journal* or *Legal Information Review*, the employer must actually offer sabbaticals to librarians. If sabbaticals are not part of an employer's benefits package, you may still be able to negotiate about writing time. Points of negotiation include whether writing time can be included as part of your regular work hours as well as whether writing may be done remotely.

Newer librarians are not expected to have produced significant research-based articles in major publications. However, librarians who are changing employers may have a record of significant publication and scholarly contribution. Those librarians need to negotiate whether their prior publications can be considered for purposes of future tenure or other promotion while negotiating their terms of employment. Scholarly contributions are typically only counted by an institution if they are published during the time the librarian works for the institution.

Academic law librarians are categorized in a variety of different employee types, depending on their schools. Expectations of contribution to scholarship vary across the employee types as well as by school within employee type. Job description responsibilities will usually reflect employer expectations. Because there is variation it is a good idea to clarify employer expectations.

Promotion

Whether internal or external, scholarship can be helpful. As indicated above, an external promotion may be easier for one who has a record of scholarship, particularly when seeking work at a law school where librarians are expected to produce some form of scholarly work. As you advance in your career, you will develop your own areas of interest, knowledge, and scholarly contribution. You can call this your research or scholarly agenda. For librarians who envision their future as academic library directors, a record of scholarship is critical. Academic law library directors often hold tenure track positions; thus, they are expected to have a scholarly agenda and significant record of publication and reputation.

When producing scholarship with the intent of promotion, it is important to consider whether the work produced meets the criteria established for promotion. As with the question of whether scholarship is required for promotion, the question of what counts as scholarship in support of promotion is best answered by job descriptions, school promotion or tenure standards, and supervisors.

DEVELOPING AS A WRITER

To become a published law librarian, there are a few steps to follow. First, identify the type of scholarly contribution you wish to make to the profession. You need to make an action plan

to fulfill that goal. You have to do the work of your plan, and finally, you need to submit your contribution for publication. This section will address each of those steps in order.

Types of Scholarship

There are a wide variety of scholarly contributions available for law librarians. Considering these types of contributions is part of the first step of creating scholarship: identifying the type of contribution to be made. Scholarship can include scholarly articles, research guides, chapters in books, book reviews, and blog posts.

Traditionally, people consider the research-based article published in a (print) peer-reviewed or other highly regarded publication, such as *Law Library Journal* or a law review, as a significant scholarly contribution. The significance of a contribution can be calculated by the article's placement, with some journals being rated as having a higher scholarly impact than others. Another way to evaluate the impact of scholarship is by the frequency that the scholarship has been downloaded, if this data is available from a source such as an institutional repository, or has been cited. One of the best ways to identify a place for publication of an article (or other scholarship) that you are considering is to review and evaluate the sources that would likely publish your article.

There are a variety of specialized print publications in the field of librarianship, ranging from *Law Library Journal* and *Legal Reference Services Quarterly* to journals that address specific aspects of librarianship, such as the *Journal of Access Services* or the *Journal of Library Administration*.

CONCEPT IN ACTION: FINDING OPPORTUNITIES/h2>

Student librarian Rosa Lee followed her professor's guidance and joined professional organizations, such as the American Association of Law Libraries (AALL) and the Special Libraries Association (SLA), as a student member. As a member, she saw a "call for contributors" email seeking a reviewer for a webinar made freely available to the members. The topic of the webinar is of interest to Rosa, and she was already planning on attending.

Rosa took advantage of the opportunity, replying to the email. The editor offered basic writer guidelines and happily included Rosa's review in the newsletter. Rosa, when it was time to start looking for work, was able to include the publication on her resume, demonstrating her interest in her own professional development, her commitment to our professional community, and her ability to follow through and complete projects—things an employer is happy to see.

Journals that are born digital, or exclusively available online, may provide another

opportunity for publication for the librarian-scholar. Sources that are exclusively available online, such as *In the Library with the Lead Pipe*, may be committed to open access, allowing readers to freely engage with the contributed articles. Note, however, that exclusively online publications may be seen by non-librarian colleagues as having a lesser weight than traditional print sources.

Librarians may publish research guides, whether in print or digital form. These research guides may reflect the librarian's understanding of an area of law, as well as the resources, tools, and strategies best used to conduct research in that area. In addition to contributing to research guides that might be maintained institutionally, as by an academic or court law library, these guides may be published by others, such as professional organizations for specialized legal practice, such as those available through the American Society of International Law.

Chapters in books—or books—offer additional opportunities for publication. A novice scholar-librarian would be better served by responding to a call for proposals for a book chapter, while a librarian with more years of service would be in a position to write or edit a book. These contributions may take the form of summaries of the law, theory about the profession, pedagogical analysis, or bibliographic contributions in an area of law.

Reviews are a valuable way for librarians to contribute to scholarship. The librarian-reviewer evaluates a database, book, program or presentation, or another item. These reviews may be found in a variety of sources ranging from law reviews to Law Library Journal to newsletters of various law library associations. Reviews benefit the law librarian community, as well as scholars generally because they provide information that we may use to improve our collection development and that authors of the underlying work may use in support of their own promotion or tenure.

Although blogs may not have the same weight as scholarly contributions in an academic field such as torts, blogs are more significant in the context of librarianship.

Blogs maintained by individual librarians and by professional associations, not to mention law library blogs, publish regularly, are read widely in the profession, and have received awards. Contributors may identify blogs as a placement for scholarship because they have a very short cycle, and they are able to include more immediate analysis of events or issues for librarians. Longer form works, such as journals, book chapters, and books, have a much longer time between submission of a final manuscript and publication.

Developing an Idea & an Action Plan

For some people, developing an idea is easy—they look around the world and they see

opportunities to identify best practices, conduct case studies, and questions that need to be answered. For others, it is much easier to write in response to a prompt. If you are in the latter camp, you may want to set up alerts on Google or other resources to identify calls for contribution. Additionally, many print publications include information about themes for upcoming issues, allowing you to see if something sparks your creative juices. By reviewing current awareness sources, you may identify an area or topic of interest. For example, librarians publish articles on topics including bibliometrics (the study of the impact of scholarly contributions), job descriptions, copyright, artificial intelligence, and more.

Once you have identified an idea for a topic and a type of piece, the next step is to develop an action plan. Your plan should help you do two things: 1) identify a source that would accept your scholarly work for publication, and 2) research and write your scholarly work. Do note that a regularly recommended way to begin developing your reputation as a librarian-scholar is to contribute reviews. Many sources regularly post calls for reviewers or contributors on librarian listservs. By offering to write a review in response to a call, you will save yourself some steps in developing an action plan.

Become familiar with the resources that publish scholarship by and for law librarians. Once you have developed this familiarity, you will have a better idea of what source would be an appropriate placement for your scholarship. For example, an article evaluating interlibrary loan management systems would not likely be accepted as relevant to a library journal focused on cataloging. Additional considerations may include format (print/online access), the level of copyright protection you wish to hold in your work following publication, and the length of the publication cycle.

Review the website for the source(s) you identify. Not only do you want to do a pre-emption check, to assure that nobody else has contributed your idea, you also want to review any writer guidelines or other specifications available. Important information may include the format to use for citations, for example. If you are writing your first book review, read some prior reviews by other contributors to get a sense of the style and scope of reviews.

If you are planning a longer piece, or if you have identified several possible placements, you may wish to send a presubmission inquiry letter to the editor(s), articulating your thesis and why you think placement in the publication would be fitting. If you have identified several possible placements, you may want to consult with a colleague, mentor, or supervisor for advice about whether it would be better to prioritize your inquiry letters or to send them out simultaneously to several publications.

Having identified a place of publication and possibly with an indication of interest following an inquiry letter, the next step is to set deadlines, research, and write.

CONCEPT IN ACTION: PROPOSING AN ARTICLE

Dear Editor Chiorazzi,

I would like to inquire whether Legal Reference Services Quarterly would be interested in accepting for publication an article offering suggestions for providing reference assistance to foreign-trained lawyers in LLM programs. Although some librarians have contributed analyses about the pedagogy of legal research as pertains to this student cohort, there is a gap regarding the reference needs of these foreign students. I am experienced in this area, as I have five years of teaching foreign-trained lawyers U.S. legal research, and I have also supervised independent study work by such students as they work to fulfill their degree requirements.

I have reviewed the criteria for submission for LRSQ and believe this article would resonate with your readers. The article's conclusions are supported by analysis and suggestions that would benefit any law librarian providing reference service or teaching foreign-trained lawyers. The lessons of this article may also benefit law firm librarians who have the opportunity to provide reference service to foreign-trained lawyers.

I look forward to hearing whether you would be interested in considering this for publication, or whether I should plan to look elsewhere. If you have any questions about this proposal, I would be happy to answer them.

I look forward to your reply.

Best,

Librarian Lorenzo

Draft Submission

Finishing your first draft is in some ways just the beginning. Before submitting your draft, consider asking a colleague, mentor, or supervisor for feedback, and be sure to leave time before any deadlines for them to offer meaningful feedback. In the event that you are not published in a peer-reviewed source, it is advisable to have other librarians offer you feedback before you send your scholarship off to the editor. Also, be prepared for the likely eventuality that the editor may ask you to make revisions to your contribution. Carefully consider the feedback offered on your scholarship and make the necessary revisions.

BALANCING SCHOLARSHIP & OTHER RESPONSIBILITIES

Most librarians do not have the opportunity to take a sabbatical to complete a significant scholarly contribution. However, if your job requires you to produce a record of scholarly activity, you likely will be able to count this effort as part of your regular job responsibilities. This is especially true if your product is something that is published or immediately used by your library, such as a blog post, a research video, or a library research guide.

To maintain balance, keep in mind that you have a cluster of job responsibilities and clarify with your supervisor about priorities. Do not be shy; instead, consult with your supervisor and mentor(s) about whether you can balance your regular job duties and meet suggested deadlines by a publisher. If you are unable to meet a deadline for your scholarship, it is much better to notify the editor as soon as you realize there is a problem, rather than waiting until the day of the deadline (or worse, later) to contact the editor. If you find that you are postponing your daily work in favor of a scholarship deadline, consult with your supervisor and identify ways to solve that problem. Remember that your performance evaluation will, in most cases, be based most heavily upon your performance of your daily work, and keep that in mind as you find the balance.

The nature of your scholarly agenda may help you find a balance between your daily responsibilities as a librarian and your call to scholarship. If your agenda is directly related to your daily work, you (and your supervisor) may see ways that your scholarship enhances your daily job performance. You may also find that, as you become more of an expert in a particular area of librarianship, you are better able to maintain balance and build connections between your scholarship and daily work. As you develop your scholarly agenda, you spend less time writing more varied and smaller pieces and more focused time writing longer pieces that may be related to each other.

You may find it helpful to participate in a community of others who are engaging in scholarship. Within the American Association of Law Libraries, both the Beer and Edit Group (a part of the Professional Engagement, Growth, and Advancement Special Interest Section of the American Association of Law Libraries (AALL)), as well as the Research Crits Caucus of AALL, provide encouragement and support for scholarship. The Boulder Conference provides another opportunity for discussion of papers in progress on any topic related to legal information. The Boulder Conference typically occurs in conjunction with the AALL Annual Meeting. If you wish, you may also establish a writing group at your own institution or in your local association. These groups may be most effective when members describe their ideas and then commit to a regular schedule and plan for completing their research and writing. Sometimes, members may serve as reviewers for others' drafts, providing feedback or support.

As you advance in your career, consider also the types of scholarship that you produce. For example, you can volunteer to assist with reviews, telling the editor that you are happy to let a more junior librarian contribute a review in the event that one volunteers. You may be more likely to serve as an editor of a compilation, or an author or co-author of a book, rather than a contributor.

DIVE DEEPER

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CHAPTER 1: INTRODUCTION TO LAW LIBRARIANSHIP

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CHAPTER 3: ACCESSIBILITY

- i. The term “universal design” was coined by architect and designer Ronald L. Mace (1941-1998). Mace was stricken by polio as a young boy and used a wheelchair throughout the rest of his life. Through his own experience, Mace became aware of the difficulties people with disabilities faced simply trying to navigate the built environment, and as an architect, devised new ways of approaching building design to reduce the segregation of and discrimination towards those with disabilities. Joy E. Weeber, “Ronald L. Mace, American Architect,” *Encyclopedia Britannica*, July 30, 2020, <https://www.britannica.com/biography/Ronald-L-Mace>.
- ii. There are seven principles that inform universal design: (1) equitable use; (2) flexibility in use; (3) simple and intuitive use; (4) perceptible information; (5) tolerance for error; (6) low physical effort; (7) size and space for approach and use. Bettye Rose Connell et al., *The Principles of Universal Design*, Ver. 2.0, North Carolina State University Center for Universal Design, Apr. 1, 1997 https://projects.ncsu.edu/ncsu/design/cud/about_ud/udprinciplestext.htm. There are many ways in which these principles can be understood and applied, and anyone working to increase accessibility and usability should learn more about them.

- iii. Rehabilitation Act of 1973 §501, 29 U.S.C. §791.
- iv. Rehabilitation Act of 1973 §504, 29 U.S.C. §794.
- v. The technology requirement is found in section 508, which was added to the 1973 law in 1986. Pub. L. 99-506, Title VI, § 603(a), 100 Stat. 1830 (1986). Later amendments occurred every few years through 2000. See Pub. L. 100-630, Title II, § 206(f), 102 Stat. 3312 (1988); Pub. L. 102-569, Title V, § 509(a), 106 Stat. 4430 (1992); Pub. L. 105-220, Title IV, § 408(b), 112 Stat. 1203 (1998); Pub. L. 106-246, Div. B, Title II, § 2405, 114 Stat. 555 (2000).
- vi. *Sutton v. United Air Lines, Inc.*, 527 U.S. 471 (1999).
- vii. ADA Amendments Act of 2008, Pub. L. 110-325, 122 Stat. 3553 (2008).
- viii. 21st Century Communication and Video Accessibility Act: Pub. L. 111-260, 124 Stat. 2751, Oct. 2010, codified at 47 U.S.C. §§ 303, 613 nt., 617-20. Section 508 amendments: Rehabilitation Act Amendments of 1998, Pub. L. 105-220, 112 Stat. 936, Aug. 1998, codified at 29 U.S.C. §794d. Regulations: See, e.g., Information and Communication Technology (ICT) Standards and Guidelines, 82 Fed. Reg. 5790, Jan. 18, 2017. Cases: There is still a split among the federal Courts of Appeals as to whether commercial websites must be accessible. Some courts have said that under the ADA’s “places of public accommodation” language, only businesses with brick-and-mortar locations need to have accessible websites. Others have decided that commercial websites are, in and of themselves, places of public accommodation. See Amanda Robert, “ADA questions remain over web accessibility cases and the lack of DOJ regulations,” ABA Journal, American Bar Association, July 1, 2019, <https://www.abajournal.com/magazine/article/ada-web-accessibility-doj-regulations>. The requirements for government entities at any level and virtually all educational institutions are not in doubt—digital accessibility is required.
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