BEYOND THE BOUNDARIES:

REPORT OF THE

SPECIAL COMMITTEE ON

THE FUTURE OF LAW LIBRARIES IN THE DIGITAL AGE

July 2002
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"In the future, libraries will work with technology to do one of the things they do best: select and organize content."\(^1\)

"Librarians can cement their roles in the virtual library by ensuring that the clients never forget that the human component is integral to any library, virtual or physical."\(^2\)

**INTRODUCTION**

The Special Committee on the Future of Law Libraries in the Digital Age was appointed by AALL President Robert Oakley in early 2001 to explore issues surrounding “the evolution of virtual and physical law libraries” as contemplated by the 2000 AALL Strategic Plan.\(^3\) The Special Committee was charged “to consider the implications of electronic publishing for the future of law libraries and to prepare a report examining the issues and outlining different scenarios or models to describe the law library of the future.” The charge further suggested methodologies and issues to consider as it pursued this inquiry, and to submit this final report for consideration at the July 2002 meeting of the Executive Board.\(^4\)

Two themes influenced the work of the Committee throughout this process. The first is suggested by the title of this report – “Beyond the Boundaries.” As law libraries operate in an increasingly virtual world, the notion of physical boundaries changes dramatically. But, as contemplated in the scenarios described below, the boundaries of the law library of the future will change in other ways as well: in assuming new roles, providing new and different services, partnering with other units in our organizations, collaborating with external entities. The law library of the future must be flexible and innovative in defining the boundaries of its mission, but it must do so in light of the mission and direction of its parent organization.

The second theme that guided the Committee’s work is suggested by the language of the Strategic Plan: “Law librarians determine the evolution of virtual and physical libraries.” (Emphasis added)\(^5\). While it may seem unrealistic that individually and collectively we have the ability to determine

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4. Committee charge, Appendix A.
5. See footnote 3.
our future, we law librarians are not without resources and direction. Given the choice between stepping back and letting the future happen (“drift”) versus stepping forward and having some influence on the evolution of the future of law libraries (“mastery”), the Committee opted toward the latter approach. We developed the scenarios below, therefore, with a focus on the opportunities for law libraries in a digital future, rather than dwelling on the threats inherent in our changing environment.

**COMMITTEE PROCESS**

The Special Committee initially identified seven significant trends external to law libraries that are shaping the face and the future of our libraries:

- Trends in Commercial Legal Publishing, including issues of industry consolidation, transition from print to electronic publishing, customization and personalization of products, competition with non-commercial publishing;
- Trends in Access to Legal Information, including issues of disintermediation, services marketed directly to end-users, non commercial publishing, and the digital divide;
- Trends in Preservation and Permanence, including issues of preservation of the print and electronic record and digitization of information;
- Trends in Authentication, including issues of citation reform, authority control, and permanent uniform resource locators;
- Trends in Intellectual Property Law and Licensing, including issues of expansion of copyright protections, database protection, the Digital Millennium Copyright Act, and the *Tasini* decision;
- Trends in User Expectations, including expectations of ubiquitous access and “anytime, anyplace” access as well as lack of critical evaluation of information accessed; and
- Trends in Technology, including ever-changing hardware, software and formats, and evolution of intranets, extranets and portals.

Committee members developed brief papers describing these trends and identified areas or aspects of law libraries that are impacted by these trends:

- the physical plant
- collections and content
- staffing
- services
- training
- budget

Subcommittees grouped by library type then developed papers describing the impact of the trends on these areas or aspects of library operations on academic law libraries, private law libraries, and state, court and county law libraries. This initial period of exploration of the issues also included solicitation of input from AALL membership, particularly at the 2001 Annual Meeting in Minneapolis, and contacts identified as “experts” with particular perspectives that might inform the committee’s work: IT professionals in our organizations, publishers, facilities designers, and contacts at other organizations (ARL, ABA (Section on Law Practice Management and Section on Legal Education Committee on Libraries), AALS, SLA, and CTC). Committee members also read the extensive literature discussing the effect of technology on the future of libraries.

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6 Trends Affecting the Future of Law Libraries in the Digital Age (See Appendix C).
7 Impact of Trends on the Future of Law Libraries in the Digital Age. (See Appendix D).
The Special Committee also took special note of the 1995-96 “Renaissance Report.” This report continues to make a valuable contribution to the discussion of issues and challenges regarding the future of law libraries. It is, however, now dated – the profound influence of the Internet on law libraries was just intimated seven years ago, however, and the change described in that report has proceeded even more rapidly than anticipated. On the other hand, many of the themes and predictions described in the Renaissance Report are repeated in the scenarios described in this report. A significant difference between the work of the Renaissance Committee and Future of Law Libraries in The Digital Age Committee, however, is that the former committee was charged to look at the future of the law librarianship profession while the latter is charged to look at the future of law library institutions.

Having completed its environmental scan, the Special Committee moved to the substantive process of developing its report on the Future of Law Libraries in The Digital Age.

**SCENARIOS OF THE FUTURE LAW LIBRARY IN THE DIGITAL AGE**

The Special Committee was charged to outline “different scenarios or models to describe the law library of the future.” From the outset, it was agreed that although there are many issues and challenges common to all law libraries, it would be most useful and profitable to develop scenarios specific to library type. The following scenarios describe six possible future academic law library models, six possible future private law firm models, and four possible future state, court or county law library models.

**Ground rules for reviewing the scenarios**

Please note the following:

- No one scenario is suggested or desired – these are possible directions and outcomes, given the rationale that introduces each scenario.
- There is considerable overlap among the scenarios, and an interdependence that sees law libraries evolving on different fronts.
- The extent to which a scenario “rings true” for any particular library will depend on the mission and characteristics of that library and of its parent institution.
- While the Committee adopted a philosophy of “mastery over drift” as it contemplated possible law library futures, it was also mindful of the realities of moving forward in a digital age. Some aspects of these law library scenarios may not be particularly desirable or optimistic, but they may happen.

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8 *The Special Committee on the Renaissance of Law Librarianship in the Information Age: Towards a Renaissance in Law Librarianship, 1997.* As with the work of this current Special Committee, the Renaissance Committee was charged pursuant to directive from an earlier Strategic Plan. See the Renaissance Committee report, p.3.

*Because of this difference in committee charges, this Future of Law Libraries report does not focus on the future of law librarianship as a profession, which was a major emphasis of the Renaissance Report (including the importance of recruiting, educating and retaining new law librarians). This committee did recognize the continuing importance of this issue, however, and the contributions of the Renaissance Report in addressing this concern.

9 Committee charge, Appendix A.
CREATING VIRTUAL LAW LIBRARIES IN THE DIGITAL AGE

SCENARIO #1: ACADEMIC - THE VIRTUAL ACADEMIC LAW LIBRARY

Rationale

The world of legal information and how legal researchers access that information is moving rapidly to a totally electronic environment. Commercial publishers are accelerating their conversion to more digital publication formats, and the volume of legal information from non-commercial sources via the Internet is even more significant. The rapid and chaotic increase of information available on the Internet, and the inherent deficiencies (albeit great convenience) of search engines such as Google, calls for the need for the central and historical role of libraries to bring discipline and coherence to the world of information generally and as to legal information this is the natural and fundamental role of the law library.

In legal education, the ways that faculty do research and develop curriculum, and the ways that students prepare for classes, research papers, and access legal information is also profoundly impacted. As law schools respond to the influence of the web on their central mission and more specifically on the ways that they conduct day-to-day operations of administrative and student services, curriculum, and faculty teaching, scholarship and service, the academic law library also is transforming itself to meet the legal information needs of its constituencies in a digital environment.

Budgetary constraints force choices that compel the move to a virtual law library: the costs of maintaining dual formats, requiring continually expanding needs for building space, can no longer be justified. For many institutions, therefore, the inevitability of a virtual academic law library prompts this scenario of the future.

Vision

To “envision” a virtual academic law library may seem an oxymoron, but this vision does contemplate an ongoing vibrant institutional presence within the life of a law school. The information resources and services of the library are all electronic, from scholars portals providing access to a wide array of digital files to electronic reference and document delivery services to interactive instructional modules teaching law students how to navigate the world of legal research in a digital age. Because content and services are provided virtually, the library must market the fact that the e-resources provided at the desktop are made available through its licensing and acquisitions services. The library facility itself is transformed into a high technology service center, staffed by librarians with a high level of expertise in navigating the digital legal information world. The virtual academic law library is transformed and redefined under this vision, but it nevertheless retains its central role of providing access to legal information and selecting and organizing content.

Implications/Strategies

Facilities:

The physical plant is converted from [with new buildings, is designed for] substantially less emphasis on print collection storage and on site access to a service center fully equipped with high-end technologies. The degree to which on-site facilities exist for research and in-person research and reference assistance may vary. Staff workspace needs will vary, as there no longer is as much need for materials processing space but there is a continuing need for technologically equipped workstations for librarians and technical staff. Because most access and service is provided virtually, there no longer is a need to distinguish between public spaces and staff spaces. Depending on the institution and roles in the law
school (see “Scenario #5: Academic – Redefining the Library as Multi-Faceted Partner”) the law library facility might be equipped with electronic classrooms and technical support staff for faculty.

Even assuming a virtual collection and services, as long as the ABA standards impose a significant "residency" requirement, placing a high value on residency as a key component of the legal educational experience for law students (see Standards 304-306, Interpretation 306-3; also 702, 703) the academic law library facility will be critical to providing that environment. Otherwise stated, unless and until these standards are revised, there will continue to be a physical aspect to the virtual law library (see “Scenario #4: Academic – The Academic Law Library As Place”).

Collections and Content:
The evolution of the virtual law library began in the late 1980's and continued through the 1990's. It began as the legal databases of LexisNexis and Westlaw took firm roots in the legal research universe, and law libraries started reducing duplication of print sources. It accelerated as libraries cancelled subscriptions to print search tools such as Shepard's citators and West digests. Official U.S. government publications began going virtual in the 1990's and have continued this course. Digitization of retrospective legal collections, apart from the resources in LexisNexis and Westlaw, by commercial (Hein OnLine) and non commercial [Cornell's Legal Information Institute (LII), Harvard's Legal Electronic Document Archive (LEDA), and other academic law library initiatives] entities have made more digital content available. Finally, the last to convert to the digital world are the treatises, texts, and monographs as the age of the e-book replaces the print formats.

The virtual law library “collection” is based on the principle of access rather than ownership. The collection development policy states that print will be acquired only when materials are not available in electronic form. The law library's legal information portal provides cross-platform access to a universe of digital resources, selected and organized utilizing values of coherence, relevance, currency, authority, stability and permanence. Development of appropriate standards, search engines and technology – locally, collaboratively [OCLC, Research Libraries Group (RLG)], or through national organizations such as The Association of Research Libraries, The American Association of Law Libraries, or the Library of Congress (see “Scenario #9: Academic - The Academic Law Library Collaborating With External Partners”) – enables cross database searching and retrieval of relevant sources. These digital resources include a combination of commercial and non-commercial databases, catalogs, web sites, and links.

The virtual collection includes all primary domestic, foreign and international legal texts; and secondary materials such as e-treatises, e-journals, unpublished materials such as scholarly discussion, images and sound (court proceedings, appellate arguments). Retrospective collections are premised on digital initiatives and collaborations (see “Scenario #13: Academic – National and Regional Repositories / Print Resources”). The nature of what constitutes legal information has broadened as more non-legal information and interdisciplinary sources become available through the law library’s portal. [But see ABA Standards and especially Interpretation 606-3].

The library’s content portal incorporates many “beyond the boundary” law school resources, providing customized access for administrative units, faculty and students, curricular and scholarly initiatives. (see “Scenario #5: Academic – Redefining the Library as Multi-Faceted Partner” and “Scenario #9: Academic – The Academic Law Library Collaborating With External Partners”).

Staffing:
Law Librarians have an increasingly higher and different level of expertise in digital resources, technical applications. Focus is on evaluation of digital sources (including authentication, reliability, stability), development and maintenance of the digital collection, license negotiation and compliance; rights management; instructional and support roles for faculty and students. The function of the “virtual cataloger” is of critical importance in organizing access to digital content.
Collection processing and maintenance staffing, serials check in and filing etc., are “virtually” eliminated. Academic law library organization and staffing models are restructured, and new measures for evaluating performance are needed.

Services:
Remote access to library services: e-reference, e-document delivery, and other access/delivery mechanisms available through the legal information portal. Asynchronous service models: “any time, any where”. New measurement models need to be developed and standardized to assess quality of the law library’s virtual services. Although more trivial directional and retrieval reference services decrease, the nature and complexity of reference questions increase. Interlibrary loan supplemented by commercial document delivery services, is provided to the desktop. Instructional services for students include the increasing importance of critical evaluation of sources; even as student technological savvy is high, inculcating in them an appreciation for the nature and function of the sources remains as a critical focus. Faculty services are delivered electronically. Library increasingly involved in technical support function. Digitization services and support are provided for mounting and providing access to digital content developed by faculty, journals, and other law school entities.

Budget:
Deans and other institutional administrators expect that the virtual law library achieves cost savings and this is true as to elimination of costs for print materials that are also acquired in e-format (though the e-version in many cases is more costly than the print version), support staff costs for processing materials, and a constantly expanding need for space. Conversely, there are cost implications for the library absorbing new roles, staff development, technical infrastructure and the unknown factor of “pay per view” licensing. Even as the expectation that “it’s all free on the Internet” becomes more of a reality, the library must maintain access to the authoritative, stable and costly commercial electronic services.

S.W.O.T Analysis

Strengths:
- Law libraries have been progressing towards the virtual for over twenty years and have a strong tradition of adapting to the digital environment
- The virtual law library could achieve budgetary savings for the law school

Weaknesses:
- Without effective marketing of the law library’s identity, users may fail to recognize that resources and services accessed at desktop are provided by the library
- Conversion to a totally digital environment is still a long ways away, especially for certain types of materials such as treatises and monographs; law libraries have invested in large print collections which they are unlikely to discard
- Techno stress; impact on staff roles and necessity of retooling skills
- ABA Standards continue to require print

Opportunities:
- Expansion of access and services to “any time/anyplace”, not tied to physical environment
- Academic law libraries exploring new ways to access digital content; can be on the ground floor in development of legal information portals
- Work with ABA to revise and re-evaluate standards to accommodate a virtual library
- Develop programs and services to educate law students and other users about the universe of digital legal information
Threats:

- Effect of “pay-per-view” licensing on access to digital legal information
- Disintermediation undermining the traditional function of the reference desk and other law library roles
- Lack of “ownership” of the virtual collection; long term role of vendors in maintaining custody of legal information record
- Decline in research skills; unquestioning acceptance by law students and faculty of information obtained via the Internet

SCENARIO #2: PRIVATE – THE LAW FIRM ELECTRONIC LIBRARY

Rationale

When we think of the library of the future we think of the virtual library. Law firms are inevitably relying more heavily on the increasingly available online research resources. Budget and space constraints along with firm culture and usage patterns dictate how quickly firm libraries will complete the transition but all are somewhere along the path to a totally electronic or virtual library.

Vision

With the exception of those print resources that are not yet available electronically, the library has ceased to exist as a physical place. Researchers turn to their computers to access resources that have been organized in meaningful ways by the library staff and are delivered via the firm’s Intranet. The entire library staff works with attorneys and support personnel to identify user needs, evaluate resources and develop and organize the collection/content. This same library staff also works with technical staff to manage the Intranet content for ease of access and act as trainers for end users. The rest of the library staff’s time is spent performing research that requires more sophisticated research skills than is possessed by attorneys and staff. Much of this research involves non-legal resources with which attorneys and staff are not familiar.

Implications/Strategies

Facilities

The library staff may have moved to office space within the various practice groups or may still be centralized. With the increased reliance on electronic resources, physical location of staff is of less importance. The facilities are designed to assist researchers in the use of the electronic library and are equipped to facilitate the delivery of remote reference services on a 24/7 schedule. These facilities include:

- A multipurpose training room that is used for group training and is outfitted with systems for distance learning i.e., NetMeeting and video conferencing. This room can be rearranged to be used as a conference room for staff meetings, meetings with vendors etc.
- Computer workstations where researchers can work quietly away from the distractions of their own offices.
- Librarians’ offices that allow the librarians to work with individuals at the computer for individual training/research sessions or to meet with small groups for planning sessions. (Some of the reference staff may prefer telecommuting and will not need assigned office space)
- A network with high speed Internet access and wireless capabilities
• Shelving needs are minimal as most information is now available only in electronic format.

Collections and Content:
Content includes both primary and secondary legal materials as well as resources that greatly broaden the collection i.e., corporate, financial, scientific, medical, government and general reference materials. Primary material is purchased once (from one vendor) but is integrated with all secondary resources. For example, you are able to retrieve a cited resource from any online treatise (if that resource is part of the library collection).

Material that is too old to be available electronically will be borrowed from academic libraries that maintain archives of this material either in microform, CD-ROM or print. All electronic resources are available through the firm’s portal to the Intranet or Internet and unless otherwise stated any costs involved are treated as overhead.

This portal technology provides the ability to filter content to the attorney desktop enabling our attorneys to see only what they choose to see. It has become possible to purchase information in smaller and more specific segments at more reasonable prices thus helping librarians to purchase information from only a single selected source. The availability of increased amounts of electronic information in our library is dependent on our librarians’ ability to negotiate flexible and sophisticated license agreements at reasonable rates. The vendors have partnered with libraries to supply online links to bibliographic information for the content they provide. The library can then provide access to the online titles through their electronic catalogs and intranets.

The legal material available includes:
• Case law: Attorneys and staff are able to retrieve by citation or key word searching (search functionality as available in LexisNexis or Westlaw) and view online or print as needed.
• Statutes, codes and regulations: Available online via table of contents, by citation or keyword searching. Users are able to browse page by page, forward and backward.
• Online digests/cite checkers: Researchers use online tools like Westlaw or LexisNexis to identify/update potential case law, etc. The digests/cite checkers link to the primary material collection described above.
• Texts, Treatises, Law Journals and Periodicals: Practice specific treatises or texts as needed by the firm. Researchers would be able to browse issue table of contents or do keyword searching. These would be considered core titles for each practice with other titles available via online sources like LexisNexis or Westlaw.
• Newsletters: Practice oriented newsletters are accessed electronically via the Internet or as current awareness services e-mailed to specified recipients.

Staffing:
The staff consists of librarians and technicians who have all the traditional skills plus a high degree of technical expertise. The demand for such highly qualified individuals is great and retention is difficult and expensive. They include:

• A library director who has a vision of what the electronic library looks like in his/her firm, communication skills that allow him/her to get their firm to buy in to the vision, and an understanding of technology that allows him/her to work with technical staff to make it happen.
• Acquisitions/Serials staff that have a complete understanding of licensing and copyright. Their responsibilities include negotiating contracts and managing user access.
• Research staff that is skilled in evaluation of resources, training end users, and conducting research. Their responsibilities include working with end users to understand their needs, evaluating new and existing resources, assisting users in research and the use of the electronic resources, and performing research. With so much information available directly to the end user, the role of the research staff as intermediary will decrease as the need for training and needs assessment will increase.
• Web development staff that is skilled in communication, project management, and systems thinking. Besides their technical expertise, they have a complete understanding of the library’s mission and the resulting services provided by library staff. They spend their time working with library staff and end users in the development of the online library.
• Clerical staff to support data entry as needed.
• Interlibrary loan staff to locate and borrow older material available only in print.

Services:
Increased reliance on technology has minimized the staff's opportunity for face to face contact with our users and increased the expectation of access to information anytime from anywhere. The impact of these changes can be seen in the following descriptions of services now offered by the library.

• Reference/Research: Attorneys and staff communicate with library staff via an interactive reference service that uses computers, video cameras and interactive software. Research results are delivered electronically. With attorneys doing most of their own legal research the research most often conducted by librarians includes business, scientific and technical research.
• Collection development: Librarians with practice specialties work with a designated attorney within each practice to identify, evaluate and develop the content for the electronic library for that practice.
• Collection management: Librarians and acquisition/serials specialists manage subscriptions and contracts for content. This includes contract and license agreement negotiation and management of the library budget.
• Access management: Librarians and acquisitions/serials specialists manage the licenses, user ids and passwords for end users. They also manage copyright permissions.
• Resource Development: Librarians and technical/web staff work with attorneys and vendors to develop customized resources for use by their firm’s attorneys.
• Current awareness: Attorneys get one daily e-mail that has highlights of all of the newsletters, clipping services, etc. to which they subscribe. The e-mail also has a link to a personalized intranet page that aggregates all resources into one central page. All of this content is available on the attorney’s wireless device.
• Training: Librarians arrange vendor training or develop and deliver in-house training for both computer savvy and less computer savvy users. Librarians have the ability to take control of a user’s computer to demonstrate how to conduct a particular research session or to trouble shoot a problem.

Training:
An electronic library requires library staff to develop skills in several areas. In addition to the need to stay current in their specific areas of expertise, they include leadership, communication, negotiation, marketing, evaluation of resources, technical know-how (networks, web-coding, portals, etc.), licensing and copyright, understanding of structure and holdings of legal publishing industry, financial acumen, and training adult users.

The need for increased release time to allow for continuing education for the library staff is putting an increasing strain on all staff. It is imperative that library staff be able to pass on what they learn in training sessions to the rest of the staff.
Not all the training for attorneys and staff can be accomplished face to face. Staff is working with IT professionals to develop online, just-in-time training segments available via the Intranet. These training modules are available to users any time from any location.

**Budget:**
The cost of an electronic library is often thought to be less than maintaining a print collection. In reality the cost is generally more. The budget for the electronic library is affected by the following:
- The need for more technical staff leads to an increase in staffing costs. Expect to pay more for today’s library staff as well as increased cost for indexing or cataloging the additional electronic content.
- Staffs for an electronic library require more on-going training than in the past, which, in turn, increases education costs.
- Customization of information resources and integration with firm intranets/portals adds additional costs.
- Reduction of duplication of resources reduces the dollars spent on content.
- Membership fees for access to academic and special libraries are likely to continue to increase as private libraries are expected to share in the increased cost of archiving materials.
- Fewer dollars spent on space

**S.W.O.T. Analysis**

**Strengths:**
- Meets both attorney and client expectations of a modern information center that fits with the corporate world’s expectations
- Allows for closer ties between firm and client with electronic communication systems.
- Allows for an increase in depth and breadth of information resources
- Allows for access to information 24/7 from anywhere
- Eliminates need for shelving, study tables, reference desk, book processing area – generally frees space for more productive use
- Eliminates the need for processing and circulating incoming print material
- Eliminates need for re-shelving and weeding print material
- Eliminates duplication of resources
- Makes it possible to create one user interface to all resources, both internal and external
- Provides for customization and personalization of the user interface

**Weaknesses:**
- Increases requirements for new technology tools
- Increases cost of total operation
  - Higher salaried staff
  - Electronic materials more expensive
  - New technology tools come with cost
- Reduces face-to-face communication between library staff and attorney
- Increases chances that some older material may become totally unavailable
- Requires additional time for continuing education seminars and training

**Opportunities:**
- Strengthen relationships with other departments, particularly IT and attorney practice areas
- Increase technical proficiency
- Develop training skills
- Develop expertise in particular subject areas
• Develop communication and marketing skills

Threats:
• Technology professionals may absorb our positions
• Attorneys may no longer need information professionals to find what they need
• Budget tightening may impede our ability to carry out this transition
• Electronic retrieval systems may replace information professionals

SCENARIO #3: STATE, COURT & COUNTY – THE TOTALLY ELECTRONIC PUBLIC LIBRARY

Rationale
Technology is viewed as one of the biggest changes in the public law library environment. Such resources as LexisNexis, Westlaw, and Loislaw are creating situations where legal information that is traditional in print is also available in electronic format. The growing question that is asked by many in the public law library field is whether a library can be completely transferred into an electronic delivery system. Although librarians look at this possibility in the future tense, some government law libraries have already made the change from traditional print, to a completely electronic public law library system.

Vision
Converting a traditional public law library into a total electronic law library will cause most people to wonder about the reasoning behind such a substantial transition. Some of the primary reasoning behind such a move could be (1) overall costs, (2) available library space, (3) staffing, (4) library consolidation or consortium, and (5) centralizing library management in a multi-library setting.

The Total Electronic Public law library design is one that must be defined by those that manage the library and limited by the amount of resources, both human and monetary, afforded the public law library. In a perfect world, a public law library would have every bit of information that is available in print available electronically, and everything available electronically obtainable in print. However, since this goal is outside most, if not all, libraries, the library management must make the decision to arrange its collections in accordance with its overall goals.

If a totally electronic public law library is the goal of the law library management, the limitations of such a collection must be understood. The pros and cons of such a system should be clearly defined by the management and conveyed to those who will use the library. The pros and cons should cover such topics as (1) available collections, (2) total cost of an electronic system, (3) staffing and training, and (4) overall use of an electronic public law library.

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<th>CONS</th>
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<td>AVAILABLE COLLECTIONS</td>
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<tr>
<td>Most publishers are pushing the Internet as the primary access point</td>
<td>Accessing online database should be accomplished through high-speed</td>
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<td>for online databases. Most CD-ROM databases are still available.</td>
<td>Internet connections. Modem access should be avoided. If the</td>
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<td>Internet connection is “down,” the library collection will not be</td>
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<td>PRIMARY SOURCES</td>
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<td>Most primary sources are available through pay subscriptions such</td>
<td>Older sources may not be available.</td>
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<td>as Westlaw and LexisNexis.</td>
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### SECONDARY SOURCES

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<tbody>
<tr>
<td>Law reviews and bar journals are becoming more readily available</td>
<td>Older law reviews and bar journals may never be converted to online format</td>
</tr>
</tbody>
</table>

### TERTIARY SOURCES

| Some legal resources are available either through online subscriptions or through online databases compiled by third parties such as bar associations, law schools, or state/federal courts. | Most resources are not available in electronic format, or if these sources are available, the costs may be too much to justify the purchase of these materials |

### TOTAL COST OF AN ELECTRONIC SYSTEM

<table>
<thead>
<tr>
<th>It is possible to increase the total collection of the law library at a cost that is similar to a traditional print collection.</th>
<th>Online subscriptions, computer costs, high-speed Internet connections and maintenance will most likely be higher than traditional overall costs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>More information may be housed in a smaller space</td>
<td>Creating a smaller library (in size) may create problems of traffic flow through the law library</td>
</tr>
</tbody>
</table>

### STAFFING/TRAINING

| Staffing levels could be reduced in smaller libraries. Management could be centralized in multi-county law library systems. Shelving and updating of information will no longer be part of the librarian duties. | Staffing could increase to include technical support. Staff would have to adjust to the electronic format and provide reference service appropriate for an electronic library. Librarian will have to have some technical expertise to troubleshoot basic computer/network problems that may occur. |

### OVERALL USE

| Those proficient in using electronic databases can complete their research, and have documentation delivered back to their office via e-mail. | Many users will not be comfortable using electronic databases. Users' initial complaints will be high. Librarian will have to become a *de facto* trainer. |

The pros and cons will vary depending upon the individual situation with the public law library. The managers of the public law library should make an extensive list of pros and cons and be willing to justify the decisions to all effected by the transition.

The vision of a completely electronic public law library has already become a reality in some court and county law libraries. Although, this type of scenario may not be possible for some public law libraries so many are blending electronic collections with tradition print collections. For those contemplating conversion to totally electronic public law libraries, it is a process that cannot be entered into without defining the overall structure needed for such a transition. Issues regarding staffing, management, collection development, contract negotiations, and spacing must be addressed before implementation. With clearly set goals, proper staffing, and strong management support, the transition from traditional print to total electronic public law libraries can be a viable option for many public law libraries.

### Implications/Strategies

**Facilities:**

When discussing converting a print library to electronic, some within the discussion may start planning reducing the overall size of the library to make way for additional office space for court staff. Because space is usually a premium resource in older courthouses, the pressure will be extremely high to start dividing the library into smaller pieces. Indeed, this may be the principle motivating factor in converting...
public law library collections to the electronic format. Library managers should calculate the total estimated space requirements to house an electronic library. They must take into consideration what materials will be permanently housed in the public law library allowing for any additional space requirements needed for future expansion of the library computer system.

Collection and Content:
Just like annual print collection costs, the annual costs of electronic collections must be calculated and the potential for increases in subscription costs should be factored in to long-range budget calculations. Contract agreements must be constantly monitored for compliance, both on the part of the library and on the part of the vendor. Since most vendors factor in percentage increases every year, the library managers should understand the vendor’s practices and adjust accordingly. Many libraries find that the negotiation process never ends, especially when confronted with subscriptions that give certain percentage discounts the first year and remove those discounts during subsequent years.

Depending upon the situation, electronic libraries may still have the responsibility of purchasing certain print materials for judges or administrators. Although the overall collection in the library may be completely electronic, others in the court system may continue certain print materials, especially print statutes. If the library is required to purchase material for the Judiciary, many will demand that they receive print copies of the materials rather than electronic. The costs for these materials must be factored into the overall costs of the library. One possible benefit may be a reduction in costs of the print material if the same is purchased in electronic format.

Staffing:
In state and county public law libraries, there appears to be reluctance on the part of those in charge of the law library funds to hire additional personnel. This creates a situation where more responsibilities are falling on the original number of employees. In some situations, the number of employees is actually falling through attrition. One of the misconceptions of converting public law libraries from print to electronic is that fewer library staff will be needed. The conversion may actually trigger the opposite effect. Where a single librarian might be sufficient in small libraries with print collections, small electronic libraries require expertise in the same areas as traditional print libraries, plus the knowledge of electronic databases, searching capabilities, computer software/hardware/operating system, and computer networking. Although there are librarians who have all of these skills, they are extremely hard to find. This type of environment normally requires a librarian and a network technician.

Services:
As with any change, there will be an initial reluctance to use electronic legal research tools by the tradition users of the law library. Librarians will need to work on two fronts to ensure that the conversion from print to electronic does not cause a significant reduction in library patrons. First, the librarian will need to inform the users of the materials that are available. Computer databases can be extremely confusing to the user because most of the materials that are available might be difficult to initially find. The librarian should attempt to make the list of databases easy to negotiate. This can be accomplished by designing the library computer to list the available databases, compile a listing of databases in a handbook, or through training of the users. Second, the librarian will need to arrange comprehensive training sessions for those who will use the electronic library. Training can be scheduled through the vendors and should be a part of the contract with the vendors. Librarians should be careful, however, that the trainers sent by the vendors are actually trainers and not sales people. Most sales people do not have the skills needed to train on the product they sell. The safest mode of training is to conduct in-house training arranged and conducted by the library staff.
Budget:
There is a perception by many that moving collections to electronic would save public law libraries money over a traditional print collection. Whether this is true or not depends on the situation of the public law library. For example, if the budgets for a public law library are managed centrally, converting collections of all of the member libraries to electronic may be less expensive than having the equivalent collection in print in each of the libraries. By spreading the costs over the entire consortium, it could make it possible for smaller libraries to increase the amount of their collections without increasing the total allocated budget for that library. On the other hand, the overall costs may be so much higher as to prohibit converting the collections to electronic format.

The libraries that are the most likely candidates for conversion from print to electronic are multi-county/multi-district law libraries. Because they can negotiate contracts with "one voice" rather than as individual libraries, they have more leverage against the vendors, or they can take advantage of multiple subscription discounts that would not be available as individual libraries. Centralized management is the most likely style needed to strengthen the overall position of the public law libraries. The potential problem with this type of management is that some in the consortium will argue that a "one size fits all" approach will not be receptive to the needs of the local library. Management must address this type of potential problem by including people on the local level in collection development decisions.

S.W.O.T. Analysis

Strengths:

• Size of Collection
• Reduced Physical Space needed to house collection
• Ease of Searching and Indexing of information
• Currency of information

Weaknesses:

• Ability of user to learn/use computerized system
• Number of available terminals v. number of concurrent users of the library
• Specialized staffing needs

Opportunities:

• Expand collection
• Minimize spacing needs

Threats:

• User reluctance
• Vendor reluctance
• Networking issues
• Permanence of transition from print to electronic
REDEFINING TRADITIONAL ROLES OF A LAW LIBRARY 
IN THE DIGITAL AGE

SCENARIO #4: ACADEMIC – THE ACADEMIC LAW LIBRARY AS PLACE

Rationale

The academic law library has traditionally served as the center of intellectual life of the law school, the place where faculty and students obtain legal information and assistance with research projects. Even in the fast changing world of digital legal information, where remote access to library resources and services is common, the law library continues to house significant print collections, to develop facilities for access to electronic resources, to provide on-site services, and to accommodate library staff and infrastructure. Another important traditional role for the academic law library is to provide space for group and individual study and research.

Accreditation standards demand, and legal educators agree, that legal education requires a residential component that includes significant interactions with instructors and classmates in and out of the classroom. While the proposed revisions regarding distance education provide more flexibility in this regard, they still emphasize this value – see proposed Interpretations 306-3, 306-4. Accreditation standards also continue to require library facilities to accommodate research and study space, and space for collections, services, staff and equipment.

Thus the academic law library as a continuing institutional presence and a place in the law school prompts this vision of the future.

Vision

This conception of the academic law library contemplates an institution with a proverbial foot in both the physical and the electronic worlds. As changes in library usage and the ways that patrons access its information sources have accelerated, the academic law library has re-examined its mission and redirected its focus towards maintenance of its vital institutional presence within the law school. The physical plant is designed and arranged for flexibility and to accommodate changing use patterns, technologies, programs and services. The library’s collections and services are available remotely and on site. Library service desks serve as a central point of access and user support. Librarians with expertise in print and electronic legal research provide instruction (individual and group) and technical support to students and high level scholarly research support to faculty, and they also promote an overall environment of intellectual inquiry. This library is a central gathering space for student collaborations as well as quiet study.

Implications/Strategies

Facilities: 
The academic law library building is designed for flexibility and functionality, to respond to and accommodate technologies and applications over time. The building design reflects a redirected mission of the library to promote community and the learning environment contemplated by accreditation standards. Ample study spaces are available at carrels and tables, with laptop access (wired or wireless) to library, law school and other resources. Conference rooms, computer labs and library classrooms feature functional furnishings and the latest technologies. Comfortable lounge seating
arrangements are strategically located to promote collaborative conversation without disturbing quiet study and research spaces, and in many institutions a café is located within the library. Service desks equipped with latest technologies offer functional on-site research and other support. A substantial proportion of the print collection – no longer a prominent and primary feature and not growing as fast as in the past, but nevertheless an important facility requirement – is stored on compact shelving or at a remote storage facility for the historical and less used print materials. Some stack spaces have been converted to new uses: computer clusters, conference rooms, lounge areas, service desks and staff offices and workstations. The library facility contains spaces for other law school programs such as legal research and writing, journals, clinics, institutes or centers (see Partnering scenario).

Collections and Content:
The collection is a hybrid of print and digital resources. The print collection consists of historical legal texts, and the monograph/treatise collection continues to grow in this format. Because the treatises are heavily used in print form, this collection is housed on the main floor where browsing and retrieval is convenient. The treatise collection is accessed through the library’s OPAC which is incorporated into the research portal described below and in the Virtual scenario. Print versions of primary law sources and finding tools have been decreased substantially if not totally eliminated.

The digital content is accessed through a research portal that searches across sources, from library computers and connections or remotely. It consists of legal and non legal databases, links to web sites, and a vast array of other commercial and non commercial sources. (See Virtual scenario for more information.)

Services:
Library reference, document delivery, circulation, technical support and other services and support are available on site, where patrons receive personalized and hands-on assistance with research and technical questions. Service areas provide easy access to professional assistance all hours that the library is open. Instructional sessions are provided to law students in the library’s electronic classrooms. A faculty assistance center provides in depth reference support for research projects and instructional support. Librarians may be engaged in collaborative services and programs with other law school units – eg, career services, legal writing, clinics, institutes or centers (see Partnering scenario).

Staff:
Staffing levels are maintained to meet the demand for on site assistance as well as remote access by faculty and students. Service desks are staffed all hours the library is open. New service models have been developed to promote the redirected mission of the library. Technical processing staff, reduced in number due to the decrease in print sources acquired, nevertheless continue to perform acquisitions, cataloging and serials processing functions.

Librarians with a high level of expertise in print and electronic formats provide support and instruction to onsite and remote users, and are actively engaged in development and maintenance of the library’s digital resources and its research portal. Collaborative initiatives within the law school and across campus keep librarians actively involved in the institutional enterprise, and bring a variety of people into the library.

Budget:
A commitment to transforming and enhancing the role of the academic law library as a vital presence within the law school does not, for the most part, achieve financial savings. Facilities renovations, maintenance of print collections while moving forward with digital collections, the need to staff service desks for on-site services, all carry budget implications. Law school administrators are convinced that these commitments are worth the expense, however, as the library retains its important role in the institutional life of the law school and promotes the educational experience of its students.
S.W.O.T. Analysis

Strengths:
- Academic law libraries have long served as an environment for research and study
- Academic law libraries have substantial dedicated space within the law school that can be adapted to changing roles
- Academic law library staffs with strong service orientation can provide incentives to come into the library for assistance

Weaknesses:
- Decline in on-site traffic; faculty and student increasingly not coming to the library to take advantage of on-site resources, services, opportunities
- Adaptation of library facility, designed primarily to house print collection, for a refocused mission may not be feasible

Opportunities:
- The academic law library as the interactive and intellectual “center” of the law school
- Development of high level technological expertise and support centers
- The law library with a refocused and revitalized mission, developing new resources and services for faculty and students on-site

Threats:
- Law school administrators unwilling to invest in transforming the traditional role of the law library
- Technological advances undermining the library as place
- Law library losing sight of its mission as it tries to adapt to new roles within the law school

SCENARIO #5: ACADEMIC – REDEFINING THE LIBRARY AS MULTI-FACETED PARTNER

Rationale

In order for the academic law library to be a driving force within the law school and the university community, it must engage in strategic partnerships, with the parent institution and with the academic community. Law librarians, because of their training and their service orientation, make natural partners with nearly all departments within the law school. In this model the library is fully integrated in the life of the law school and actively seeks partnerships across campus.

It is already a trend for academic law library directors to play a major role in the integration of technology in the law school. This successful partnership model can be expanded to other areas of service, teaching, and research to further the mission of the law school.

- The partnering model recognizes redefined relationships with students, faculty, and administration
- Librarians are in the classroom
- Librarians contribute to curriculum development
- Librarians collaborate more closely with faculty to enable teaching, scholarship and service in the digital world
- Librarians collaborate more closely with legal research and writing programs
The library plays a key role in distance education and the satellite campus
The academic law library is a publisher
The academic law library partners with other library types

**Vision**

The fully integrated academic law library is the heart of the law school, providing facilities, resources and services to support the educational process.

- The physical space of the library will not look significantly different in the short-term, with the exception of greater numbers of computer terminals for walk-up use, outlets or wireless capacity for personal laptop use, and scanners for converting microform and print materials. In the longer term we will see redesign of space to facilitate collaborative projects as well as emerging technologies.

- Librarians will assume a variety of traditional and new roles, in the information technology arena (desktop, classroom, campus-wide resources, remote access), in the classroom (information literacy skills training, bibliographic instruction in substantive and skills courses, legal research and writing instruction), in law school administration, in web and digital publishing, and as a visiting librarian in firm and court settings.

- Law schools and law libraries will work with the ABA to revise the Standards for Approval of Law Schools and Interpretations to reflect the library’s integral role in the legal education process and to suggest some qualitative measures of evaluation. For example, to recognize the greater partnership role, we might propose new interpretations to be added under Standard 601(a) (General Provisions) and Standard 605 (Services).

**Implications/Strategies**

**Facilities:**
This model includes the need for space devoted to non-traditional library roles – less stack space for print resources and more computer workstations; expanded use of group study rooms and seminar rooms within the library to facilitate collaboration among students, faculty and librarians; electronic classrooms; space for career services consultation; space for clinic services; rooms equipped with multimedia for skills training, simulation exercises, etc.; areas where “roving” librarians can mix with students who are seeking information or doing research; technology that will support electronic reference chat rooms and shared viewing of computer screens; flexible space that can be adapted to new roles and functions as they evolve.

**Collections and Content:**
The percentage of non-print resources in the overall collection will increase as more resources are available in electronic form and libraries begin to respond by weeding print collections. Libraries will begin to collect more aggressively in other media, such as instructional media and digitized collections. Librarians will work directly with faculty to provide advice on electronic content that will support course web pages. Librarians will work with the law school’s journals, research centers, and other units on digital publishing and archiving.

**Staffing:**
This model will include a wide variety of professional and non-professional staff. Some will be law- or library-trained, but some will have training in other academic disciplines or professions. Educational backgrounds in computer science, adult learning, instructional technology, and publishing, for example, will facilitate the more collaborative role of librarians in the teaching, research, administrative and
publishing functions of the law school. Law schools will develop more programs of research leaves for librarians so that a librarian might undertake a cooperative project with an outside organization. For example, a librarian might work with a state agency to develop a legal information system or with a legal publisher to design and test new products and systems for providing legal resources. Such redefined staff roles will necessitate changes in rank and status for librarians and non-librarians.

**Services:**
The more the library partners within the law school and across campus, the more new services will be expected. These might include electronic delivery of information to faculty within and outside the law school, assistance with instructional media, delivery of career services resources, development of institutional and instructional web pages, electronic publishing, and training students in information literacy skills.

**Training:**
Library staff will be required to complete regular courses in technology instruction and database training in order to take advantage of new products and technologies, developments in web-based instruction, and opportunities for service delivery and collection building.

**Budget:**
While all of the above will require more money, partnerships should assume some sharing of costs across law school and university departments. Budget realities will dictate less duplication of formats and a shift of resources away from print. Increases will be needed in training and professional development budgets. Major funding will be required for renovation of facilities.

**S.W.O.T. Analysis**

**Strengths:**
- Library staff play a pivotal role in the legal education process with both students and faculty
- Library staff capitalize on knowledge in related areas, such as technology and publishing
- Library’s strong service ethic serves as a model for other law school units
- Library remains an active, central and integral part of the law school

**Weaknesses:**
- Resistance from library staff to changing roles and new expectations
- Difficulty of changing image of the library and breaking through the boundaries of traditional library functions; practical issues of integrating new roles
- Increasing demands on the library’s physical space
- Diminishing budgets are stretched even further

**Opportunities:**
- Create the future of the library instead of reacting to external developments
- Become a vital and more visible part of the legal education process
- Evaluate library services to ensure that they are closely aligned with the institution’s educational mission and strategic plan
- Bring students into the library through collaboration with and housing of student services, e.g. admissions and career services
- Educate and serve more public patrons through collaboration with clinics
Threats:
- Resistance on the part of the faculty
- Resistance from other law school departments
- Library could undermine its primary mission by focusing too many resources on collaborative activities

SCENARIO #6: PRIVATE - THE GLOBAL LAW FIRM LIBRARY

Rationale
Many law firms maintain international and branch office libraries. In the case of international offices and the branch offices of very large firms, these libraries are generally decentralized with acquisitions and collection management, etc. being done locally, or, in the case of cataloging, not done at all. If the libraries have no reference staff, reference and research is handled by lawyers, paralegals and secretaries with the occasional question asked of the librarians in the main office. As the practice of law becomes more global and technology allows easier access to information, many firms are looking to integration of practices between disparate offices to gain economies of scale and provide better practice tools to their attorneys. As the firms move in this direction, librarians and libraries can play an important role in that integration and in support of the global practice.

Vision
Library services are integrated across offices regardless of location or if the office is domestic or international. Library staff in all offices work closely to provide the same level of service in each office as is provided to the attorneys and staff in the firm's main office. Some functions of the international and branch office library are centralized depending on firm culture, the size of the office or the services being provided. Librarians support the global practice as they:
- Develop expertise in the practices within the international and branch offices.
- Play a role in collection management, elimination of duplication of resources, and the resulting cost savings.
- Act as a conduit between offices to maximize investment in information and technology.

Implications/Strategies
Facilities:
The facilities for large branch or international office libraries are similar to that of the main office. They include office space for staff, space for shelving for the print collection, space as needed for patron study areas, and a training room. Smaller offices need a space to house whatever print collection may exist and a work table to be used while research is being conducted. Whatever space exists, it is smaller than days past as:
- The print collection is smaller.
- Little research is done in the physical library.
- More focus is placed on space to be used in training researchers to use electronic materials.

Collections and Content:
The collection contains international and foreign law or resources specific to the location of the office and the practice areas within the office. Some print materials are available but emphasis is put on developing
an electronic collection that can be used by researcher regardless of location. All resources, print and non-print are shared between offices depending on need and licenses. The firm's intranet or portal is used to provide access where possible.

**Staffing:**
Offices of twenty-five or more attorneys have a full-time librarian who provides reference/research support, etc. with clerical support as needed. Additional librarians are hired as the size of the office increases. Acquisitions are handled centrally through the main office. Smaller offices rely on staff from the main library for reference/research support, etc. and local support staff or a filing service for maintenance of the physical collection. In addition to the requirements listed for library staff in the all electronic scenario, the following skills are also needed:
- Research librarians who support the international offices must have knowledge of foreign and international law and must be able to communicate with the attorneys and staff in the offices they are supporting.
- Acquisition staff in main office must have an understanding of the purchasing process from a global perspective.
- Finally, firm libraries have an increased dependence on academic libraries for the services they provide in the international/foreign law area.

**Services:**
Since the international/branch library is largely electronic, the services provided are similar to that in the all electronic scenario. They include:
- Reference/Research/Current awareness: Branch or international office librarians respond to reference questions, conduct research, and provide a current awareness service as needed in their office. Main office librarians provide the same service for offices without librarians.
- Collection development: Branch or international office librarians work with main office library staff and local attorneys to evaluate and select new electronic resources. They serve as experts in selection of resources unique to their location. Collection development in offices without librarians is done by the main office library staff working with branch office attorneys and staff.
- Collection management: Maintenance of the physical location is done by clerical staff in the branch office (library clerks or other staff depending on size of the office) or is outsourced.
- Access management: Management of access to electronic services is handled in the main office.
- Training: Librarians arrange vendor training and develop and deliver in-house training. Again, librarians in branch or international offices provide this service and offices without librarians rely on the main office for training. Training provided by the main office may be done remotely by computer or by office visits.

**Training:**
Librarians and staff in the international or branch office library need to participate in the same training as their co-workers in the main office. Besides the need to stay current in their specific areas of expertise, the topics include leadership, communication, negotiation, marketing, evaluation of resources, technical know-how (networks, web-coding, portals, etc.), licensing and copyright, understanding of structure and holdings of legal publishing industry, financial acumen, and training adult users. Additionally, both the solo librarian in a branch or international office library and the main office library staff who support a small office needs language skills for their location and knowledge about the international and foreign law research.

**Budget:**
This scenario has both a positive and negative effect on the budget:
- Reduces the need to maintain multiple sets of print material in all offices, thereby reducing cost.
- Increases travel costs as library staff travels between offices for training, etc.
• Increases training costs as librarians need to upgrade their skills in languages and gain specialized knowledge in new practice areas.
• Increased technology costs.

S.W.O.T. Analysis

Strengths:
• Librarians already have the research skills and aptitude needed to develop research expertise in new areas.
• Allows for elimination of duplication of resources.
• Provides more standardized service to every attorney in the firm.
• Maximizes the firm's investment in information and technology.

Weaknesses:
• Library staff may not have the language skills needed for supporting international offices.
• Library staff in main office may not have enough experience in researching international and foreign law or providing assistance in using local materials in branch offices.
• Remote training is often not as effective as face-to-face training.
• Branch and international office attorneys and staff who have been self-sufficient may not think of approaching the library for service.
• Staffing will be difficult as best.

Opportunities:
• Branch and international offices are a new market for firm librarians to offer services to.
• Firms could develop exchange programs between offices.

Threats:
• Individual librarians may perceive the need for additional skills as a threat.
• Cultural differences may work against integration.
• Demand may temporarily outstrip ability to provide services as planned.

SCENARIO # 7: PRIVATE – THE LAW FIRM LIBRARY AS KNOWLEDGE MANAGEMENT CENTER

Rationale
As the practice of law evolves, law firms grow, and client demands change, it has become evident that the need for firms to manage the intellectual capital within their organizations has become imperative. Law librarians have been working in knowledge management (KM) through organization of both internal and external knowledge for years. It follows that the library would be the department within the firm to take on the responsibility of managing that intellectual capital through KM.
**Vision**

The law firm library has become the center for knowledge management within the organization. Library staff work with practice groups to facilitate the sharing of knowledge within and among the groups. Besides working with the groups to develop non-technical initiatives, the staff also works on developing technologically driven systems that allow knowledge sharing. These systems are web based and accessed via the firm's intranet. In this scenario, the library moves beyond the boundaries of what a library is defined as today and operates as a leader within the organization in support of the practices.

**Implications/Strategies**

**Facilities** (See “Scenario #2: Private – The Law Firm Electronic Library” for additional information regarding facilities):

Space is needed for additional staff members who are dedicated to KM. The facilities include offices that allow KM staff and librarians to meet with individuals and small groups for planning sessions. KM initiatives also require state of the art computers and a network with high speed Internet access.

**Collections and Content:**

Content for KM initiatives includes the following:

- Information stored in databases throughout the firm (Outlook, Elite, Interaction, HR database, etc.) that, when put in context via the firm's intranet, become knowledge.
- Databases that are created specifically to contain knowledge (i.e., Research database that tracks reference/research requests).
- Prior work product stored in the firm's document management system.
- External information resources used to develop knowledge regarding clients, legal issues, etc. These services can be primary or secondary legal resources, news resources, public records, etc.

**Staffing:**

Additional staffing is generally needed to support KM initiatives. This staff is knowledgeable about the practice of law and the technology used to manage knowledge. The staffing may be different depending on the size of the firm and the KM initiatives being undertaken by the firm and may be outsourced depending on need. Skills needed by library staff or provided through partnering with other departments within the firm or by outsourcing include:

- The ability to lead the firm in the visioning process that needs to take place in order to move forward with KM. It requires high leadership aptitude with a high degree of skill in communication, problem solving, change management and negotiation/collaboration.
- The technical skills needed to develop resources/systems for knowledge sharing. Since the intranet is the central resource for KM in the firm, technical skills are necessary for the development process of the various systems that come out of the KM initiatives. Along with technical skills, skill in communication, project management, and systems thinking are also required.
- The ability to lead in the evaluation, implementation and training of electronic resources. The skill in evaluation of user interfaces and content, along with experience in training and performing research are also required.
- The ability to act as KM consultant during KM initiatives as well as provide services as research librarians, trainers, and content/collection developers.
- A full understanding of the firm's practices and the support needed within each practice area.

**Services:**

The services consist of individual KM initiatives that result in database systems/online collections available via the intranet/extranet that are managed by library staff. Examples of such collections include:

- Attorney work product retrieval system
• Attorney expertise system
• Expert witness database
• Judges biographical database
• Local counsel database
• Client/matter resource
• Intranet practice group page
• Intranet research page
• Current awareness service
• CLE support

Training:
The library as knowledge center requires library staff to develop skills in several areas. Besides the need to stay current in their specific areas of expertise, they include leadership, communication, negotiation, change management, marketing, content evaluation, user interface evaluation, technical know-how (networks, web-coding, portals, etc.), and training adult users.

Budget:
Knowledge management is expensive. Besides the increase in staffing costs, expect the following in the way of costs:

• The cost of space for additional staff.
• The cost of lawyer time as they work on non-billable KM initiatives.
• The expense of KM software as needed.

At the same time, the firm should realize cost savings as attorneys and staff use the resources developed to provide client support.

S.W.O.T. Analysis

Strengths:
• Increases access to the firm’s intellectual capital
• Increases the effectiveness of the individual practice groups
• Enhances consistency and quality of service to the firm’s clients

Weaknesses:
• Increases requirements for new technology tools
• Increases cost of total operation
  - Higher salaried staff
  - Electronic materials more expensive
  - New technology tools come with cost
• The library staff may not have the credibility needed to implement a successful KM initiative if they do not have a law degree.
• Requires champion who may not be present within the firm.

Opportunities:
• Strengthen relationships with attorney practice areas
• Increase technical proficiency
• Develop communication and marketing skills
• Develop expertise in particular practice areas
• The information professional is seen as a leader within the organization.
• Provides recognition opportunity.

Threats:
• Chances of failure are high if the firm's leaders do not support
• There may be competition for control within administrative departments and/or practice groups.

SCENARIO #8: STATE, COURT & COUNTY – THE TRULY PUBLIC LAW LIBRARY

Rationale

Functioning as a branch of the public library system, a department within the judicial branch, or an independent public law library, these libraries share the mission of providing public access to a wide range of legal materials and court documents, both print and electronic. As each state's judiciary invests more of their budget in the development of services and court assistance programs for the public, the public law library has become a significant partner in the delivery of justice. Relying on regional repository libraries to maintain archival print collections, the librarians at these libraries are familiar with the best resources for meeting the needs of the self-represented litigants, members of the general public and the judiciary.

As documented in a number of surveys conducted in early 2000, the number of attorneys using public law libraries is decreasing. With a corresponding increase in the depth and breadth of materials available in an electronic format at an affordable price, the attorney now accesses most, if not all, legal resources online. Those public law libraries relying on a membership subscription base must find new ways to provide alternative and/or remote services to retain this user population. At the same time, the number of lay users is increasing, including a dramatic rise in the number of self-represented litigants. Interestingly, this growing group of law library users requires more assistance and training than that previously provided to attorneys using public law libraries and affects the format and content of public law library collections.

Vision

Located in the courthouse or municipal library facility, these public law libraries offer large open spaces permitting easy access to computer workstations and library staff. Using a variety of formats and techniques, law librarians provide ongoing educational programming for library users, including the judiciary and the public. The librarians' time may be dedicated to completing in-depth legal research for solo practitioners who, despite ease of access, don't have time to come to the library or complete the research at their own desktop. For the self-represented litigant, the librarian is ready to assist as they navigate a range of library materials: print, microfiche and electronic.

Implications/Strategies

Facilities:
• Blend of electronic and print legal resources requires less shelf space and more electronic workstations
• “Hot line” to regional repository law libraries for access to many print and archival materials provides a direct connection to materials not held by the public law library
• In addition to computer workstations dedicated to preparation and filing of court documents, there are workstations set up for one-on-one and group training

Collections and Content:
• Wide range of access to a variety of electronic resources
• Limited print collections consists of primary law for the locality and legal materials prepared for the layperson
• Court forms, including necessary instructions
• Emphasis on "how-to" titles written for the layperson
• Basic materials available in multiple languages and large print formats

Staffing:
• Changing role of technical services staff and traditional technical services functions
• Majority of staff working in public service and training areas
• Basic “electronic services” skills necessary for all staff
• Strong oral and written communication skills necessary for teaching
• Strong customer service orientation
• Basic conversational skills in other languages

Services:
• Ongoing basic legal research training sessions for self-represented litigants, such as monthly in-house seminars on a variety of legal topics
• Ongoing instruction in use of electronic products, including self-serve kiosks
• Interlibrary loan services for access to print materials housed at regional repositories
• Providing coordinated "virtual" legal reference services with local public and state libraries
• Partnering with courthouse legal assistance programs
• Document delivery and research services

Training:
• Professional development addressing licensing issues inherent in the acquisition of electronic access to vs. ownership of legal resources
• Ongoing technology training for library staff
• Workshops focusing on teaching and training adult learners

Budget:
As a partner with the court and community in providing equal access to the legal system, these libraries are funded via state and local appropriation and, in some cases, membership subscription fees

S.W.O.T. Analysis

Strengths:
• Public law libraries are already positioned to serve the public's information needs
• Better, more efficient use of limited library space to provide legal information

Weaknesses:
• Loss of some print collections = less-timely access to older legal information
• Dependence on other libraries to maintain and preserve legal materials
Increased reliance on providing information via electronic access requires more expertise re: licensing issues
Inconsistent funding from year to year

**Opportunities:**
- Partnerships with local judiciary and bar increase awareness and support of the library's mission
- Collaborative approach to providing legal assistance is more beneficial for the public and enhances public trust and confidence
- Establishing cooperative collection access with other law libraries strengthens relationships with colleagues

**Threats:**
- Perception that the law library requires much less funding since there are fewer books to process and fewer attorneys using the library collection
- Inability to negotiate online access contracts for public access and/or inconsistent vendor policies re: public access to online databases
- Dependency on vendors for continuation of existing electronic formats and range of content
- In some states, unauthorized practice of law rules and policies may restrict the levels of service librarians are able to offer

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**EXTERNAL COLLABORATIONS AND EXPANDING STAFFING ROLES IN THE DIGITAL AGE**

**SCENARIO #9: ACADEMIC – THE ACADEMIC LAW LIBRARY COLLABORATING WITH EXTERNAL PARTNERS**

**Rationale**

The digital age has brought profound change to academic law libraries. Numerous outside entities with which we work – accrediting agencies, publishers, other libraries, library organizations and consortia, information technology departments on campus and in legal education, to name a few – are also dealing with, and reacting to, the impact of digital technology from their perspectives. Academic law libraries cannot operate in a vacuum in responding to change, particularly if we want to master the future we envision rather than drift towards a future with no controls. Collaborations with these external entities, whose response to the digital challenge will greatly impact our futures, will enable us to influence their direction and achieve outcomes that best serve the academic law library and its place in legal education.

The importance and necessity of these collaborations, therefore, prompt this scenario of the future.

**Vision**

Law libraries are active participants in design and implementation of new models and standards, working with campus libraries and IT departments to develop campus wide information portals and collaborating with legal publishers in design of new products and the next generation of legal information
systems. Law librarians have assumed leadership among colleagues in development of instructional tools and programs. They have collaborated with the ABA and AALS to revise standards and regulations to better address digital realities, with IT professionals in legal education to develop and manage digital content and services, and with courts, the bar and other library organizations in to influence the direction of information policy in the digital age.

**Implications/Strategies**

Successful collaborations with all of the above listed entities will have significant impact on library facilities, collections, staffing and services, as described in other scenarios. The fact of the collaborations, however, will also have implications for academic law libraries.

**Facilities:**
Increases need for space devoted to programs, development and testing of products and services, meeting spaces for conferences and collaborations with colleagues. The law library may house the central office for staff supporting initiatives. In addition, technology is needed to accommodate initiatives undertaken (e.g., digitization, teleconferencing) both on-site and virtually.

**Collections and Content:**
Depending on nature of the collaborations, collection impact could include reduction of print, and transfer of portions of collection to a repository. Digitization collaborations could result in creation of any number of subject, jurisdictional, retrospective or interdisciplinary electronic collections. Product development collaborations with publishers may result in innovative and creative legal information tools. Similarly, access to resources in the collection may be affected as consortial or other collaborative research portals are tested and implemented.

**Staffing:**
Perhaps the biggest implication is here: If law librarians and others are involved in these important collaborations with external partners, who is minding the store? Law library must engage in critical evaluation of existing staff models and initiate appropriate changes in order to dedicate efforts to collaborations.

**Services:**
Faculty and students as guinea pigs testing products and services developed through collaborations. Service models must be assessed and appropriate changes made in order to adopt new services and products developed through collaborations.

**Budget:**
Academic law libraries will need to invest in these collaborations: librarian travel and development funds, facilities modifications, technology, additional staffing. Many collaborative initiatives are ideal candidates for grant funding, e.g., from publishers, governmental or other organizations.

**S.W.O.T. Analysis**

**Strengths:**
- Academic law libraries are stakeholders; institutional self interest
- Academic law libraries have specialized expertise and perspectives to contribute to collaborative efforts
- Benefit from knowledge and resources of collaborating partners

**Weaknesses:**
- Difficulty of balancing and prioritizing external collaborations with internal demands
• Budget and staffing implications

Opportunities:
• Bring about change in ways that best serve academic law libraries
• Influence direction of legal information resources, services; broaden access to interdisciplinary sources
• Restructure staff and service models to accommodate new roles
• Expose law library’s clientele to exciting new developments
• Enhance the profiles of academic law libraries

Threats:
• Work very hard on collaborations that are not successful – e.g., products or services that don’t work or are buggy; standards or policy revisions that do not get adopted
• and meanwhile, neglect of primary clientele and internal focus causing a diminished appreciation for the law library within the law school
• Resistance of law school to providing resources for external rather than internal projects
• “Eye on the ball” issues: academic law libraries cannot lose sight of primary mission as they engage in collaborations that move them into broader environment

SCENARIO # 10: PRIVATE – DISTRIBUTING STAFF AND SERVICES TO PRACTICE GROUPS

Rationale
The private law firm library exists to serve the practicing attorneys and their clients. The assertion has often been made that the better the library staff understands the specific nature of the practice, the better job they can do in serving their clientele. By physically moving staff and services to the practice areas and integrating the reference and collection development staff into the various practice groups the library staff can more quickly and thoroughly come to fully understand the idiosyncratic nature of the practitioner’s information requirements. This scenario depends a great deal on having sophisticated electronic systems in place.

Vision
The central library as a physical entity no longer exists. Library reference staff members are each assigned one or more practice areas and are physically located in the same area(s) as the practice groups to which they are assigned. Their workspace is fully equipped with all the tools they need to conduct online research to access both internal and external information. They have access to the extranets and other communication systems set up between attorney and client and respond directly to information requests from clients. They are involved in the evaluation and selection of new systems that are specific to their practice groups and work with the rest of the library staff to evaluate and select systems of more general utility. The library staff also works with both vendors and other staff to develop and present training on all electronic research systems.

Implications/Strategies
Facilities:
• The library staff has decentralized and moved to highly visible kiosk like offices scattered among the practice groups. Their facilities have been designed to assist attorneys, paralegals and staff in the use of the electronic library.
• There are small, specialized collections of print material that remain in areas not fully served by online information resources.
• As much information as possible is pushed to the attorney and staff desktop where it is available through a firm Intranet or Portal. The library staff is responsible for organizing and making this content available through the Portal in the same way they were previously responsible for organizing the print collection. This includes evaluating, negotiating licensing and purchasing the services as well as developing the interface to the attorney desktop.
• The library director, interlibrary loan staff and the technical services staff may still be located in a central location.

Collections and Content:
• Primary legal materials are all available electronically and corresponding print resources have been discontinued
• All necessary secondary legal materials that are available online have been acquired. There is still a need for some specialized secondary sources which must be continued in print.
• There is heavy reliance on electronic access to subject specific information, business and financial, medical and scientific information as well as general reference resources.

Staffing:
• Additional reference staff will be required. They handle all reference for the practice groups they work with.
• A training specialist with background in reference and research has been added to the staff.
• Serials check-in, bill payment and ordering, and cataloging are still handled centrally by technical services staff.
• Attorneys are involved in the recruiting and hiring of reference staff who will work directly with them.
• Recruiting is more difficult and takes longer because very specific skill sets are needed.

Services: (See “Scenario #2: Private – The Law Firm Electronic Library“ for additional services)
• Reference and research services, are the responsibility of librarians assigned to specific practice groups. Their close physical proximity makes it easier for them to have personal contact with the attorneys and staff they are working for.
• Training is geared to practice groups, paralegals and secretaries and offered on both an individual and group basis.
• Library staff works with vendors of specific services to provide training geared to specific practice areas.
• Library staff work with IT professionals to develop online, just-in-time training segments to be made available via the Intranet. These how to segments are designed to be available to users any time from any location.

Training:
• Staff requires additional specific subject area training
• Staff must develop team building and team participation skills to offset the risk that staff will become insular and isolated since their offices are physically separate.
• Staff must be trained to train

Budget: (See “Scenario #2: Private – The Law Firm Electronic Library“ for additional budget implications)
• Additional reference staff required will increase budget
• Additional space required for increased staff will also increase costs.
**S.W.O.T. Analysis**

**Strengths:**
- Increased individualized service
- Increased expertise and understanding of the core business
- Proximity to attorneys will offer increased opportunities for face-to-face communication.
- Inclusion of information professional in the practice group strengthens marketing position to clients

**Weaknesses:**
- Increased costs for office space and personnel
- Difficult to recruit qualified staff
- More difficult to provide staff backup and coverage
- More difficult to provide inter practice group support
- Challenge to maintaining cohesiveness of library staff
- Discourages collaboration
- Increased dependence on electronic systems increases need for training end users.
- Small, specialized collections are difficult to manage and update.

**Opportunities:**
- Provide better and more targeted service to users
- Develop staff expertise in firm's core business areas
- Provide greater sense of job satisfaction to library staff
- Staff is involved in transaction or litigation all the way through to completion
- Increase client satisfaction and loyalty
- Market information services directly to clients

**Threats:**
- Attorneys may not be willing to accept information professional as part of the team
- Paralegals or legal assistants may be threatened.
- Current trend toward practice groups changing and the boundaries shifting might make implementation difficult.

**SCENARIO #11: PRIVATE - LAW FIRM LIBRARY AS MANAGED BY A PRIVATE COMPANY**

**Rationale**

Managing today's law firm library requires many skill sets that are sometimes difficult to locate in a sufficient pool of candidates, from technical services to reference expertise, and from teaching and training skills to technology planning and implementation. Unfortunately, as the need for librarian expertise continues to grow within the private law firm environment, the number of qualified professional law librarians is shrinking. In many instances, qualified librarians who take these jobs plateau within their firm leaving them no room for advancement, leaving the librarians unfulfilled. In addition, many firms do not need to have constant access to all of these services at the same time, but would like to be able to utilize these resources on an as-needed basis.
Law firm libraries managed by a private company would help alleviate a number of these challenges: by providing an alternative career path for librarians, qualified personnel can be attracted and retained; by providing opportunities to strengthen individual skill sets, librarians might find the work more satisfying. Lastly, by providing even the smallest firm with the capability of superior library services, firms would increasingly value the contributions made by professional librarians.

**Vision**

The library is ultimately a business - it is in the business of information. As in every business, there is increasing attention paid to getting the strongest return on investment. The first challenge is to attract and retain qualified personnel. The private management company is able to do that by offering a number of opportunities for professional growth. Librarians are able to change positions within the company, depending upon their needs or wishes, without the loss of benefits or seniority.

A private law library management company, overseen by a team of professional librarians, allows the customer (in this case, the individual law firm) to reduce their costs by maximizing their investment in library services. By utilizing a company that centralizes library tasks, such as cataloging of library material and reference services, the firm's overall costs may be reduced. In addition, by the sharing of resources across a number of firms that are managed by the same company, the individual firm's costs are shared and it allows the firm to gain access to a much wider depth of reference assistance than might otherwise be available to them if they managed their library in-house.

The outsourced library, by helping to ensure cost-effective access to information, ensures that the firm is able to meet the ever-increasing demand for library services while maintaining a watchful eye on the cost of doing so.

**Implications/Strategies**

**Facilities:**
- With a greater reliance on electronic resources, the physical space for print resources has been reduced - retaining only those print items not available in electronic format. The existing space is allocated to training rooms and attorney offices.
- Outside of the library, the management company would retain offices in more affordable space (perhaps outside of the expensive urban areas that most law firms occupy).

**Collections and Content:**
- The vast majority of the resources is now electronic and can be shared among the company's libraries, thereby reducing the costs.
- Each firm maintains their own specialized print collections for those items that are not available electronically and will be limited to materials that directly support the practice specialties of the firm. Access to online catalogs will be shared among librarians working for this company. In many instances, the management company will be responsible for creating the online catalog for some of the smaller firms that have not yet done so.
- Other materials will be available through interlibrary loan or document retrieval on an as-needed basis.
Staffing:
- Librarians would be available offsite and would be available around the clock to answer reference questions in several different ways: by phone, by e-mail, or by live research assistance through messaging with the attorney as he or she conducts the search.
- Individual librarians would develop subject and technological expertise. The management company would then have access to additional resources for particularly difficult reference questions.
- The technical services librarians would also be stationed at the management company's headquarters, though library clerks would make frequent visits to the law firm's library to handle reshelving and looseleaf filing for those few remaining titles.
- There are many advantages to this model: This significantly increases the level of service currently offered to law firms who employ one or two librarians and are therefore left hanging when they are not available. As projects warranted additional staff, librarians could be hired on an as-needed basis, just as is the trend in the legal profession with the growth of "contract attorneys". This temporary staffing saves the law firm the expense of having to hire individuals who then need to be let go when the projects are completed, and the management company can attract qualified candidates by ensuring benefits and a steady source of work for librarians attracted to this type of arrangement.

Services:
- The management company would also provide many services that simply might not otherwise be available through an in-house library, including technological analysis and consultation, knowledge management expertise, training for associates in cost-effective legal research or subject specialization.

Training:
- Librarians working for the management company would continue to need training in their subject specializations, as well as collaborative training. Note, however, that the ultimate cost of this training would go down because there is the potential that more people would directly benefit from the training, since the librarian would also be available to other firms also managed by the same company.

Budget:
- While firms would be responsible for setting their own resource budget, this amount would be managed and administered by the company.
- The individual law firms decide what level of service they need from the company. Presumably the premium service includes 24 hour reference assistance, acquisitions, processing, cataloging, technological consultation, and staffing.

S.W.O.T. Analysis

Strengths:
- The private management company presents a career path that was previously unavailable to the average librarian, overcoming the plateau effect that is prevalent in most law firm libraries.
- Librarians can change positions without the loss of benefits or seniority
- Smaller firms would gain access to additional resources and services previously unavailable to them.
- Potential increase in job satisfaction for librarians by providing them the opportunity to strengthen their skill sets, tackles different challenges, and work collaboratively.
- Provides the law firm with flexibility in staffing.
• Reduction of overhead costs for technical and reference services.

Weaknesses:
• Concerns about confidentiality.
• Resistance from the law librarian community.
• Loss of stability if the contract with the management company turns over.
• Licensing issues from vendors may pose problems.
• Stability is threatened as the library management company's contract is up for bid, opening up the possibility that the service may turn over to another management company.

Opportunities:
• It would highlight the important role that librarians play in meeting firm's information needs.
• It would increase competition for qualified professional librarians, which might have a positive impact on salaries.
• Growth and development of private law library management companies

Threats:
• As "contract workers", librarians might feel less a part of the team
• Possible loss of status within the law firm as the library is removed from in-house.

**SCENARIO #12: STATE, COURT & COUNTY - RIDING THE CIRCUIT: ROVING LAW LIBRARIANS**

*Rationale*
"Riding the Circuit" is a term that brings a nostalgic thought to many of us in regards to the Old West. One can imagine judges on horseback riding the prairies in the pursuit of bringing justice to the citizens of the territory. Although the horse has given way to the automobile, many district judges still feel that they are riding the circuit in their states. With a trend toward centralization of public law library management, many law librarians may feel that they, too, are “riding the circuit.”

*Vision*
Examples of circuit law librarians can be found across the United States and Canada. Oklahoma has consolidated 75 of the 77 county law libraries into a centrally managed system with one full-time law librarian to manage budgets and collections for those 75 libraries. In Canada, the Ontario Province has created a not-for-profit corporation called Library Co. to manage the 48 county law libraries. Library Co. has a roving librarian whose duty is to travel to each library to help the county law library staff with its overall planning and development of delivering legal information to the users of the law libraries.

Oklahoma and Ontario are different in many obvious ways, but the common thread between them is the centralized management of a library system comprised of multiple libraries across a wide area. The goals are to provide both legal researching abilities and professional service to the individual libraries whether the library is located in a large metropolitan area with thousands of users, or in rural districts where there may only be a handful of users.
Implications/Strategies

Facilities:
The infrastructure of the public or county law library is normally housed within the confines of the courthouse. The courthouses can range in distance from a couple of dozen miles to hundreds of miles in some areas. Knowledge of the overall size of the library, shelving space, Internet availability, and even electrical capabilities are essential for the roving librarian. When the roving librarian understands the infrastructure of the local law libraries, the central management can then work to improve any deficiencies and better structure goals to fit the individual libraries.

Collections and Content:
By understanding the infrastructure, the objectives of providing a quality legal research collection can be better achieved. Core library collections must be established so that the legal community has the tools needed to provide competent justice regardless of the size of the community it is serving. Primary law materials must be made available and updated appropriately. The roving librarian must work to ensure that the library collection does not fall into disarray. This means that the librarian must verify that the local staff has properly maintained the collection. The weeding of the collection may also be the responsibility of the roving librarian.

Staffing:
The overall purpose of centralized management of these law libraries is to bring efficiency both to the budgetary process and the collection management. If the roving law librarians are to perform their jobs efficiently, they must be knowledgeable to the needs of each of the libraries in their charge. When they arrive at a law library, the central management must establish clear goals and those goals must be relayed to the local staff.

The biggest hurdle to centralized management is the animosity of the local management, whether it is the local law librarian, or the local judge that feels that he or she no longer has control of their law library. The building of trust between the local staff and the roving librarian is essential in order to make the overall process work. Roving librarians are relied upon to implement the goals established by the central management and are viewed by the local staff as ambassadors charged with relaying their needs back to that management.

Services:
The roving librarian should be familiar with the services provided by the local law libraries. Outreach programs, training seminars, and library orientation tours may become an essential part of the roving librarian’s duties. With the centralization of management, some materials may be made available through electronic databases. The roving librarian may be called upon to inform the users of the local library what services will be provided at the local level, and what services may be transferred to a central location.

Training:
Depending upon the amount of change in collection and services, the roving librarian may need to train the local staff in adapting to the change and understanding the responsibilities placed on the local staff to maintain the day-to-day operation of the law library. When the collection is modified to include new materials, or converted from books to electronic information, the roving law librarian should work with the vendors, the local staff, and the users of the law libraries to provide appropriate training. The roving librarian may be required to conduct the training and create the necessary training documents to those attending a training session.
Budget:
The roving law librarian is the primary liaison between the local libraries and the centralized management. Knowledge of the budgetary process is essential in order to provide the best services and collections. Depending upon the situation, the central management may be able to combine the budgets of multiple libraries and negotiate with vendors with a single voice. Other situations may require that the local library budgets must be spent locally. It is also important that the local libraries understand that the roving librarian is a service and that salary expenses for the roving librarian will be obtained from the local library budgets.

S.W.O.T. Analysis

Strengths:
- Centralized management
- Budget consolidation

Weaknesses:
- Overall distance and reaction time for individual libraries
- Ability to find qualified and willing roving librarian

Opportunities:
- More efficient library and staff
- Negotiate with a single voice

Threats:
- Cookie-cutter approach to collection development.
- Animosity of local staff

ESTABLISHING REPOSITORY LIBRARIES AND LIBRARY CONSORTIA IN THE DIGITAL AGE

SCENARIO #13: ACADEMIC – NATIONAL AND REGIONAL REPOSITORIES / PRINT RESOURCES

Rationale
As libraries deal with the shifting balance between print and electronic resources, the literature continues to suggest that preservation of legal materials in print and in microform will remain important for a long time. A popular point of view is that the major academic law libraries have a responsibility for preservation, but the reality is that there are only a handful of serious preservation efforts underway in academic law libraries.

At least one movement to create a national repository for primary law materials in print has already begun. Judith Wright, Associate Dean for Library and Information Services at the University of Chicago,
has submitted such a proposal to the Center for Research Libraries. Wright's proposal influenced the development of this scenario.

Many other national agencies, including the Library of Congress, the Council on Library and Information Resources, and the Association of Research Libraries, are working on preservation and access issues. Law libraries must participate in these efforts in order to preserve legal materials for the future.

**Vision**

- National and regional law libraries (or centrally funded agencies like the Center for Research Libraries) will assume primary responsibility for collection and preservation of assigned print resources.
- Regional and state law libraries will assume collection and preservation responsibilities for state resources.
- Smaller libraries that rely on repository collections and services will contribute to the cost of the repository program.
- The repository model will serve the needs of other libraries, not necessarily the needs of the individual user.
- Most academic law libraries will have something to contribute to repository collections.
- Librarians working in repositories will be responsible for the collection, organization, maintenance and preservation of identified print and microform resources.
- Law schools and law libraries will work with the ABA to revise the Standards for Approval of Law Schools and Interpretations to reflect the trend toward access to resources rather than ownership of physical collections and to suggest some qualitative measures of evaluation. For example, Standard 606, which mandates "ownership or reliable access," might be strengthened by direct reference to the repository concept. Interpretation 606-4 might be revised to provide more detail on resource sharing in the repository model.

**Implications/Strategies:**

**Facilities:**
Repository locations will be high density storage facilities for print and microform materials. Many such facilities exist in universities and research institutions; the shared use of existing facilities will require negotiation. In addition to providing controlled storage for print and microform materials, the facilities will house equipment for ongoing preservation microfilming and state-of-the-art preservation laboratories for treatment of the collections.

**Collections and Content:**
Law librarians and legal scholars will collaborate to select the primary and secondary titles to be housed and preserved in the repositories. Law libraries will be invited to participate by contributing older materials from their collections. Procedures will be developed to collect materials on an ongoing basis.
Staffing:
Administrative body is needed to coordinate repository system and work with national preservation programs. Librarians with expertise in legal literature, collection development, interlibrary loan, preservation, and reformatting techniques will be most important in the repository situation.

Services:
Repositories will not be public library facilities, but rather will exist to provide resources for other libraries through interlibrary loan or duplication. Materials will be preserved in their original format or reformatted in another medium. Using new microform scanning technology, repositories will provide digital copies to users.

Training:
Continual training is needed in conservation methods and new technologies for reformatting print and microform; continuing education in law librarianship.

Budget:
While collections will be largely contributed by participating institutions, funds will be needed for administration, staffing, facilities, and equipment.

S.W.O.T. Analysis

Strengths:
- Law libraries collectively share the responsibility of preserving a large body of legal literature for future generations
- Law libraries individually can make the decision to weed print collections without fear of losing access to information

Weaknesses:
- By necessity the collections must be selective
- Potential to reduce public access to print collections if repositories operate as off-site storage
- Difficulty of securing cost-effective funding at both consortial and institutional levels

Opportunities:
- Take advantage of national preservation efforts
- Rethink local library collections to serve primary clientele
- Maintain greater control over local, hybrid collections while relying on repository collections for permanent access

Threats:
- Resistance to giving up autonomous collections
- Resistance to giving up control of services
- Older print materials are deteriorating faster than they can be preserved
SCENARIO #14: ACADEMIC – NATIONAL AND REGIONAL REPOSITORIES / VIRTUAL RESOURCES

Rationale

As libraries deal with the shifting balance between print and electronic resources, the literature continues to suggest that preservation of legal materials in print will remain important for a long time. But the increasing reliance on electronic resources also mandates a more serious focus on digital preservation efforts.

The age of the virtual law library brings with it the need to archive and preserve legal information in electronic formats. Space and budget issues are forcing law libraries of all sizes to weed print collections that are duplicated in electronic formats. Although some law libraries are shrinking and there is more reliance on electronic resources, many libraries are not willing to discard print collections because of a concern about the lack of preservation efforts for digital materials. Even if repositories for print and microform materials are established (see “Scenario #13: Academic - National and Regional Repositories / Print Resources”), there is a need to preserve the electronic versions of previously published materials, as well as material originally published in electronic form, for easy access and regular use.

Electronic resources that need preservation include commercial and non-commercial databases, electronic journals, original electronic texts, web sites, and digital archives. These resources are often here today and gone tomorrow; reliance on them as permanent resources is risky. The effects of the U.S. Supreme Court decision in The NewYork Times Co. v. Tasini (121 S. Ct. 2381 (2001)) and the near demise of netLibrary are two widely publicized examples, but web pages also disappear regularly. Libraries cannot rely on publishers and vendors to provide permanent archives of these publications.

At the same time, current digitization projects would benefit from a more systematic and coherent approach, which dictates working with other national digital preservation efforts and participating in the development of standards.

Vision

- National and regional law libraries or centrally funded archives assume primary responsibility for digital preservation projects for assigned resources.
- Librarians working in repositories will be responsible for the collection, organization, maintenance and preservation of identified electronic resources.
- The repository model serves the needs of other libraries, not necessarily the needs of the individual user.
- Law schools and law libraries will work with the ABA to revise the Standards for Approval of Law Schools and Interpretations to reflect the trend toward access to resources rather than ownership of physical collections and to suggest some qualitative measures of evaluation. For example, Standard 606 might be revised to include more specific examples of the importance of permanent access to electronic resources.
Implications/Strategies

Facilities:
Repository locations will require the technical and architectural infrastructure necessary for storage and authentication of digital archives. This will include a system of distributed servers and mirror sites.

Collections and Content:
Law librarians and legal scholars will collaborate to select the retrospective digital content to be preserved in the repositories and to monitor new content prospectively. Law librarians will work with publishers of electronic materials to develop and maintain permanent access to electronic materials under appropriate license agreements.

Staffing:
Librarians and others with expertise in legal literature, information technology, digitizing and scanning techniques, intellectual property, and rights management will be most important in the virtual repository. Administrative body to coordinate the repository system and to work with national preservation programs.

Services:
Law librarians will participate in national efforts to develop and implement a digital preservation program for legal materials. Repositories will maintain consortial license agreements and provide digitizing on demand.

Budget:
Funds will be needed for administration, staffing, and technology. Grant opportunities will be pursued.

S.W.O.T. Analysis

Strengths:
• Law libraries collectively share the responsibility of preserving a large body of digital legal literature for future generations
• Collaboration between creators and users of content

Weaknesses:
• Uncertainty about cost of storage
• Scope of what has already been lost
• Difficulty of assessing and selecting the range of resources to be preserved
• Difficulty of negotiating fair license agreements

Opportunities:
• Take advantage of national digital preservation efforts
• Law libraries can take a leadership role in this important endeavor

Threats:
• Electronic media are developing faster than preservation techniques and standards can be developed
• Resistance from vendors to resource sharing concept for electronic resources
• Resistance from vendors to allowing permanent access to electronic resources
SCENARIO # 15: PRIVATE - SOLO LIBRARIAN CONSORTIUM

Rationale

As the need for librarian expertise continues to grow within the private law firm environment, the number of qualified professional law librarians is shrinking. In addition, a large number of solo librarians find themselves facing burnout for several reasons:

- Managing today's law firm library requires many skill sets (technical services, reference, long range planning, problem solving, technological innovation, teaching and training) that are unlikely to be found within one individual, leaving the librarian frustrated and overworked.
- Challenges confronting solo librarians include inability to provide coverage beyond set hours, lack of resources, lack of time; lack of opportunity to brainstorm with colleagues on difficult reference requests;
- No chance for advancement in career, and few new intellectual challenges;

A consortium of solo librarians answers a number of these problems. Subject specializations and skill sets can be developed and shared with colleagues; resources can be shared more effectively; additional reference coverage can be offered, and a reduction of the sense of isolation will increase job satisfaction and effectiveness. This consortium, national in scope to maximize its size and strength, is also organized into regional subgroups, which allow firms to share resources more easily.

Vision

The library is the hub of the firm's information wheel. Smaller firms, by choosing to participate in the Solo Consortium, are now able to compete more effectively with larger firms by maximizing their investment in information. The total is greater than the sum of its parts.

- With a greater reliance on electronic resources, librarians can more easily share materials, even long distances, which reduces the need to duplicate materials.
- Librarians are able to work collaboratively - asking their colleagues for reference assistance, coverage when the librarian is unavailable.

Implications/Strategies

Facilities:

- With a greater reliance on electronic resources, the physical space can be reduced, allowing the firm to allocate the space toward attorney offices.

Collections and Content:

- Each firm maintains their own specialized collections. Access to online catalogs will be shared among librarians.
- Organized as a consortium, the participating firms would have additional leverage when it comes to negotiating contracts or purchasing material than they might if they remained as solos.

Staffing

- Individual librarians would develop subject expertise.
- The consortium would give additional staffing resources to smaller firms who could only afford a solo librarian prior to this endeavor.
Services
• Participation in the consortium would allow greater coverage. Librarian hours could be staggered.
• Reference questions could be answered remotely.
• Subject expertise can be shared.
• Training resources can be shared.
• Technological expertise and resources can be shared.

Training
• Librarians will need training in collaboration, marketing, leadership, communication, technology, licensing, training techniques, and other relevant topics. The advantage to this consortium is that some members can be identified as experts in these areas so that all members need not participate in all training.

Budget
• Firms would pay a fee to participate in the consortium. The money would then go towards shared administrative costs, which might include access to technological expertise, a contract negotiator, and consultants.
• The firms maintain their own budgets

S.W.O.T. Analysis

Strengths:
• Smaller firms might be more willing to hire a librarian if it meant they would gain participation in the consortium
• Significant advantages to participating: access to resources, subject expertise, additional reference service hours,
• Provides additional support for solo librarians who are often isolated
• Allowing smaller firms to compete with larger firms in terms of resources
• Cost savings if consortium was negotiating purchasing of materials.

Weaknesses:
• Concerns about confidentiality
• Administrative costs are unknown
• A way to resolve disagreements would need to be built into the system.
• Licensing issues - sharing resources across firms-must be dealt with.

Opportunities:
• It would highlight the important role that librarians play in meeting firm's information needs.
• This consortium allows the solo librarian the opportunity to increase the level of service that he/she is responsible for, as well as increasing the level of sophistication by allowing for subject specialization and expertise.

Threats:
• Firms may rely on the consortium rather than expanding their own staffs, even when it is warranted.
• Firms may also hire unqualified or under-qualified individuals to serve as librarians, knowing that they will have colleagues in the consortium to support them.
SCENARIO #16: STATE, COURT & COUNTY – STATE, COURT AND COUNTY REGIONAL REPOSITORY

**Rationale**

Despite the growing trend of the all-electronic law library and the disappearance of some trial court and public law libraries, state law libraries and larger public law libraries continue to serve the legal research needs of those requiring access to materials not available in electronic format. Their mission includes the acquisition and preservation of primary law at the federal, state and local levels, materials currently not produced in an electronic format, superseded treatises, and local court documents.

**Vision**

Recognizing the importance of preserving unique court collections and important print legal documents, these law libraries are home to large collections acquired and maintained since the eighteenth and early nineteenth centuries. While rarely visited by attorneys and the general public, these libraries remain an important resource for users of court and public law libraries that discarded print materials in favor of online access.

A second important function is to serve as the archival repository for future court documents and publications; while most of these publications are available online via a court’s web site, many disappear into an electronic black hole after their initial appearance. Depositing a copy of the document at the state law library or other court library ensures access long after that initial release. Aside from this form of electronic preservation, in the absence of necessary funding and staff expertise, this scenario doesn't address an ongoing digital preservation program.

**Implications/Strategies**

**Facilities:**
- Because no additional library space is available, these regional law libraries coordinate efforts to collect and preserve print legal resources in existing library space
- Less seating required = more space for housing materials
- Some collections housed in off-site warehouse facilities
- Electronic access to Internet and other online systems necessary for sharing of information and content, and provision of reference services to other libraries, the courts and the public

**Collections and Content:**
- Primarily print and microfiche
  - State and federal reporter series
  - State and federal codes
  - State and federal session laws
  - Superseded editions of treatises
  - Treatises not produced in an electronic format
  - Law reviews and journals
- Court documents and publications produced by state and/or local courts

**Staffing:**
- No increase in the number of staff or fewer staff than previously budgeted
• Staff responsibilities have been realigned to reflect a more focused library mission
• Individual staff members have strong written and oral skills necessary to teach others in the use of print materials

**Services:**
• Outreach to law libraries no longer maintaining print collections
• Emphasis on interlibrary loan and document delivery services
• Greater involvement in design and maintenance of records management systems for court documents
• Ongoing preservation activities
• Teaching and training users, including colleagues, research skills necessary for accessing print historical materials
• Research services for law firms and others requiring research in print resources with responses provided via virtual reference, e-mail and fax systems

**Training:**
• Staff training in basic preservation techniques
• Ongoing staff technology training
• Workshops focusing on teaching and training adult learners

**Budget:**
• Legislative appropriation continues to be the primary source of funding for these collections

**S.W.O.T. Analysis**

**Strengths:**
• Strong historical collections acquired over decades of library operation
• Commitment to preservation of legal materials
• Staff familiarity with and expertise in researching print collections

**Weaknesses:**
• Lack of institutional support for increased public funding
• Lack of necessary funding and expertise for in-depth preservation programs
• Lack of appropriate archival environments for storage of library material (i.e. temperature and humidity controls)
• Isolated physical location and/or fewer visitors to the library reduces visibility of staff and their services = “out-of-sight, out-of-mind”

**Opportunities:**
• Partnering with court entities such as the administrative office of the court, judicial planning and the office of the clerk to preserve judicial documents increases library visibility
• Partnering with academic law libraries to ensure shared responsibility for housing historic collections
• Using variety of PR methods (print, electronic) to aggressively market the library’s special collections and staff expertise in researching historical materials increases visibility and awareness of needs
• Establishing an ongoing dialog with local private law libraries to determine their expectations for continued access to specific resources
Threats:

- Staff resistance to shift in mission from primarily serving the public and/or attorneys to serving internal court entities and other libraries
- Perception that fewer visitors to the library equals a decreased need for staff and funding
- Some materials already have deteriorated to a state beyond the scope of preservation action
- “It’s all on the Internet, so why do we need to keep these books and pay this staff?”
CONCLUSION

Rather than just offering the scenarios “as is,” the committee felt it was crucial that these be shared with and used to solicit input from the membership of AALL. To that end, the above scenarios served as the basis for a weeklong listserv discussion co-sponsored by AALL’s Professional Development Committee in May of 2002. The first morning of the discussion, moderator and committee member Margaret Axtmann, Associate Director for Information Resources, University of St. Thomas Law Library, sent the list an introductory message welcoming participants and outlining the format of the discussion. After the first day, each daily message stated the topic for that day, listed the scenarios falling within that day’s topic and provided some questions to spark comment and further discussion. Over 300 individuals subscribed to the discussion and, clearly, their response revealed that many of AALL’s members are interested in and thinking about the issues raised by these sixteen scenarios. The participants’ thoughtful and well-articulated comments served to validate the direction of the committee’s work and, in particular, fashion the recommendations that appear at the end of this report.

Themes

In addition to the themes mentioned in the introduction, additional themes were repeated in the literature reviewed by committee members, during the interviews with experts in the library community and in the course of the listserv discussion. Although these were not the initial focus of the committee’s work, they certainly merit examination. The concept of the hybrid library as the most realistic future law library scenario emerged during the discussion – almost all the individuals posting messages to the discussion did not envision an entirely digital law library. This was true no matter the type of law library. Concerns for meaningful public access to legal information and vendor licensing issues were raised over and over again despite the fact that all recognized the transition to digital libraries is very real. Comments such as “[t]he vendors are deciding exactly how much virtual law library we are allowed to have,”\(^\text{10}\) and “collectively we need to demand the vendors change their approach”\(^\text{11}\) set the tone for discussion of licensing issues. In addition, the uncertainty of exactly who is preserving what, and the need for more training and better organization of electronic information must be addressed before the digital law library is a certain future. “Can I rely on someone else for backup [and] can/should I eliminate or abandon the resources and methodologies I already possess for the promise of what I may expect in the future?”\(^\text{12}\) Obviously, the reality of a virtual law library depends in great part on the reality of and commitment to a permanent print repository for legal information.

Law librarians serve as webmasters, knowledge managers and information aggregators. As a direct correlation to better access and organization of electronic resources, perhaps the most important role in the future will be that of educator: “I believe our roles will become more important as we work to train end users in the use of electronic resources, conduct research at a higher level than the attorneys and staff can do on their own, and manage the content and develop the interfaces that provide meaningful access.”\(^\text{13}\) Our ability to continue to fill the role of educator will depend on a vibrant and skilled group of professionals as well as the growth of the profession. How will law librarianship as a profession and AALL as an organization meet the demand for these professionals without addressing the steady decline of those entering our profession and an increase in the hiring of non-librarians to fill positions previously occupied by law librarians?

\(^{10}\) Jan Ryan Novak, Director, Cleveland Law Library Association.
\(^{11}\) Mark Estes, Director of Library Services, Holme Roberts & Owen LLP.
\(^{12}\) Felice K. Lowell, Assistant Director for Technical Services, Cleveland-Marshall Law Library, Cleveland State University.
\(^{13}\) Nina Platt, Director of Library Services, Faegre & Benson, LLP.
The importance of the mission and culture of the parent institution cannot be overstated as individual members of AALL plan for "their" law library of the future. One listserv participant stated, "We have to keep our eye on the ball: identifying our patron groups, analyzing their current information and research needs, and design and deliver programs and services that are responsive to those groups and their needs." No matter the type of law library, private, academic or state, court and county, this concept permeated the discussion of new roles and collaborative efforts.

While it might be impossible to predict the future, in the words of one listserv participant, "[t]he future might be murky, but I don't think anyone could ever accuse us of just sitting back and waiting for it." The Special Committee on the Future of Law Libraries in the Digital Age envisions a positive future for law libraries. This future and our success will require flexibility, commitment and action.

**Recommendations**

Having identified the trends affecting law libraries and considered their actual and potential impact on our futures, and having described multiple scenarios of the law library of the future, and having listened to members of the American Association of Law Libraries discuss these scenarios and the broader issues of law libraries in a technological environment, the Special Committee on the Future of Law Libraries in The Digital Age therefore recommends:

1) that the AALL Executive Board create a special committee to work with the vendor community to develop model licensing principles and promote public access to legal information;
2) that AALL support and continue a visible dialog about the future of law libraries via educational programming and regular columns in *AALL Spectrum*;
3) that AALL support and encourage a revision of the *ABA Standards for the Approval of Law Schools* to accommodate accreditation of digital academic law libraries;
4) that AALL continue to support efforts to establish a national law library and other projects in this area such as the Center for Research Libraries (CRL) proposal;
5) that AALL establish a committee to develop standards for cataloging of electronic resources and the development of intranets to ensure consistent and permanent access*;
6) that AALL’s educational programming provide opportunities for members to learn more about and plan for the digital law library, as well as strengthen the information technology and teaching competencies of its members;
7) that AALL promote, through grants and other support mechanisms, studies and research to evaluate the digital law library of the future.

"Vision without action is dreaming. Action without vision is random activity. Vision and action together can change the world."

Joel Barker, futurist

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14 Victoria K. Trotta, Director of the Ross-Blakely Law Library and Associate Dean, Arizona State University.
15 Catherine Lemann, Associate Director, Law Library of Louisiana.
* This is the wording of recommendation 5 as submitted to the AALL Executive Board. Subsequent exchanges among Committee members and Board members clarified the intent of this recommendation to be that AALL establish a special committee to address issues relating to access to electronic resources. Board action in response to this recommendation is reflected in Appendix E, # 5. p.119.
APPENDIX A: COMMITTEE CHARGE

The Special Committee on the Future of Law Libraries in the Digital Age is charged to consider the implications of electronic publishing for the future of law libraries and to prepare a report examining the issues and outlining different scenarios or models to describe the law library of the future. In preparing its report, the Special Committee should think about such things as library content, including the relative balance between print and electronic sources, library staffing and staff roles, library services, and any other issues or standards that might seem appropriate. At least one such model or scenario should be for an all-electronic or virtual law library. If appropriate, the Committee might develop a set of draft standards for the law library of the future and for the delivery of information and services in this new environment. The committee should consider the impact that the role or mission for different types of libraries will play in their respective futures and develop models and/or standards that will reflect those differences.

In preparing its report, the Special Committee should review the current and anticipated changes in legal publishing, the availability of legal and law-related information through alternative sources such as the World Wide Web, and the development of new mechanisms for the delivery of library and information services to lawyers, law students, judges, and other law library clients. They should also consider issues of preservation, permanence of the legal record, and authentication of legal documents. The Committee should review the existing literature and consult with colleagues representing different parts of the profession including readers services, technical services, foreign, comparative and international law librarians, etc.

The Committee is asked to begin its work immediately, to submit an interim report to the Board for the Board meeting in November of 2001 (report will be due to Headquarters by about October 1), and to prepare a final report by June, 2002, in time for the July Board meeting. The final Report may be published in Law Library Journal, AALL Spectrum, or as an entirely separate publication.
APPENDIX B: COMMITTEE ROSTER

Rita T. Reusch (Co-Chair)
Director of the Law Library
University of Utah
Salt Lake City, Utah

Gail Warren (Co-Chair)
State Law Librarian
Virginia State Law Library
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Margaret Maes Axtmann
Associate Director for Information Resources
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Sandra S. Gold
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Gregory R. Lambert
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Oklahoma Supreme Court
Oklahoma City, Oklahoma

Robert L. Oakley (AALL Board Liaison)
Director of the Law Library and Professor of Law
Georgetown University Law Center
Washington, D.C.

Roger Parent (AALL Headquarters Liaison)
Executive Director
American Association of Law Libraries
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Nina Platt
Director of Library Services
Faegre & Benson LLP
Minneapolis, Minnesota

Michael Saint-Onge
Senior Librarian Relations Consultant
LexisNexis
Los Angeles, California
Introduction to the Appendices C and D: Trends Affecting the Future of Law Libraries in the Digital Age and Impact of Trends on The Future of Law Libraries in the Digital Age:

As described on page 4, the Special Committee on the Future of Law Libraries in the Digital Age began its work in April 2001 with the identification of significant trends that are affecting the future of law libraries and drafting brief papers describing each of these trends. The impact of these trends on academic, private and state, court or county law libraries was then described in another set of papers. These “Trends” and “Impact” reports are included here, in Appendix C (p. ___) and Appendix D (p.____). It must be emphasized that these reports were initially developed as working papers for internal Committee discussion, and while subsequently it was decided that they were a valuable contribution to the “Beyond the Boundaries” theme and should be included in this publication, they are not formal parts of the report. Similarly, they were the earlier work of the Committee and do not reflect later developments.
APPENDIX C:

TRENDS AFFECTING THE FUTURE
OF LAW LIBRARIES IN THE DIGITAL AGE:

COMMERCIAL LEGAL PUBLISHING

Michael Saint-Onge

Introduction

Trying to predict future trends in commercial legal publishing is akin to looking into a blurry crystal ball. You can make out some shapes, but the images are far from focused. There are a number of reasons for this: First, the marketplace is fluid. While the players are relatively easy to identify, there is a certain amount of unpredictability when it comes to corporate America. Executives come and go, corporate priorities change, and the path to product development is fraught with potential missteps. Second, it is safe to assume that the major legal publishers are forced to respond to the needs of the customers, and those customers are still trying to figure out what they want. Third, technology changes so quickly that it makes it difficult to anticipate what options the future will bring. Ten years ago the World Wide Web was not even on our radar screen. Ten years from now we might be experiencing an equally radical but entirely unanticipated reality. Still, with all of that said, the AALL Committee on the Future of Law Libraries in the Digital Age has identified three major trends in commercial legal publishing that will ultimately have (or have already had) a profound effect on the law libraries of the future.

Consolidation, Competition and Access

First, the commercial legal marketplace continues to consolidate. The big three legal publishers, Reed Elsevier, (parent of LexisNexis), Thomson, (parent of West Group) and Wolters Kluwer, (parent of Aspen and CCH), continue to absorb smaller legal and specialized publishers, such as Reed’s recent purchase of Mealey’s Publications, and West Group’s acquisition of Information Handling Services (IHS) Group, a publisher of environmental and human resources newsletters. These industry-specific newsletters are extremely lucrative and indicate that these major publishers continue to be on the lookout for anything they can add to their arsenal.

In addition, three other potential battlefields have materialized: small firms or solo practitioners, foreign legal publishers, and peripheral products or services. All three of these suggest that commercial legal publishers recognize the need to continually
expand their customer base in order to remain profitable. Because legal studies suggest that nearly two-thirds of the nation’s lawyers practice in offices or firms of ten or fewer attorneys, the big three have begun aggressive marketing to this group. LexisNexis was first to launch LexisONE, but earlier this year West Group acquired FindLaw, and Wolters Kluwer acquired Loislaw.com. These websites are intended to address the needs of these smaller firms or solos, but it is also hoped that they will help drive them into the paying websites offered by these publishers. It remains to be seen whether or not these profits materialize.

On the foreign front, Reed Elsevier is unifying the UK’s Butterworth’s, France’s Les Editions du Juris-Classeur, and Chile’s Depalma, (among others), under the LexisNexis name. West Group has teamed up with Sweet & Maxwell to launch Westlaw U.K., and recently acquired Sweden’s Aktuell Arbetsratt, Spain’s Civitas Ediciones and the Brazilian-based IOB. What the ramifications of these foreign acquisitions have on the U.S. legal community is anyone’s guess, (although the possibility of increased access to foreign legal materials is an obvious side benefit), but it is clear that it represents an escalation of the competition between Thomson and Reed Elsevier.

The third battlefield is peripheral products and services, such as document delivery services and time / billing software. While both LexisNexis and West Group have ventured into these areas, their relevance to law librarianship, and therefore this report, is minimal. There are two other areas that fall under this category which can and do affect law libraries, however. One is the trend to maximize publishers’ investment in other products by cross-selling them into different markets. Reed Elsevier has just announced that Elsevier science journals will be made available on the LexisNexis services, capitalizing on the relationship with their sister publisher. In addition, West Group is poised to exploit Thomson’s May 2000 acquisition of Dialog. The integration of significant collections of non-legal materials into the legal marketplace extends the influence of these behemoth publishers far beyond their initial reach, and will undoubtedly affect libraries and resources. The second example of publishers’ extension into peripheral markets is the development of portal technology, which will be discussed in the last section.

In addition, commercial legal publishers recognize that there is tremendous competition from non-commercial Internet sites, such as government agencies, courts, and non-profit institutions that will continue to eat away at the profits, which may account for the need of commercial legal publishers to extend their reach beyond the legal marketplace.

Another challenge to legal publishing, and to librarians concerned with permanence and access, is the Tasini decision. (New York Times Co. v. Tasini et al., 533 U.S. 483; 121 S. Ct. 2381; 150 L. Ed. 2d 500) The Supreme Court has recently ruled that freelance writers have the right to control distribution of electronic versions of their
work. The freelance writers union envisioned that as a result of the ruling they would be duly compensated for their work being made available in electronic databases, but instead publishers have begun deleting tens of thousands of freelance articles spanning decades. The fallout from this decision will affect researchers in ways we haven’t yet grasped, and it raises numerous questions about permanence of electronic data, the possibility of the loss of access due to economic decisions, and licensing issues.

Opportunities include:
- Better access to more information on a unified platform;
- The possibility of bundling resources together to obtain a more favorable price.

Threats include:
- The further reduction of choices outside of the big three publishers;
- The possibility of price increases as the competition diminishes;
- The restriction or elimination of access to electronic information based on economic factors.

Format Issues

According to a 2000 survey of legal publishers by the ABA’s Legal Technology Resource Center, print still dominates the production format at 95% of all titles. CD-ROM and Internet products only make up roughly a quarter of total output, and only about half of the legal publishers surveyed produce materials in both CD-ROM and Internet formats. This means that we are not anywhere near a virtual environment yet. While most publishers do not plan to exceed print production by electronic in the next three years, a high percentage (88%) plan to convert print titles to digital.

Survey respondents stated they were committed to continue to offer print titles, though most publishers reported that print was currently priced higher than other mediums, and that that price would most likely continue to rise.

Interesting enough, online products are no longer simply mirroring their print counterparts. Because of the technology, the online products contain enhancements (such as deep-linking to referenced material, or more current information) that offer significant benefits over the print products. It is widely believed that this will gradually erode the preference for print products, although no one is anticipating a “paperless” law library anytime soon. (Some of our librarian colleagues have indicated that a preference for electronic products – namely the Internet – is already here among the younger generation of legal researchers. It is widely expected to continue to grow as each new class of law school graduates enters the profession.)
While not specifically identified in the ABA survey, it is generally accepted by both the legal publishing and librarian communities that the CD-ROM format is gradually giving way to the Internet as the preferred means of delivering electronic information. Issues such as electronic licensing and copyright protection remain a challenge, however.

**Opportunities include:**
- The chance for increased access to materials as they migrate to electronic formats;
- Increased ease of use for the researcher;
- The chance for librarians to take a leadership position in resource management, training, and technology.

**Threats include:**
- Further reduction in format options for resources;
- Increased prices for print;
- Challenges in establishing licensing agreements that meet the needs of the wide spectrum of law libraries;
- Public/Law Firm Management/Law School Director’s increased perception that additional space is not necessary now that “everything is on the web.”

**Customization and Personalization / Disintermediation**

Recognizing that more than 70% of commercial legal publishers’ customers are in small firms or are solo practitioners, and who are therefore not served, or are underserved by law librarians, publishers are taking their products and services directly to the end users. Also recognizing that one size definitely doesn’t fit all, publishers are spearheading the trend toward personalizing or customizing resources to meet the needs of the end user, especially in the electronic environment. Practice area pages on both LexisNexis and Westlaw have delivered focused resources of interest to practitioners. West’s launching of “My Westlaw,” with LexisNexis’ version to follow shortly, confirms this trend toward customization.

In addition, Intranets are giving way to portals. Portals aggregate and provide access to internal company documents (such as briefs, letters, motions, etc.), and external resources (commercial databases such as Westlaw or LexisNexis, Web sites and news feeds). This portal desktop can be customized so that each user has the resources he/she needs displayed in the format he/she desires. Both LexisNexis and West Group have entered this marketplace with both barrels loaded, and while there still aren’t a significant number of law firms that have developed portals, they are widely expected to be as ubiquitous as Intranets are today.
While Intranets contain “static” information that someone has to post, verify its authenticity, and keep current, portals are not repositories but aggregators, bringing information from many sites into one interface. There are many advantages to this: the information tends to be more current; the user can locate information from a variety of different sources with one search, instead of having to conduct multiple searches in multiple databases; and the opportunity to capitalize on the synergistic convergence of resources increases the likelihood of true “knowledge management.”

However, delivering more customized information to the desktop bypasses the traditional librarian roles of evaluation, selection, and instruction, a fact that has not been lost on librarians.

**Opportunities include:**
- The chance to establish librarians as the resident experts in training;
- Portal technology revolves around the meta-tagging of documents along some controlled vocabulary or subject classification. This is a natural fit for librarians.

**Threats include:**
- The chance that librarians will be cut out of the loop;
- With more resources being added to the desktop, maintaining quality control remains a challenge;
- With each person’s desktop customized, not as easy to establish training programs or provide users with reference assistance.

**Conclusion**

It is clear that the commercial legal marketplace is changing. What isn’t clear is the role librarians can and should play in its evolution. I honestly believe that commercial legal publishers currently see librarians as allies rather than adversaries, as evidenced by their concerted efforts to establish and capitalize on librarian advisory panels and focus groups. It is in the best interest of our profession to step up to the plate and continue to influence product development, to maintain open lines of communication with leaders in the publishing industry, and to continue to seek opportunities to partner with them to ensure a positive future that includes a role for law librarians.

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Digital Divide

The phrase “digital divide” was originally used as a reference to computer ownership, the divide being the gap between those who own personal computers and those who do not. In the past several years, the phrase has evolved to more narrowly describe the divide between those with access to the Internet and other information resources and those without access. The fourth in a series of reports issued by the National Telecommunications and Information Administration, Falling Through the Net: Toward Digital Inclusion, released in October 2000, documents that the number of U.S. households with Internet access had increased to 41.5% by August 2000. The report suggests “in some cases, the digital divide has begun to narrow or will do so soon, and that we are entering a period of fuller digital inclusion.” However, the report also acknowledges that while Internet access is increasing, when measured against the national average the data reveals an expanding digital gap for Blacks, Hispanics, individuals with a disability and those with lower levels of income and education. From a geographic perspective, despite a dramatic increase in Internet access by rural households, a much lower increase was recorded in households located in central cities.

In many communities across the United States, public libraries, including law libraries open to the public, remain the single location where citizens are able to access the Internet without payment of fees, pre-registration or institutional membership. Although federal legislation stands to provide the necessary dollars for libraries to increase Internet access, the Children’s Internet Protection Act (CIPA) chips away at access by mandating the use of filtering software in libraries receiving federal aid. Filtering software clearly diminishes Internet access for citizens falling in the digital gap, including minorities, residents of central cities, and the poor. As federal and state governments invest more and more financial and human resources promoting E-government, citizens without Internet access will find themselves disconnected from the very government of which they are a constituent. Librarians aren’t the only professionals concerned about the digital divide. A March 2001 InformationWeek Research survey of 500 business and information technology professionals reports that 81% of those surveyed believe a serious divide exists in the United States between those with computer literacy and those without it.
A second type of "digital divide" presently serves to widen the gap between those individuals with computer literacy and those without it. This divide is not due to socioeconomic class, ethnicity, or geographic location, but rather is the reflection of the impact of new technology on an existing community of lawyers and others whose preferable legal research method involves books and other print materials. There is an ever-widening gap between the attorney and/or judge who has been practicing for twenty-five or more years and the recent law school graduate who arrives at the firm and/or court with laptop and palm pilot in hand. Despite the fact that law schools, law firms and courts are using technology in a variety of ways, individual user competency falls across a broad spectrum of actual computer literacy. Many users of the law library are not comfortable with the transition to electronic information despite the fact they have unlimited access to computers and information technology.

In addition to librarians and libraries, primary stakeholders include publishers of electronic information, state and federal government entities, educators and corporate America. The National Telecommunications and Information Administration (Department of Commerce) established the Digital Divide Web site in December of 1999 “to serve as a comprehensive clearinghouse for information about efforts to provide all Americans with access to the Internet and other information technologies that are crucial to their economic growth and personal advancement.” Librarians are actively supporting projects designed to “bridge the gap” – projects such as the “E-Rate” program to provide discounted Internet access rates for schools and libraries. Librarians and library organizations are seeking equal access for all by challenging the constitutionality of CIPA. Public-private partnerships, such as those leveraged by PowerUp and NetDay, two non-profit organizations, serve as a model for librarians seeking cooperative projects to bridge the digital divide.

**Disintermediation**

Generally, disintermediation describes the trend towards direct interaction between end-users and producers of information (publishers), eliminating the need for intermediaries, such as librarians. In the digital age, information users are able to access sources of information directly through a computer or computer network without physically going to the library or requiring the assistance of a librarian. Even more appealing is the ability to access this information “anytime, anywhere.”

Legal publishers have invested and continue to invest large sums of money in the research and development of information products created for and marketed directly to end-users, bypassing the law library and the law librarian. The library communities’ initial reaction to this “changing model of information delivery” was less than positive. Described by one author as the “deadly peril that presently faces libraries and
librarians,” others view disintermediation as a golden opportunity for critical review of the skills and capabilities of librarians and information specialists and identification of new roles.

David Majka suggests three actions for survival: “acting collectively, marketing effectively, and drawing upon each others' collection strengths at the speed that patrons demand and expect.” Ina Fourie, writing for the *Electronic Library*, proposes a “holistic approach” to disintermediation in libraries. Her in-depth analysis examines nine different reactions to this trend, ranging from “ignore the changes and the implications these hold for them” to “depress everyone with their gloomy predictions (without considering alternative options).” Fourie highlights those reactions most likely to support the continuing role of librarians as intermediaries, including the provision of value-added products, the provision of end-user training programs and responding to the need for improvement in the design of information systems.

Despite the fact end-users may access electronic information anytime, anywhere, the frenetic schedules, billable hours and pro bono/community service required of those working in the legal environment may override the necessary time and effort required of an efficient searcher in a “pay-as-you-go” online environment. Thus, the need for skilled information intermediaries will not diminish and law librarians should be prepared to meet this need. AALL’s “Competencies of Law Librarianship” provides a framework for the knowledge and abilities that will be required of the future “superior” law librarian.

Stakeholders affected by the rise in disintermediation include librarians and libraries, law firms, law schools, legal publishers and end-users of digital information.

### Non-Commercial Electronic Publishing

As the number of individuals with Internet access continues to increase, so does the expectation that all information, including government information, will be available in an electronic format. While electronic publishing thrives in the Internet environment, a written analysis of commercial vs. non-commercial publishing is almost non-existent. Peter McKay, then Sales and Marketing Director of Academic Press, addressed the future of scientific, technical and medical publishing at a 1996 Seminar on Electronic Publishing sponsored by the Nordic Centre of Excellence for Electronic Publishing. He stated “the development of electronic or digital publishing is a major threat and a major opportunity and that this is not different whether you are a commercial or non-commercial publisher.” (Emphasis added.)

In the web marketplace does “free” electronic information really compete against enhanced versions of the same information offered by commercial publishers?
Perhaps this information merely complements the range of information available from commercial online databases and web sites. Although the federal government promoted broad public dissemination of government publications via a “[T]ransition to a More Electronic Federal Depository Library Program,” (1996) the transition has not proceeded without controversy and a rally for commitment to continued publication of selected titles in paper.

While agencies, courts and libraries all provide more and more information via web sites and links, no reports or articles address the impact of this publishing phenomenon on the commercial market. This lack of documentation is itself a prime opportunity for law librarians to examine the trend and to influence the future of legal publishing. Primary stakeholders include end-users of information, state and federal government agencies, commercial publishers, libraries and any other entity “publishing” on the World Wide Web.

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Factual Description

Preservation of library materials in all formats is a relatively young branch of librarianship that has matured over the last quarter century. Among the topics covered in the recent literature are:

- preservation cataloging and access
- commercial binding
- audio-video preservation
- mass deacidification
- disaster preparedness
- copyright
- microfilming and reformatting
- physical treatments
- environmental monitoring
- selection for preservation
- digital technologies
- preservation management
- institutional commitment and cooperation

A great deal of the literature on physical treatments includes scientific studies and descriptions of the chemical properties of print and film, but increasingly the literature reports advances in digital technology. Librarians and curators continue to be concerned with the preservation of artifacts as well as the preservation of and access to the information in those artifacts. Digitization projects are an important aspect of preservation management, but the long-term utility of digitized information is still being explored. Bibliographic control, longevity of digital files, and authentication of digital information are serious issues for preservation experts.

Law libraries continue to lag behind other libraries in preservation efforts. A small number of academic law libraries (such as Georgetown, Cornell and Harvard) have taken a lead in preservation efforts, but only a handful of law libraries have active

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preservation programs with adequate staff and funding. Many of the cooperative projects that blossomed in the 1980s seem to have slowed down or ended.

**Opportunities and Threats**

Librarians acknowledge preservation as a critical issue, but the legal profession and the public often have the free-wheeling attitude that everything is available on the Web so there is no need to preserve other forms of information. Pressure to downsize for space and budgetary reasons means that print and even microform collections are being discarded from all types of law libraries at an alarming rate.

Who is preserving the historical record?

At the same time, there is an increasing awareness that electronic or digital information, whether in a proprietary database or on the Internet, is vulnerable. Web sites come and go, as both surfers and serious researchers have discovered. The recent U.S. Supreme Court decision in *The New York Times Co. v. Tasini*\(^{17}\) threatens thousands of documents in electronic databases that librarians and scholars have relied on for access to articles. The publicity surrounding this decision gives librarians an opportunity to work with their constituents – lawyers, judges, faculty, scholars – to enlist their help, to educate them about preservation of print and electronic resources, to secure funding, to keep their collections intact. We need to take advantage of events like this to promote and increase preservation activities.

**Key Stakeholders and Current Efforts**

The key stakeholders in the preservation area are the current and future researchers who need access to legal information. Therefore, the libraries that serve those researchers play a critical role in ensuring the continuing availability of physical and electronic collections.

For a current summary of preservation activities, see the President’s column from the May 2001 issue of the *AALL Spectrum*, written by Bob Oakley.\(^{18}\) It is an excellent overview of what has been done and what remains to be done.

**Additional Information Needed**

More detailed information on preservation trends specific to law libraries.

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\(^{17}\) 121 S. Ct. 2381 (2001).
TRENDS AFFECTING THE FUTURE
OF LAW LIBRARIES IN THE DIGITAL AGE:

AUTHENTICATION OF ONLINE RESOURCES

Greg Lambert

The increasing shift of resources from print to electronic creates problems that are both real and imagined. How does the end user of electronic resource know that the information is accurate? When we, as librarians, create links to electronic resources, are we guaranteeing that the information found at these sites is accurate? Another issue that runs beside accuracy is the problem of permanence of Internet resources. Again, we rely upon resources that may or may not be there the next time we attempt to retrieve them. Like it or not, the user is relying on our expertise to lead them in the right direction. If the resource turns out to be incorrect or no longer available, the user may lose trust in both that site and in our qualifications as a trusted resource.

Authority

One of the quandaries of law libraries is the fact that most of the users come with the expectation of getting the information for free, or at most a limited cost for printing out the final result. Most librarians will go through rigorous methods of obtaining the information for free, or at last resort, a small Interlibrary Loan or database charge. However, once again the librarian is staking his or her reputation to produce no or low-cost research results.

With the recent trends of the major legal publishers buying or producing limited free legal research sites (such as West Group's purchase of Findlaw, and LexisNexis' introduction of LexisOne), and with state and federal courts publishing their own opinions, the issue of authority and accuracy may become somewhat less of a concern. Even with these examples, we are still left with an assortment of different electronic formats, case styles, citations, incomplete or inaccurate links, and a multitude of other inconsistencies.

Although librarians cannot correct all of these problems, there are a few leadership roles we can play.

Citations

Many courts are now using the vendor-neutral or public domain citation system developed by the American Association of Law Libraries (AALL) or the American Bar Association's (ABA) committees on citation reform. For example, within those states
comprising the 10th Circuit, 4 of the 6 states have officially adopted the new citation system for all current cases. Oklahoma and Wyoming have taken the additional step of adopting the format for all cases back to statehood. This area of citation reform is one that AALL should push other states to adopt in order to break the hold that the National Reporter System has had on citation format for over a hundred years. By opening a vendor-neutral citation system, AALL would be encouraging competition in the electronic publishing area.

Colleen Barger wrote that the creation of a standardized neutral citation system would result in:

1. efforts to encourage general competition in the marketplace to lower the costs of legal research;
2. the discovery by some states that they were not the proprietors of their own law;
3. an interest in facilitating new modes of electronic legal research, particularly as more jurisdictions put their laws on the Internet;
4. a dissatisfaction with the *Bluebook*; and
5. a growing concern that the activities of individual states in developing their own citation formats will lead to a break-up of standardized citation systems.

This last point argued by Barger is one that the AALL should take the lead in by working with states willing to adopt vendor-neutral citation and creating a complete index of cases back at least to 1900 using the citation format established by the AALL citation reform committee. By having the states adopt these, we would be opening the door for serious competition in legal publishing related to case law.

**URL, PURLs, DOI, and Other Permanent Naming Schemes for Internet Documents**

The Uniform Resource Locator (URL), or more commonly referred to as the web address, is not stable enough to be considered a valid reference point for legal information. The need for stability and reliability with Internet resources must be a primary concern for legal community in order to take advantage of the wealth of resource available in the Digital Age.

Persistent Uniform Resource Locators or Permanent Uniform Resource Locators are anything but new in the age of the Internet. Initially started as an Online Computer Library Center (OCLC) project to have the ability to catalog Internet resources, PURLs are a way of obtaining information from the Internet without the fear of the dreaded ‘404 – Document Not Found’ error we so often see. PURLs allow the cataloging of information, but are so fragile that most libraries refuse to place Internet resources (with some exceptions for government documents) on their cataloging system. OCLC
hosts a PURL server to help solve the problem of information on the Internet being ephemeral. There are other private hosts that offer PURL servers, and there are web sites that claim to maintain their own PURL database.

Digital Object Identifiers (DOI), was established by the International DOI Foundation (IDF) to create permanent identifiers similar to the ISBN or the EAN barcode for the “content industries.” DOI allow for the permanence of information for traditional and online publishing through the establishment of international standards for organizations that register with IDF. At this time, there are over 100 organizations and approximately 3 million DOIs have been registered.

Uniform Resource Names (URN), is a working group for the Internet Engineering Task Force (IETF) established to work with the Internet registry system to establish the framework for permanence of Internet resources. The concept behind URNs is similar to that discussed with DOIs. By establishing a unique “namespace,” the URN becomes an assigned identifier that insures global uniqueness similar to those established by ISBN and ISSN identifiers for more traditional publications.

So how can law librarians advance the use of these permanent naming schemes? Perhaps the most effective way would be for AALL to issue a “stamp of approval” for legal web sites that use permanent naming schemes to maintain their web pages. By establishing standards for permanence, and rewarding legal web sites with the same type of approval given by privacy companies, we will be rewarding ourselves with the ability to rely on the permanence of legal resources. Of course, the drawback to any situation like this is the complicated process of implementing standards for permanence of materials already online, and the human resources needed to insure future compliance.

Web site operators pay to insure the public that their site is secure, and that the user’s privacy is being kept private, perhaps they will also pay to insure the public that the information that is there today, will be there tomorrow and in the years to come. Another potential benefit is that libraries may feel more confident in putting permanent naming schemes in their cataloging systems, thus creating a secondary system of retrieving the information.

**Conclusion**

The problems of authority, consistency, and permanence with digital information will grow as more and more legal information becomes available through the Internet. Working to improve the consistency of legal information through the adoption of uniform citation systems, and pushing toward ways of implementing permanence of the information by the use of permanent naming schemes, will create the authority of information that we desire. As librarians, we must work to promote ways to reduce the
problems now facing digital information through the implementation of standards, and by rewarding those that adopt and follow these standards.

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Introduction

Law libraries operate today in a world of unprecedented change – and challenge – in the manner and formats in which legal information is acquired/accessed. This accelerating transition to digital formats has had a profound effect on the legal environment governing rights of owners of works of legal information and rights of the public to access that information freely. In particular, statutory rights under the copyright law such as first sale and fair use are increasingly threatened or curtailed by contractual provisions in licenses and by technological controls embedded in the electronic sources themselves and the hardware used to access them. Federal legislative initiatives such as the Digital Millennium Copyright Act, copyright term extension, and database protection and state initiatives such as the Uniform Computer Information Transactions Act further increase these concerns.

The Copyright Framework

Consideration of the rights of owners/authors of works and the rights of users of works, as articulated in the Copyright Statute (Title 17 of the United States Code), invariably begins with the Constitutional provision authorizing Congress to "promote science and the useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries." This constitutional grant of power is seen to limit the extent to which congress can grant monopoly power to authors in two important ways: first, the ultimate goal is the promotion of science and the useful arts and not the well being of the author, and second, the grant must be for limited times.

The Copyright Reform Act of 1976 provides several important limitations on the exclusive rights of copyright owners which are protections for users of copyrighted works. The two provisions most pertinent to this trends analysis and its potential effect on law libraries are sections 107, 108 and 109. Section 107, fair use, protects certain kinds of unauthorized uses, and specifies teaching, scholarship and research among them. A four factor test is set out for measuring whether a particular use is fair: the purpose and character of the use, the nature of the work, the amount of the work used,
and the effect of the use on the market for the work. Section 108 protects certain kinds of copying by libraries. Section 109, first sale, provides that an owner of a lawful copy of a work can sell or otherwise dispose of that copy without the authority of the copyright owner. Another important protection for law libraries and open access to legal information is what is not protected by copyright: facts, government works (including a large body of federal statutory, regulatory and case law), the public domain. Finally, the copyright statute specifically reserves copyright to the federal regime and preempts any state law that interferes with that regime.

**Trend: the Digital Millennium Copyright Act, Database Protection and Term Extension**

Enacted in 1998, the DMCA raises several legal and practical issues for the law library community. The key components of this legislation are the provisions regarding 1) Technological Protection Measures, 2) Copyright Management Information, 3) Online Services Provider liability and 4) Updating the Section 108 library provisions. As to the first, the statute provides: “No person shall circumvent a technological measure that effectively controls access to a work.” As to the second, the statue provides: “No person shall...intentionally remove or alter any copyright management information...knowing that it will induce (etc.) an infringement...” As to the third, the statute provides certain limitations on liability for online service providers, the latter being broadly defined as “a provider of online services or network access.” The first and second provisions basically legitimize hardware and software restrictions on access to electronic resources placed by the vendor, and outlaw efforts to get around those restrictions even in the face of a legitimate fair use. Narrow exemptions are offered including one for libraries testing databases. The third provision, with its very broad definition of service provider, implicates many public law libraries that do provide online services and network access to their users. The “safe harbor” and other statutory requirements that must be complied with in order to obtain the protection of this limitation on liability are complicated and failure to meet these requirements would presumably place the library outside of the safe harbor with unknown consequences. The impact of these three DMCA provisions is currently being tested in the courts. Finally, the section 108 amendments provide some relief to libraries attempting to adapt the outdated provisions to the digital age.

Since the U.S. Supreme Court decision in *Feist v. Rural Telephone Service* in 1991, publishers of electronic databases have lobbied Congress for a statutory form of database protection for factual compilations. Such a measure was initially part of the DMCA, and in the last Congress was entitled “Collections of Information Antipiracy Act”. Surprisingly, database protection has not yet been implemented, but predictions are that the publishers will continue their efforts. If enacted, such legislation would certainly be challenged under the rationale of *Feist*. 

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The Sony Bono Copyright Term Extension Act, also enacted in 1998, extends the term of copyright protection by twenty years. In essence, this “freezes” the public domain at 1998 levels and no works will enter the public domain due to term expiration until 2019. A narrow exemption for library copying provides some relief for the twenty year extension period. The U.S. Supreme Court has granted certiorari to a challenge to the constitutionality of this term extension and will consider this issue during its 2002/03 term (Eldred v. Ashcroft  No. 01-618).

**Trend: Licensing and UCITA**

Law libraries in a digital world are faced with the phenomenon of software and database licenses replacing purchase of print volumes for their collections. These licenses frequently place restrictions on the nature of the use of the materials, the manner and locations from where it can be accessed, who can access it. The licenses specify that the transaction in which the law library acquired access to the software or database is not a sale.

A license is a contract and contract law is governed under state, not federal, law. The above described licensing terms can and do interfere with federal copyright law in important ways: terms restricting the nature of use may nullify fair use rights under section 107, and terms stating that the transaction is not a sale may nullify first sale rights under section 109. And where the database consists of government works, factual information and public domain material, restrictions on access and use directly counteract the federal copyright scheme.

Some case law has developed dealing with the interaction between licenses and copyright law. Issues regarding enforceability of “shrinkwrap” or “click-on” licenses, preemption of state contract law that interferes with federal copyright law, and the extent to which royalty revenue generated under a licensing agreement is properly considered as a market effect under the fourth fair use factor are unsettled.

On the surface, the Uniform Computer Information Transactions Act (UCITA), adopted by NCCUSL in 1999 and thus far enacted in two states, seeks to establish a legal regime governing software and database licensing. In effect, it would validate license terms that circumscribe rights established under copyright law. It would validate “shrinkwrap” and “click-on” licenses and the use of technological control devices and “electronic self help” techniques used by vendors to control uses of their products.

**Opportunities and Threats Posed by These Trends to Law Libraries**
It is difficult to see positive opportunities posed by the trends outlined above. One very positive development has been the leadership and prominent role taken by individual law librarians and the American Association of Law Libraries in speaking out about the threats posed by these trends and lobbying for moderation and compromise. Further opportunities will inevitably arise as this process continues.

The threat to law libraries posed by the combined impact of the trends is enormous. Access to legal information would be substantially restricted in a world where

- the public domain is frozen;
- databases of factual and public domain information are protected;
- license terms restricting fair use and first sale rights are enforceable; and
- technological controls and copyright management information imbedded in hardware and software are legitimized and attempts to circumvent them for fair use and other legitimate reasons are outlawed

These developments would place greater management burdens on libraries, in negotiating licenses and complying with their requirements, and financial burdens as vendors have more leverage in moving to a licensed world of “pay per use.”

**Stakeholders and Efforts to Capitalize or Diminish the Trend**

Generally speaking, stakeholders in the trend towards replacing the traditional copyright protection scheme with a licensing regime backed up by technological access controls are the owners of copyrights on one side and the users of copyrighted works on the other. But this is simplistic – many authors and publishers of scientific and factual materials are opposed to database legislation and to UCITA. Institutional users of copyrighted materials are often also producers (this is the case with research universities), and law firms often represent copyright owners; these users have interests in protecting authors’ rights as well as users’ rights. The American Association of Law Libraries has collaborated with other library organizations, as well as the Digital Future Coalition, the Coalition for Networked Information and other interest groups, to ensure that the law library perspective is represented in this ongoing process.

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TRENDS AFFECTING THE FUTURE
OF LAW LIBRARIES IN THE DIGITAL AGE:

USER EXPECTATIONS

Sandra Gold

Introduction

Recent surveys, differing in approach and scope agree widely on the nature of user expectations in the six years following the introduction of Netscape and the increasing reliance on the World Wide Web. These expectations are best characterized as “heightened”, a process which is not only still going on, but which seems to be intensifying. A recent survey found that this “revolution in electronic search media, including the Internet, was increasing student and faculty expectations, librarian satisfaction but was also increasing the need for user training.”

Technological changes and improvements are changing all libraries, including law libraries. The more it is possible to do, the more that will be expected, indeed taken for granted. This produces “a continual learning process and constant change” for users and librarians alike. The combination of technological change and an increasing reliance on electronic systems has led users to “expect reliable, powerful and intuitive systems.” User expectations, like the technological advances which preceded them, are revolutionary.

User Expectations

Technology has become a critical foundation of the modern law library. The increasing sophistication and versatility of electronic systems for access, storage and retrieval constitute a revolutionary change. This change brings with it heightened expectations in a number of areas. Law libraries are “increasingly reliant on technology,” and “electronic information products and services have become pervasive.” The trend this change is engendering shows no signs of slowing.

Specifically, surveys and experience suggest that user expectations fall into four broad categories:

• **Immediate access to information** - Users, perhaps influenced by the pervasive hype surrounding the Internet, expect immediate access to information 24 hours a day, 7 days a week. They take for granted that traditional library hours no longer apply, that services will be “open” and accessible at all hours, every day;

• **Ubiquitous access to information** - Users expect to be able to access information, or to search for it, from any of a variety of remote locations, using personal
computers or wireless devices. They expect that links will be available, effective and reliable and that they will not need to visit the library or, in at least some cases, to interact directly with the librarian. It is a familiar mentality, identical to the self-service approach promulgated by many retailers.

- **Reliable and accurate information** - Users, faced with a proliferation of sources, of databases conveniently accessible, expect that the information they retrieve will be reliable and accurate. This has traditionally been the responsibility of publishers and/or librarians. Thus far the virtuosity of the new technology has offered little help.

- **Preservation and retention of print resources** - Users are not, despite futurists’ assertions, ready for an entirely virtual library. For a variety of reasons, some at least good, they are not ready to move to total dependence upon, and trust in, electronic sources and methods. This implies that in the future law librarians will have to operate parallel, potentially duplicate systems and will be concerned with archiving older and as yet electronically unavailable materials.

Surveys of librarians, particularly academic librarians agree broadly that technological change, actual and potential, is affecting them and their users. This is probably the chief constant of the surveys of the last five to ten years. A representative bibliography is appended. Higher expectations are universal. There is an element of irrationality about all of this, created in part by the unrelenting hype about the “miracle” of the Internet, and the computer “revolution.” Increasingly users expect to be able to answer any question and conduct any search online. More and more they expect to do it from remote locations and at non-traditional hours. They expect that full text will be equally available to them. These might at first glance appear to be conflicting desires: for comprehensiveness, ubiquity and convenience. Hyper linking capability is taken for granted. Users recognize the need for instruction, for help of one kind or another, and their response is to expect the library and librarian to take on the job. This implies, of course, additional library costs and positions that are not always available.

**Opportunities and Threats**

The principal opportunity that technology offers is to create a new and different kind of library and a new and enhanced way to make information available to those in need of it. The electronic revolution offers the promise of being able to integrate the complex variety of information resources, services and tools that library users expect. They are being taught every day to expect them, and soon. Users increasingly take for granted that library and information services professionals will develop the new skills and techniques necessary to take advantage of the potential of the Internet. Collaboration and interaction are the watchwords of the new age, and users expect librarians and technical support staff to work together to deliver uninterrupted information services.
The basic opportunity for the law library is to increase the effectiveness and productivity of the legal professional whether they be student, professor, judge or practicing attorney. While users may not always know much about the technology, they are likely to know that it exists and offers potential. The opportunity to serve is in effect defined by the opportunity to train, and the presence of the tools to facilitate training and usage.

These are skills that require development and nurturing.

An era of heightened user expectations offers many opportunities. It also presents some problems. Human experience teaches us that there are few unalloyed blessings. The promise of the Internet, hype to the contrary notwithstanding, presents many difficulties to the law library professional and their institutions.

Chief among these is costs. Meeting the heightened expectations created by the potential and the perceptions of the Internet is likely, at the outset anyway, to cost a lot of money, mostly for new professional library staff. Library professionals will face a daunting series of new challenges to their function and training. The challenges extend to professional training, which will have to adapt itself to new and broadened expectation.

There is, as well, a challenge to law libraries generally, a difficult to define but omnipresent phenomenon. In particular librarians and information services professionals will need to interact across disciplinary lines. Further, attorneys will be challenged to accept, and use, a new and often rapidly evolving technology. Expectations and flexibility will vary generationally. It will be easier to train younger people. With older professionals motivation becomes a larger share of the problem.

**Key Stakeholders**

While it would be accurate to assert that everyone is affected by the increased user expectations defined above, the key stakeholders are, principally, librarians, information services staff, faculty, students, attorneys, publishers, certain vendors and clients. While most of them are likely to be challenged, if not overwhelmed, by the rapid pace of change in technology, the burden will fall most heavily on librarians. They will need to acquire new skills and new functions. They must become more proficient in training, especially the kind of training that will enable users to function essentially without them. They will be challenged to develop an approach to dealing with concerns about the accuracy and reliability of information. They must develop knowledge of data base structure and facility with Boolean logic, things for which, by and large, they have not been formally trained.

They will have to adapt to an environment in which human, personal interaction will diminish because of user expectations. There will, above all, be steadily increasing
demands on their time, and a rapid multiplication of necessary areas of competence if not expertise.

Technical services people must become comfortable with working across disciplinary lines. The traditional turf demarcations are likely to be too rigid, too confining for effective function in an age of increased potential and increasing demand.

For attorneys, the challenge is dual: to resist the omnipresent hype and to learn to be comfortable with using what is, and is becoming, available. A certain amount of weaning away from traditional information services must be accommodated. There will be feelings of almost intuitive discomfort to overcome.

What unites the concerns of stakeholders in-house is the need for rapid and dependable service and responsive training and orientation.

For outside stakeholders, publishers for example, and vendors of various kinds, other sorts of challenges are implicit. Publishers must cope with the prospect of diminishing demand for high quality print materials to be housed in a library. As the comprehensiveness and quality of online research materials increases, more and more research needs will be accommodated by them. This has implications for product development, presentation and marketing. Hardware and software vendors have comparable concerns.

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TRENDS AFFECTING THE FUTURE
OF LAW LIBRARIES IN THE DIGITAL AGE:

TECHNOLOGY

Nina Platt

While legal institutions have been slow to embrace the use of technology, a shift is taking place where technology is becoming the driving force of many initiatives within these organizations. Technology trends affecting the legal area include:

**Improvements in Infrastructure**

Hardware: As we have seen in the past, the speed at which a computer works is predicted to continue to increase for the next 5-10 years. At the same time, computers are becoming smaller and less expensive due to market consolidation and competition. As the computers are reducing in size, the storage capacity is increasing allowing organizations to maintain more information in electronic format.

Networks: While network technology has become more stable during the past couple years, additional advances in routers, switches, firewalls and cabling technology are being made that will make networks faster and improve the quality of the connection.

Wireless: While wireless technology is fairly new, it is bringing about changes in two areas.

- Personal Digital Assistants (PDAs) are being used extensively by lawyers for calendaring, contacts, etc. Information vendors are currently developing wireless access to their services in anticipation of the demand that will be made in the future. That demand can be expected as law school graduates get exposure to the technology. To make that happen, Palm, West Group and Stanford Law School have launched a wireless initiative to put PDAs and wireless access to Westlaw in the hands of 50 law school students and faculty. At present, 51% of the AmLaw 100 firms provide PDAs to the lawyers who want them and 93% support PDAs purchased by lawyers.
- Wireless networks are being developed to allow end users access to networks without the restriction of cabling. Academic and public libraries have begun to explore these types of networks to provide easier access to information for their patrons.
Remote access: According to a recent survey, 48% of lawyers at the AmLaw 100 firms use notebook computers as opposed to desktop computers. This high number in use of notebooks is occurring to allow lawyers access to data on their computers and their firm’s network while on the road. This is leading firms to improve the facilities they have for providing remote access. At the same time, remote access technology is improving, allowing better connections while on the road.

**Knowledge Sharing/Collaboration**

Collaboration tools: As more legal work goes online it is becoming more important that workers within and across legal organizations can collaborate. Collaboration tools have evolved from standalone products where everyone wishing to collaborate needed to use the same application, to more advanced web-enabled applications that allow users to work together. For example, two attorneys from different organizations could access an Extranet to share in the drafting of a document.

Knowledge management tools: Knowledge management has become more important to legal organizations and gives evidence of continuing to do so. Besides using existing document management systems, firms are also using full-text database management software, content management software, and tools developed specifically for knowledge management (e.g., KnowledgeCenter from KnowledgeTrack) to share what they know.

E-mail: E-mail continues to be the application that is used by most individuals in the legal market. Because of the high acceptance, vendors are making an effort to integrate other applications. For example, a subscriber may receive an e-mail to alert them to new information on a web site.

Video conferencing: According to the AmLaw Tech Survey, 93% of the large law firms surveyed have video conferencing ability. Instead of costly trips for meetings in other firm offices or with clients, a video conference may be organized. While there is more demand for this technology being seen, there are also improvements being made to the technology. For example, some firms use their Internet connection to transport voice and images.

**Virtual Library**

Online databases: The focus for Westlaw and Lexis during recent months has been to move primary access to their systems to their Internet web sites. Both vendors made the decision to add new functionality to the web version of their databases that cannot be found in the proprietary software in a move that signaled the eventual switch to a single web interface. Both vendors are also working to develop a strategy to move more of their content to their clients Intranets with the development of tools like West’s
Intranet Solutions. Dialog has also followed suit with a web interface and toolkit for adding content to the Intranet.

CD-ROMs: While many have said that the CD is an interim technology, it doesn’t look like they will go away anytime soon. As many vendors move from CD-ROM to the Internet platform to deliver their resource, other vendors are entering the electronic resource market for the first time using the CD-ROM platform. Since products delivered by CD-ROM are often less costly than the same service available on the Internet and since CD-ROMs are sometimes more stable than their newer counterparts, firms continue to opt for CD-ROM. Still, most firms do not want to make an investment in additional CD-ROM towers and the server software required to maintain a CD installation and have moved to copying the CD-ROMs on hard-drives that can be reused for other purposes when the CD-ROM subscription is canceled.

Electronic research resources via the Internet: As mentioned above, many publishers are moving their resources to the Internet. Products include individual newsletters, secondary resources (e.g., looseleaf services, treatises), primary resources (e.g., caselaw, codes and regulatory materials), and reference materials. While caselaw, newsletters and many reference resources have made an easy transition, better interfaces will need to be developed for the secondary resources, codes and regulatory materials for them to be effective replacements for print.

E-books: Vendors and some non-commercial entities have begun to develop e-books. For example, West has several e-book titles that can be used with a laptop, PDA or e-book reader.

**Customization/Personalization/Integration**

Intranets: According to a Law Office Technology survey prepared for the Association of Legal Administrators, 26% of law firms had an intranet in 1999 with 38% in 2000. These numbers can be expected to increase and organizations begin to understand the return on investment offered by making information available to their employees via a web interface. Software and coding used to develop dynamic web pages (content is delivered to the browser on the fly from databases) have moved the web from a resource with static content to a more functional tool. New web technology including XML (web markup standard) and .Net (web services development tool from Microsoft) will bring new functionality to web resources that will make the Intranet a more valuable tool. For some organizations, Intranets mean better organized and seamless access to free resources, online databases, Internet subscriptions, CD-ROMs, etc.

Extranets: Extranets are an extension of an organization's Intranet. It is set up to allow clients access to information available within the organizations. According to the ALA
survey mentioned above, 4% of law firms had an Extranet in 1999 with 14% in 2000. Again the numbers are expected to increase as organizations are driven to develop Extranets in response to client/customer demand. The same technology listed above will have an impact on Extranets.

Portals: A portal is a web interface that allows the user to access disparate resources. Portal software, generally used to develop Intranets, give the user individualized access to information. For example, the Plumtree, an enterprise information portal product (EIP), has “gadgets” that can be selected by the user to define the information that will appear on the web site enhancing productivity. EIPs require a large commitment to change within an organization in order to be successfully implemented as they generally require employees to alter workflow. According to Robert Craig in an article in Integrated Solutions, productivity is improved with the right implementation but he warns against buying an EIP that claims enterprise portal status. “A true EIP will support at least six core feature sets. They are: customization and personalization, content delivery, application and data integration, information sharing and collaboration, search, and security.”

**Paperless Litigation/Practice Management**

Electronic discovery: Courts have little concern whether evidence is in electronic format or a more traditional form. Still, as shown in the Microsoft case, electronic evidence does exist in the format of documents, e-mail, etc. Because electronic discovery can be a frustrating and costly exercise, law firms and vendors are in the process of developing more efficient ways of dealing with it. For example, there are vendors who offer to organize electronic evidence to make it easier to access and to add to discovery databases.

Electronic filing: Electronic filing allows a legal team to file pleadings, briefs, etc. in electronic format (generally PDF) instead of paper. While it is presently only available for use in some federal jurisdictions and a limited number of states, its potential for use is great because of the benefits it brings to all parties.

Litigation support: Workflow is quickly becoming the mantra of litigation support. In the past, litigation teams imaged documents and stored the images with indexes that allowed them to retrieve documents as needed. This often required time-consuming processes using different applications to manage that data as it moved from discovery to the courtroom. Now, those same teams expect one application to manage the documents in a case using workflow and web technology. Vendors like Ringtail, Steeplepoint Technologies (Introspect eCM), and CaseCentral are delivering products to the web that are intended to meet those needs.
Case management: Case management as an application has been discussed for a number of years. While many firms and consultants talked about implementing case management, few did it successfully. Web technology may change that as firms explore moving towards paperless case management that is integrated with other practice applications. For example, a litigator would be able to open up her browser, click on a client name, select a matter and have access to any information needed to manage that matter including accounting, marketing, contacts, calendar, research, access to documents, etc.

Client Relationship Management: Firms are moving away from the Rolodex and towards the use of CRM applications. For example, InterAction (developed by Interface Software) uses data from a wide variety of resources to provide centralized access to client information to be used for business development purposes.

Opportunities and Threats

These trends generally describe technologies that are being used to improve communication, reduce research costs, integrate information in a way that improves productivity and increase collaboration between co-workers and their clients.

Opportunities include:

- Librarians can use their organizational skills to assist or lead in the development of the web services used to deliver on these goals. For example, knowledge management initiatives are often an extension of the information organization that is already being done in libraries.

- Librarians can use their project management skills to lead the implementation of most of these technologies.

- Librarians can act as a team member, providing input on the planning and implementation of these technologies.

Threats include:

- Other departments within an organization may not include the library in implementation.

- Other departments or positions within the organization may take on work that should be done by the library. For example, IS may decide to respond to requests for wireless access to online services without involving the library in the decision making process.
APPENDIX D:

IMPACT OF TRENDS ON ACADEMIC LAW LIBRARIES

Margie Axtmann and Rita Reusch

Institutional Context

What is the future of legal education in the digital age? It is difficult to generalize due to wide variation in institutional cultures and missions among the nation’s law schools. Each institution must assess how faculty and students will pursue the law school experience in the future in order to determine how the academic law library will fit into that new and changed environment. We must consider:

- Effect of change on the curriculum;
- Effect of change on how students learn;
- Effect of change on how faculty teach;
- Effect of change on faculty research and scholarship.

The relationship between the academic law library and overall IT administration in law schools has been an issue for years and will continue to be a major factor in the evolution of the law library of the future. Will distance education (with Concord law school as the extreme example) become the norm? How will economic conditions affect law schools generally and the support for their libraries in particular? The role of accreditation standards is critical in influencing how law schools deal with and react to the digital future; changes in standards to accommodate digital realities are needed. The role of the U.S. News & World Report annual law school rankings in influencing how law schools set priorities is a disturbing but very real issue.


Physical Plant:
- Less print means less need for book storage. Libraries are shifting from a warehousing function to more services areas, computer access points, and IT infrastructure, e.g., server rooms.
- The use of print secondary sources continues to grow while use of print case law is down, causing changes in collection arrangement.
- Relative to the overall physical plant of the law school, as space needs grow for other kinds of programs within the law school and libraries decrease the amount
of print collected, will library need to cede space to other institutional needs? If
the library must cede space, what is it giving up?

Collections and Content:
- Academic law libraries will continue to purchase in both print and electronic
  formats so long as publishers continue to publish in both formats because we
  have to teach students about both.
- Continued emphasis on volume count as a measure of library quality means
  libraries will still collect print as long as it is available. While *The ABA Standards
  for the Approval of Law Schools* no longer specifically require minimum volume
  count, the emphasis remains in the accreditation process. The annual ABA
  questionnaire does still require it, and this data is important to deans and senior
  administrators. If and when law schools abandon this emphasis, law libraries
  can be expected to move away from print sources more quickly.
- The globalization of the practice of law dictates the need to acquire more in this
  area, both print and electronic. There is potential for consortial arrangements for
  these materials.
- We will begin to see the end of the print journal, as we move to web-based
  journals and purchasing on an article basis rather than per issue or volume.
- What happens to academic law libraries if/when Westlaw and LexisNexis stop
  subsidizing academic use?
- How much of the non-LexisNexis and Westlaw e-content will we “collect”?
- What is the effect of the new faces of legal databases, e.g., Loislaw? Will they
  become major players?
- How will we balance physical collections (ownership) v. licensing and “pointing”
  to sources (access)? Is a virtual academic law library possible, even with the
  Standards issues?
- Collection development policies need revisions to reflect the electronic impact;
  they will need to address content and format issues for selection criteria.

Staffing:
- Does less print mean fewer staff in technical services? Serials staffing needs
  are down. Processing staffing down. Filing staffing down. Bindery staffing
down. Shelving down.
- But higher levels of expertise will be needed for acquiring, cataloging and
  building collections of digital resources.
- The lines between public services and technical services functions will continue
to blur, as all participate at various levels in evaluation, selection,
implementation, training, etc. of e-formats and the decisions about how
materials will be accessed.
- We need new workload measures. How will we evaluate staff workloads with
  the move from print to electronic management functions?
Services (Includes Instructional Support for Library Users):
- Research instruction and reference will continue to teach print and e-formats, with increased focus on e-formats. Libraries recognize the importance of bringing faculty and staff along, converting them to new versions of sources.
- Reference staff increasingly are called upon to support non-LexisNexis and Westlaw content – Internet sites, databases, foreign materials, etc.
- We need new methods of evaluating new sources and measuring how faculty and staff are using them. Accurate usage statistics are not available for most services.

Training (Includes Professional Development Training for Librarians & Staff):
- See AALL Core Competency #5, Collection Care and Management.
- There is an ongoing and increased need for librarian and staff development to keep up with changes.

Budget:
- Consolidation in law commercial publication industry likely will lead to increased costs.
- We have the costs of purchasing both print and electronic formats.
- We have the costs of adapting facilities to changing formats.
- We have the costs of staff training and development to keep up expertise.
- Overall the implications of these increased costs are greater when the institutional level of support for the library is decreasing as a percentage of the law school budget: law library administrators must make hard choices; it is difficult to justify cost of maintenance of dual formats; it is difficult to justify investment in new electronic products when budget is tight and usage of the products (at least initially) is low.


Physical Plant:
- As more resources become available through remote access, there is less need to provide physical space for faculty and staff to use collection and services.

Collections and Content:
- How do we provide access to the growing number of non commercial internet sites – LEDA (Legal Electronic Document Archive), Legal Information Institute,
court sites, law school sites, free sites – do we add these to our “collections”? Do we catalog them?

- As law faculty explore self publishing on the Internet, how does the law library provide support for these projects, and how do we add these resources to our “collections”?
- Do print tools such as digests and citators have continued use and viability for access to legal information?
- How will we evaluate search engines, portals, and cross-database searching tools in order to provide the best access to electronic resources?
- Will metadata replace the MARC record?
- How should academic law libraries treat the resources that are acquired and licensed by their main university libraries? Do we add these to our “collections”? Do we count these as part of our electronic collections? Does this raise have/have not issues for the stand-alone law school libraries?

Staffing:
- Does the law library provide access to e-resources from its web page, from its OPAC, or both? Does it provide access to resources that it doesn’t own, including those of the main university library? How does the law library deal with the support and training for these tasks?
- How will all staff roles change in response to new access models? What level of expertise is required for dealing with new access models?

Services (Includes Instructional Support for Library Users):
- Disintermediation will increase as faculty members do their research from remote locations. They will use resources other than reference staff, but reference transactions that faculty do bring to library will be more complicated and require higher levels of expertise.
- Students continue to rely most unquestioningly on electronic sources and from remote locations. There is a critical need to emphasize to them the importance of evaluating these sources and the role of reference librarians in this regard.
- Document delivery services will be increasingly important with the expansion of interlibrary loan to broader document delivery functions, including both commercial suppliers and free internet sites, especially for faculty and interdisciplinary research.
- The digital divide will continue to pose challenges, especially for older faculty and public patrons, such as pro se litigants and attorney patrons.
- Reference and instruction librarians will need to assist patrons in evaluating and using web sources and tools.
- We will need new measurement tools and use statistics to evaluate the effectiveness of these service changes and enhancements.

Training (Includes Professional Development Training for Librarians & Staff):
All staff will need continuing training in evaluation and use of web sources and tools.

**Budget:**
- The development of staff expertise to keep up with new access tools will have associated costs.

**Impact of Trends in Preservation and Permanence on the Future of Academic Law Libraries**

The premise here is that large academic research law libraries will have a role in dealing with preservation and permanence, but not all academic law libraries will be as heavily invested in these issues.

**Physical Plant:**
- The preservation of the print record as a vital role for major research academic law libraries includes storage, treatment facilities, and environmental monitoring.
- How much duplication within an academic law library is needed? How much duplication should be preserved nationally? Regionally?
- We need facilities for digitization activities and the technical infrastructure to support it.
- The continued viability of microform as a preservation format requires facilities, tools, and hardware.

**Collections and Content:**
- We need a national preservation agenda. What gets preserved, in what format, and by whom?
- What print collections do we keep? What is the minimum print collection? What is the importance of the historical record versus the artifact? How do we weed our print collections?
- What is the long term role of microforms for preservation of collections, especially as hardware improves access and searching?
- Who owns the electronic record and who is responsible for ensuring its permanence? What new models of scholarly communication (such as the Legal Scholarship Network and the Legal Electronic Document Archive) will work best?
- There is need to develop web mirror sites to ensure availability of e-sources.
- We will need to explore collaborations among research law libraries to divide responsibilities for preservation of the print record of primary legal sources, or a centralized repository as in the Wright proposal to the Center for Research Libraries.
• There are numerous digitization issues: coordination and coherence; permanence of content of non commercial web sites (PURLs); changing nature of content of non commercial web sites (“Last visited…”); LEDA – Open Archives Initiative; Dublin Core. We need national leadership and infrastructure. Who will do it and what will they do? We need to partner with the Law Library of Congress or other entities in these initiatives.

Staffing:
• Because there is no long history of commitment to these issues in law libraries, addressing these problems will require infusion of new staffing expertise and resources.
• We will need staff with broad range of expertise (knowledge of technical, library and legal information issues).

Services (Includes Instructional Support for Library Users):
• We will need to provide support for and access to materials preserved/archived in various formats. We will need new document delivery mechanisms to obtain the more obscure kinds of things that faculty need.
• The dedication of staff time and energy to preservation efforts will have an impact on the overall library services program.

Training (Includes Professional Development Training for Librarians & Staff):
• New staffing expertise and resources requires training in basic print preservation techniques, plus many new areas of digitization and archiving techniques and standards.

Budget:
• Libraries committed to playing a role in preservation of print and electronic record will need to invest in personnel, facilities, and equipment.
• These kinds of preservation initiatives are good candidates for outside funding sources, such as grants.

Impact of Trends in Authentication on the Future of Academic Law Libraries

Physical Plant:
• Unknown at this time.

Collections and Content:
• As legal materials (e.g., statutes, court opinions, regulations) become available in various formats and different versions are available from various sources, issues for libraries will be whether and which versions do we add to our “content”? How do we determine which versions to add?
As Universal Citation systems become more accepted and standardized, what impact will that have on what we add?

**Staffing:**
- Will staff need to authenticate content that they serve to others (web links, 856 links)?

**Services (Includes Instructional Support for Library Users):**
- Reference and instruction librarians will have new roles in teaching and assisting patrons to evaluate the reliability and authenticity of legal materials, as well as teaching law students to incorporate evaluation techniques in their research process.
- What sources will we be able to trust? What sources will the next generations use? See: “Legal Information and the Search for Cognitive Authority” by Robert C. Berring [88 Cal. L. Rev. 1673 (2000)].
- We will provide support for faculty scholarship and journals cite checking in locating different versions (or authoritative version) of documents.

**Training (Includes Professional Development Training for Librarians & Staff):**
- In order to perform the above function, librarians will need continuing training in the assessment of publications in multiple versions, formats.

**Budget:**
- No impact identified.


The educational setting for these issues underscores the profound change that licensing regimes (with or without UCITA), database protection, and technological control measures may bring to the ways that copyrighted materials are used in a digital age. The commercial setting of a law firm or even in the courts was a limitation on the way that copyrighted works could be used in a print, pre UCITA, pre DMCA world.

**Physical Plant:**
- No impact identified.

**Collections and Content:**
- We will have more licensed content and pay-per-view pricing per license terms.
- We will need good copyright management systems.
- We will continue to see efforts to restrict access to public domain information.
We will need to monitor the effect of these changes on first sale rights of libraries.

Staffing:
- We will spend more time on licensing management and negotiation. No standardization of licensing means significant variation in terms with resulting negotiation, management and compliance issues.
- We will spend more time on the administration of copyright and license compliance. (ISP liability under DMCA?).

Services (Includes Instructional Support for Library Users):
- Technological controls restricting access to licensed resources will be a limitation on the library’s ability to provide service to all patrons.
- What is the impact of DMCA compliance on services?

Training (Includes Professional Development Training for Librarians & Staff):
- Librarians need a more thorough knowledge of copyright rules applied to libraries and research, and how the DMCA and UCITA affect those rules.

Budget:
- What is the effect of the pay-per-view model on library budgets? If acquisitions dollars are paying for access rather than ownership, how will libraries budget and plan under this model?

Impact of Trends in User Expectations on the Future of the Academic Law Library

Physical Plant:
- Faculty and students will not expect to have to come to the library for information needs.
- But the law school experience, especially in the first year, will continue to require the library as a place for group study, research assistance, and quiet study.
- Libraries will confront the changing expectations of the nature and function of the academic library: community building, collaborations, Starbucks and Barnes and Noble models, etc.

Collections and Content:
- We will continue to fight the assumptions that it is all available electronically, free, on the Internet, in full text, and in authoritative versions (see Authentication).
- We will continue to fight the assumptions that it will always be available that way (see Preservation/Permanence).
- We will face user resistance to the use of the print collection.
- We will face the expectations that electronic content will be delivered with images.

**Staffing:**
- No impact identified.

**Services (Includes Instructional Support for Library Users):**
- We will provide 24/7 reference and web based services. What is the potential for cooperative electronic services?
- Users will expect immediate and ubiquitous access to library resources and services.
- Users will expect everything to be available via document delivery services.
- We will face the phenomenon of the better the service, the higher user expectations become – especially with faculty.
- Reference librarians and instructors will need to teach the limitations of the Internet and to give users realistic expectations.

**Training (Includes Professional Development Training for Librarians & Staff):**
- Librarians will need to be vigilant about monitoring changes in expectations and be informed about whether these expectations are realistic.

**Budget:**
- No impact identified.

**Impact of Trends in Technology on the Future of the Academic Law Library**

**Physical Plant:**
- Wired/wireless technologies will influence building design and arrangement.
- There will be Internet and database access points throughout the library.
- Facilities will need to accommodate the growth of multimedia access to legal information products and the use of multimedia in the curriculum.
- The decline in onsite use of library print resources will affect physical plant design.

**Collections and Content:**
- Libraries will serve as portals or aggregators of resources.
- Technology is enabling libraries to be publishers – how will we respond?
- Do we have the necessary knowledge management tools (e.g., use of Web Course pages, TWEN, etc.) to interweave curriculum with library resources?
Are they really library resources or is this a disintermediation issue, i.e. faculty providing web links instead of library course reserves services?

- What is the future of CDROM database technology? How do we cope with constant and ongoing changes in the technology used to access content and the resulting compatibility problems (5 ½" disks, 8 track tapes, microcards)?
- What is the future of e-books? Will we see the end of the print journal? Of the print treatise? Of the looseleaf service? Of digest and other print search tools?
- What new content delivery mechanisms will be available beyond palm technology?

**Staffing:**
- The library IT staff will grow in size and importance.
- We will need continued collaboration within the law school regarding issues of IT throughout the law school.
- Will the library/library director be responsible for IT administration throughout the law school?

**Services (Includes Instructional Support for Library Users):**
- We will need an effective relationship between technical support and information access functions.
- The library will use technology to develop new e-services such as 24/7 reference, e-delivery, e-reserves.

**Training (Includes Professional Development Training for Librarians & Staff):**
- All librarians and staff will need a higher level of technical expertise.

**Budget:**
- Hard funding for technology will continue to be problematic.
- It is difficult to predict and plan for technology needs.
- IT training and staff costs are higher than other librarian and staff costs.
- If the library becomes responsible for overall law school technology, how are costs allocated?
Institutional Context

In a recent report from the American Bar Association’s Standing Committee on Research About the Future of the Legal Profession (August 2001), a number of trends were identified that have affected and will continue to have a significant effect on the legal profession. Among these were the explosive growth of technology; the globalization of the financial markets; and increased competition from accountants and consultants.

In addition, the Committee looked at the impact these trends are having on private law firms. Technology has leveled the playing field, allowing improved communication and access for solo, small, mid-size and large firms; the globalization of the financial markets has led to the globalization of the practice of law and to the explosive growth in the size of law firms; and competition from outside the profession has led to an interest in knowledge management, the unbundling of legal services, and the need for a more efficient and cost-effective means of providing legal services to clients.

Not surprisingly, these trends, along with those trends we have identified as a Committee, are also significantly impacting law firm libraries.


Physical Plant:

Format Issues
- As more is published electronically, quantity of print and house and shelve diminishes.
- As need for shelving diminishes, need for technical plant enhancements increases (CD ROM, computers, wireless technology).
- As more information becomes available electronically, the need for increased physical plant space might decrease, particularly for linear feet of shelving.
- Customization and Personalization/Disintermediation
- Creates dependence on Web & Portal technology.

Collections and Content:
Consolidation & Competition
- Selected resources no longer available from multiple vendors.
- Multiple sources for primary materials.
- Lack of focus and expertise for specific subject matter materials (CCH, BNA)?
- Increase in type and subject matter of material makes it difficult for support and sales force to have full knowledge of content.
- Competition of free information from non-commercial Internet sites such as government agencies, courts, and non-profit institutions will affect content offered by for profit publishers.

Format Issues
- When not confined to print, publishers can include more information using hyperlinks (i.e., BNA Environmental Reporter, Mealey’s hyperlinks to documents.)
- Electronic information is delivered in a more timely fashion and more up-to-date.

Customization and Personalization/Disintermediation
- Content will be filtered more, will allow for purchase of smaller more specific segments.
- Availability of portal technology will increase content available at desktop.

Staffing:

Consolidation & Competition
- Fewer invoices may impact need for clerical help.

Format Issues
- Creates need to train staff on new formats.
- Changes skills needed by librarians – need to learn new skills and learn to teach others those skills.
- Staff needs to gain skills to evaluate electronic formats in same way they have evaluated print.
- Escalates level of technical skills required by all staff.

Customization and Personalization/Disintermediation
- Librarian required to act as consultant, working with attorneys to achieve appropriate customization.
- Interlibrary loan needs may decrease as more material becomes available at the attorney’s desktop.

Services (Includes Instructional Support for Library Users):
Format Issues
- Change in format forces library staff to become trainers.
- More focus on current awareness and news services.
- More timely delivery of services.
- Ability to deliver broader range of information.
- Acquisition and selection process becomes more sophisticated and complicated as format choices increase.

Customization and Personalization/Disintermediation
- Allows us to deliver current awareness and news services in ways we could not with print.
- Portal technology aggregates and delivers more current information to the desktop but at the same time allows the information to bypass the librarian’s desktop.
- Allows librarians to take on role of trainer in this new technology.
- With increasing amounts of information being pushed to the desktop and immediately accessible to end user, the role of the librarian as intermediary will be greatly affected.

Training (Includes Professional Development Training for Librarians & Staff):

Consolidation & Competition
- Requires continual reassessing & understanding of industry structure & holdings.

Format
- Constant need to learn new technical skills.

Customization and Personalization/Disintermediation
- Constant need to learn new technical skills.
- Develop interview & survey skills to enable understanding of end users needs.

Budget:

Consolidation & Competition
- Possibility of increased prices as competition diminishes.
- New billing systems.
- Renegotiation of contracts necessary.

Format
- Often have to maintain more than one format at greatly increased cost.
- Often electronic product is more expensive than the print.
• Publishers anticipate that the price of print will continue to rise.
• Licensing and copyright issues connected with electronic information may add to budget increases.

Customization and Personalization/Disintermediation
• Comes at increased cost.

Impact of Trends in Access To Legal Information on the Future of Law Firm Libraries

Physical Plant:

Digital Divide
• All law firm attorneys have access to computers and the Internet if they so desire.
• As costs escalate there will continue to be a shift from ownership to access of materials – those who don't have electronic access will be increasingly deprived of access to information.
• Wireless technology may cause the next change in physical plant.

Disintermediation
• Physical library no longer a necessity.
• Need for fewer offices, fewer people.
• With information available anytime, anywhere, less need for centralized repository.

Non-commercial Electronic Publishing
• Print government publication collections are likely to decrease thereby reducing shelf space necessary.

Collections and Content:

Digital Divide
• Publishers, acknowledging that some customers are comfortable with and ready for electronic products while others are not will continue to publish in print.

Disintermediation
• Content delivered directly to end user.
• Selection process is distributed.
• Content is available anytime, anywhere.
• Publishers developing and marketing products directly to end users, bypassing librarians and libraries.

Non-commercial Electronic Publishing
• General reference materials (i.e., encyclopedias, atlases, newspapers, etc.) are likely to be more available on the Web and will cut down on Interlibrary Loan and trips to the public library.

Staffing:

Digital Divide
• Increased competition for staff with proven computer literacy.

Disintermediation
• Viewed as both a peril and a golden opportunity for librarians – staff may increase or decrease but certainly will change in some way.

Non-commercial Electronic Publishing
• Places increased demand on librarian to evaluate the reliability of sources and information and to communicate this evaluation to their end-users.

Services (Includes Instructional Support For Library Users):

Digital Divide
• Wide disparity in computer literacy across the law firm population with newer, younger attorneys much more literate.
• Fact that there is a divide in computer literacy makes it necessary for professional librarians to be able to teach computer skills.

Disintermediation
• Leads to need to develop end-user training programs.
• See item above in Staffing.

Non-commercial Electronic Publishing
• Creates a challenge for librarians to create systems for guiding users to electronic information.
• Librarians must constantly check links for accuracy, timeliness.
• Must have skills to develop collective interface to pre-selected materials.

Training (Includes Professional Development Training For Librarians & Staff):

Digital Divide
Increased costs in time and dollars must be devoted to continuing education for professional librarians.

Disintermediation
- Librarians will have to act to minimize the gap created. Will be required to provide remote reference services.
- Librarians need to become involved in the design of information systems.
- Continuing need for skilled information intermediaries to create and select systems that save the end-user time and increase the accuracy and efficiency of the results.

Non-commercial Electronic Publishing
- See item above in Staffing.

Budget:

Digital Divide
- More money must be devoted to continuing training to enable staff to stay abreast of the new technology.

Disintermediation
- Increased costs for ongoing training are likely.

Non-commercial Electronic Publishing
- Primary legal materials including government documents of all kinds will be more readily available at no or low cost.
- May have slight positive impact on budget by eliminating the need for government documents, daily newspaper subscriptions, etc.


Physical Plant:
- Because of the cost of space in office buildings, law firm libraries are usually kept as small as possible. In addition, law firms do not see it as their mission to preserve large collections of legal materials. Trends in preservation and permanence are not likely to have an impact on private firm physical plants.

Collections and Content:
- Law firms are most likely to use newer more current information and be less interested and reliant on older materials. They will be unlikely to require
preserved materials and may not even be interested in preserving their own older materials.

**Staffing:**
- Law firms will not have staff specializing in preservation.

**Services (Includes Instructional Support For Library Users):**
- It is important for librarians to understand the importance of preservation and to pass this information on to their attorneys and management but it is unlikely that any preservation needs will affect the services they provide.

**Training (Includes Professional Development Training for Librarians & Staff):**
- Not likely to have any impact.

**Budget:**
- Law firm libraries may ultimately have to share in some of the costs of preservation that will be carried by the academic community.

**Impact of Trends in Authentication of Online Resources on the Future of Law Firm Libraries**

**Physical Plant:**
- Availability of resources from a variety of reputable online sources may continue to reduce the need for materials being housed physically in the library.
- Acceptance of public-domain citation formats may eliminate the need to maintain duplicative materials (S.Ct. Rptr., U.S. and L. Ed., for example) in hard copy.

**Collections and Content:**
- Librarians will need to find ways to ascertain authority of material as the sources proliferate.
- Librarians will need to make decisions as to which "version" of the material to make available.

**Staffing:**
- Increases need for educated staff to ascertain and evaluate authority of materials made available to end users.
- Requires staff to regularly verify that the links to these resources remain current.

**Services (Includes Instructional Support For Library Users):**
- Library staff needs to train users in how to evaluate authority of online resources.
As the number of non-commercial sites grows, so do the formats and functionality of the websites. Lack of standardization may require greater user instruction to use effectively.

Training (Includes Professional Development Training for Librarians & Staff):
- Library staff needs to be educated in acquisitions decision-making and evaluative techniques.
- Librarians need continuing education to be kept up-to-date on PURLS, DOI and other permanent naming schemes.

Budget:
- Reduction of reliance upon commercial publishers for information may have a positive impact on the law firm library’s budget.


Physical Plant:
- Some libraries may decide not to cancel and withdraw print collections because of the increased costs of electronic resources.

Collections and Content:
- Restrictive licenses may impact whether or not a library will subscribe to a service.

Staffing:
- Both professional and paraprofessional library staffs are expected to be knowledgeable regarding copyright permissions for both print and electronic resources.
- Librarians who negotiate the purchase of database subscriptions are expected to be knowledgeable regarding licensing. Other staff members may be required to understand licenses while making decisions about giving access when asked to do so by library patrons.

Services (Includes Instructional Support For Library Users):
- Some libraries are required to act as clearinghouses for obtaining or managing permissions.
- Librarians are often called on to provide instructional support when it comes to educating users regarding the firm’s copyright policy.
- Our ability to extend and enhance library services depends on flexible and sophisticated licenses.
Training (Includes Professional Development Training for Librarians & Staff):
- Library staffs need regular training in copyright law.
- Library staffs need regular training in licensing.

Budget:
- Increased costs for print materials.
- Increased costs for permissions through Copyright Clearance Center (CCC), etc.

Impact of Trends in User Expectations on the Future of Law Firm Libraries

Physical Plant:
- Increased reliance on sophisticated and versatile electronic systems.
  - Creates need for enhanced wiring, space for computers, servers etc.
  - Continual learning necessary in a constantly changing environment.
  - Increased need for space devoted to training centers.
- Information available anytime, anywhere.
  - 24/7
  - remote access.
  - security, firewalls etc.
- Reluctance to totally abandon print.
  - Need to duplicate information sources in varying formats requires additional space.
- Integration of complex variety of information resources, services and tools.

Collections and Content:
- Increased reliance on sophisticated and versatile electronic systems.
  - Leads to purchase of same information from several different sources (LexisNexis, Westlaw, LoisLaw etc.)
- Continual learning necessary in a constantly changing environment.
  - Constant training necessary to learn to access electronic content.
  - Content in multiple formats is confusing to end users.
- Information available anytime, anywhere.
  - Requires electronic information accessible remotely.
  - Reluctance to totally abandon print.
  - Only for some materials.
- Integration of complex variety of information resources, services and tools that library users expect.
- Requires new approaches to evaluating the accuracy and reliability of information.
Staffing:
- Increased reliance on sophisticated and versatile electronic systems.
  - Requires more sophisticated and versatile staff.
  - Requires need for librarians to interact across disciplinary lines, particularly with technical support staff.
- Continual learning necessary in a constantly changing environment.
  - Staff must be willing to face challenges of learning new systems.
- Information available anytime, anywhere.
  - Virtual libraries accessible from outside the office are necessary.
  - Creates need for after hours support.
- Integration of a complex variety of information resources, services and tools that library users expect.
  - Librarians must become comfortable with working across disciplinary lines. They need to be technically proficient as well as good teachers.
  - Librarians will need to adapt to an environment in which human interaction will diminish.

Services (Includes Instructional Support For Library Users):
- Increased reliance on sophisticated and versatile electronic systems.
  - Services offered need to change as the technology changes.
- Continual learning necessary in a constantly changing environment.
  - Must find ways to gain attorney acceptance for new systems, which is liable to be more difficult with older attorneys than with younger.
- Information available anytime, anywhere.
  - Creates need for after hours support.
- Integration of complex variety of information resources, services and tools that library users expect.

Training (Includes Professional Development Training for Librarians & Staff):
- No impact identified.

Budget:
- Increased reliance on sophisticated and versatile electronic systems.
  - Results in significant budget increases created by paying for duplicate information in different formats.
- Continual learning necessary in a constantly changing environment.
  - Training costs add to budget.
- Information available anytime, anywhere.
  - Increases in budget for systems that make this possible.
- Integration of complex variety of information resources, services and tools that library users expect.
  - Costs associated with integrating information resources will add to budget.

Physical Plant:

Improvements in Infrastructure
• Allows better access to resources that in turn increases demand for electronic resources and reduces shelving needs.

Knowledge Sharing/Collaboration
• No impact identified.

Virtual Library
• Reduces shelving needs.
• Reduces need for seating and workspace in the physical library.
• Increases need for space in which to provide training.

Customization/Personalization/Integration
• No impact identified.

Paperless Litigation/Practice Management
• No impact identified.

Collections and Content:

Improvements in Infrastructure
• Allows for more storage which in turn increases the ability to maintain more content.

Knowledge Sharing/Collaboration
• Provides another access point into library content.

Virtual Library
• May increase the amount of content available to library patrons.
• Increases access to content.
• Increases the duplication of resources.
• Reduces problems with missing materials.

Customization/Personalization/Integration
• Makes content available at point of need without action by user.
• Places content in context.
• Provides ease of use.

Paperless Litigation/Practice Management
• No impact identified.

Staffing:

Improvements in Infrastructure
• Increases need for technical expertise.

Knowledge Sharing/Collaboration
• Increases need for librarians to understand workflow in and around cases/transactions.

Virtual Library
• Increases need for technical expertise.
• Increases role as trainer.
• Requires librarians to have a solid knowledge of how to evaluate electronic resources.
• Requires librarians to move out of the library and on to practice floors.

Customization/Personalization/Integration
• Increases need for technical expertise.
• Places librarians into the role as information consultants.

Paperless Litigation/Practice Management
• Increases need for technical expertise.

Services (Includes Instructional Support For Library Users):

Improvements in Infrastructure
• Allows library to offer more resources in electronic format.

Knowledge Sharing/Collaboration
• Allows some libraries to take a formal/informal role in working with attorneys/staff to create knowledge sharing systems.

Virtual Library
• Increases need for training end users.

Customization/Personalization/Integration
• Allows library to offer services like current awareness.
• Allows library to offer services directly to end users.

Paperless Litigation/Practice Management
• Allows some libraries to take a formal/informal role in working with attorneys and staff to create research management systems.
• Allows librarians to apply their knowledge of managing information to other areas of the firm.

Training (Includes Professional Development Training for Librarians & Staff):
• No impact identified.

Budget:

Improvements in Infrastructure
• Cost of technology is declining.
• Increase in cost of training staff.

Knowledge Sharing/Collaboration
• May require increased staffing/ training costs.
• May require expenditures of new tools.

Virtual Library
• Cost of electronic resources often more than print.
• Increase in duplication and the cost of providing same content as in the past.
• Increase in cost of training staff.

Customization/Personalization/Integration
• May require new technology tools to implement customization, etc.
• Increase in cost of training staff.

Paperless Litigation/Practice Management
• May require new technology tools.
• Increase in cost of training staff.
Institutional Context

While state, court and county law libraries are linked by their common sources of funding (federal, state & local legislative appropriation, filing fees, membership fees) and their service to the bench, bar and public, individually, the types of law libraries represented in this group face very different futures. We will see significant differences in their physical appearance, collections, staffing and range of services offered—all driven by their primary stakeholders, sources of funding, trends in state and local government and the impact of the seven trends identified. Thus, in five to ten years, state and appellate court law libraries may have little in common with trial court or county law libraries, which may look very different from membership law libraries. Several commentators have predicted that state and appellate court law libraries may more closely mirror academic law libraries, while some county and membership law libraries will look and function more like law firm libraries – or even disappear altogether. Despite these changes, there always have been differences in the structure and function of state, court and county law libraries and they will continue to share their common mission of service to the public, either directly or through the courts, and continue to rely on similar sources of funding.

Nationwide state, court and county law libraries are documenting decreases in the overall number of people entering their doors. The number of attorney users has decreased, while the number of public patrons, particularly, the self-represented litigant, has increased. As the majority of users shifts from an attorney population to a public population, the political implications of this shift certainly will impact the future of these libraries. A colleague feels that increasing numbers of public users at large metropolitan law libraries and their service to “constituents” will be their ticket to the future. At the same time, legislative or other funding entities may view county law libraries as a service primarily serving attorneys, a user group that should be responsible for their own legal resources. One of the top ten trends in court administration is the shift to “community-based” services and specialized “boutique courts”—where will the court or county law library fit in the planning of these facilities?

Impact of Trends in Commercial Publishing on the Future of State Court & County Law Libraries
Physical Plant:
- Shift to electronic resources coupled w/renovations in court buildings and space planning trends for new court facilities = significant loss of space for trial court and some county law libraries.
- Perception of a reduced need for space = large state and appellate court libraries must justify the need for space to retain archival materials in print and use a finite amount of space for ongoing receipt of primary legal materials.
- Archival materials and little-used materials moved to offsite storage locations = less space for the library and library staff.

Collections and Content:
- Electronic access provides more resources than previously possible for users of smaller county and trial court libraries, particularly the public.
- Electronic access often results in duplication of resources in state and appellate court law libraries that are maintaining print and electronic copies of the same title.
- State and appellate court libraries’ archival responsibility for retention of primary and secondary materials vs. retention of those only published online by a commercial source.
- Membership law libraries primarily serving attorneys may benefit by shifting to specialized practice collections (becoming even more like firm libraries).
- Ditto county law libraries where their interaction is more “transaction” based and less searching for caselaw - “no one asks for cases anymore”.
- Due to electronic access, large state/court/county law libraries have eliminated “duplicate” hardcopy of cases and statutes—have cut digests significantly (only retaining the one for their region).

Staffing:
- Despite consolidation and fewer vendors, technical staff spending more time calling, claiming and resolving publication problems.
- Perception that more electronic products require fewer staff for processing, shelving, etc. of hardcopy materials.
- Need for “computer services librarian” to handle new electronic acquisitions vs. delegating that function to an existing staff member.

Services (Includes Instructional Support for Library Users):
- Targeted training necessary to meet the needs of a very diverse user population: judges, attorneys, public – “one size fits all” won’t work.
- More services will be provided in the form of training in the use of product and less tied to delivery of “the answer” from that product.

Training (Includes Professional Development Training for Librarians & Staff):
• “Public” population – shift to electronic resources creates another level of training for staff beyond knowing how to teach the use of manual resources.
• Staff needs information and skills to make good acquisitions and retention decisions - What format? How many copies? Who has access?
• Staff requires more training for efficient use of electronic products and for troubleshooting software and hardware problems.
• Training re: intellectual property issues also impact here.

Budget:
• Government sources of funding are static and aren’t increasing at rates comparable to the increased costs of maintaining materials.
• Static funding = increased cancellations and fewer new acquisitions.

Impact of Trends in Access to Legal Information on the Future of State, Court and County Law Libraries

Physical Plant:
• Access depends on the “level” of the user in the hierarchy; while judges may have 24/7 access in the courthouse, public access to a computer workstation may be restricted to certain days and times.
• Will the move by courts to self-help centers (“access to justice” initiative) replace the library as the source of legal information for public?
• For the “public”, the court/county law library is one of only a few “free” or “low cost” access points to the Internet via the workstation in that library - even if legal information is available at no charge on the Internet, no access at home or work = no access.

Collections and Content:
• As above, range and depth of content depends on where the user fits in the hierarchy = library’s primary stakeholder (i.e. judges) have access to everything and other library users (public) may have very little access.
• Court and agency websites providing greater access to primary law.
• Yet, courts balancing of access to information against privacy and security issues may result in less overall access.
• Transition to a More Electronic Depository Library and GPO changes affecting state and appellate court law libraries and provision of government information.

Staffing:
• Can existing staff meet the demands of users’ greater access to information?
Due to staffing limitations, libraries will rely on individuals in other groups and organizations to provide some services, i.e. staff @ the public library, Legal Services Corporation, pro bono groups.

Services (Includes Instructional Support for Library Users):
- Increasing number of public users and self-represented litigants = more time spent helping each individual user.
- Many judges and attorneys using the library remain mired in the digital divide and require one-on-one assistance.
- More seminars, brown-bag lunches, presentations to community groups on "How to Research XYZ on the Internet".
- More emphasis on creating tools to assist others—information packets covering focused topics such as guardianship, domestic relations, etc., FAQ’s, plain-English form sets, web-based instruction.
- Opportunities exist for library staff to work on collaborative projects with courts and the bar to meet the needs of self-represented litigants.

Training (Includes Professional Development Training for Librarians & Staff):
- Staff needs to be even more aware of resources in order to connect users to information = more time spent networking and attending professional development seminars.
- Staff needs specialized training to avoid the unauthorized practice of law without compromising service to public users (this varies from state to state).

Budget:
- Facing a real dilemma - fewer users = less justification for funding for positions and training when it is needed most.

Impact of Trends in Preservation & Permanence on the Future of State, Court and County Law Libraries

Physical Plant:
- Court and county law libraries are losing space and space in state and appellate court law libraries remains static = less space to house print materials for permanent retention.

Collections and Content:
- (Except for the Law Library of Congress) Most state, court and county law libraries aren’t even considering these issues.
- Trial court and county law libraries are relying on large academic law libraries to provide the materials they need.
- All libraries relying on commercial publishers to retain the material “forever”.
In large county, state and appellate court law libraries microfiche remains the choice of format for permanent retention – continuing preservation of court records & briefs in microfiche despite growing acceptance of electronic filing of briefs.

Staffing:
- Virtually no staff for preservation activities.

Services (Includes Instructional Support for Library Users):
- Heavy reliance on academic law libraries and state libraries for services in this area.

Training (Includes Professional Development Training for Librarians & Staff):
- Rudimentary training—many county, state and appellate court law libraries maintaining large historical collections with no staff dedicated to this activity or formal preservation program in place.
- Consider opportunities for basic print preservation workshops at chapter/local levels.

Budget:
- Little or no dollars available for preservation activities.

Impact of Trends in Authentication of Online Resources on the Future of State, Court and County Law Libraries

Physical Plant:
- Until courts adopt universal citation formats and also commit to permanent retention of cases in their own databases, large state and appellate court libraries will not be able to discard reporters retained in both formats - print and electronic.

Collections and Content:
- What is the "official" source?
- Court libraries and those libraries under the supervision of a court must retain judicial opinions in the "official" format, even if the same opinions are available in electronic format – thus, great differences in the reporter collections maintained from one state/appellate court library to another.

Staffing:
- Technical services staff require more training for knowledgeable evaluation of online resources and verification of links in catalogs.
Services (Includes Instructional Support for Library Users):
- Library staff must provide evaluation services and training for users in determining the authenticity and accuracy of online resources = intermediary.

Training:
- See staffing, above.

Funding:
- No impact identified.

Impact of Trends in Intellectual Property, Licensing and Technological Controls on the Future of State, Court and County Law Libraries

Physical Plant:
- Large county, state and appellate court law libraries maintain hard copy of primary materials to ensure continued ownership/access – need for adequate storage space isn’t any less.

Collections and Content:
- Procurement restrictions prevent government entities from providing “pay-as-you-go” access = all content accessed must be limited strictly to specified contract terms.
- Some state, court and county law libraries experience a reduction in the range of resources offered due to inability to “manage” licenses and electronic publications where there is no alternative in print.
- Increasing reliance on government-produced publications, including case reports and primary law, in lieu of commercially-produced publications.

Staffing:
- Staff must spend more time preparing and negotiating contract terms.
- Most state, court and county libraries don’t have sufficient staff to “police” numbers of users, infringement, etc.
- Purchasing by a centralized government staff may provide for better negotiation status.

Services (Includes Instructional Support for Library Users):
- More referral to other libraries for resources – referral to the original creator.
- Increased reliance on ILL from other law libraries to provide print materials.

Training (Includes Professional Development Training for Librarians & Staff):
- More expertise required for negotiation and understanding of licenses.
• More ongoing monitoring of impending federal and state legislation affecting
  copyright and other intellectual property areas & distribution of this info to staff.

Budget:
• Agreements restricting use to named end-users (vs. # of simultaneous users)
  requires more subscriptions = need for more funding for same title previously
  owned in hard copy.
• More $$ spent maintaining the same titles in multiple formats.

Impact of Trends in User Expectations on the Future of State, Court and County
Law Libraries

Physical Plant:
• Judge: “Yes, we have a law library, but I want it on my desktop too!”
• Attorney: “I want it on my desktop!” (so I don’t waste valuable time going to the
  law library).
• Public: “I can’t find it - where can I get it?” arriving in the form of an in-person
  visit, a telephone call or e-mail message.
• Changing perception of library as a “body of information”, not a physical space.

Collections and Content:
• Despite the shift to electronic format, stakeholders of large county, state and
  appellate court law libraries assume the library will be retaining the hard copy
  “somewhere”.
• In contrast – the county and trial court libraries become more like Kinko’s, a self-
  service center.

Staffing:
• Help-desk or telephone hotline doesn’t eliminate staffing needs.
• “Self-service” centers imply little or no staff.

Services (Includes Instructional Support for Library Users):
• What happens when the system is down = the “library” is down?
• Important to let users know that the library is trying to achieve a balance & they
  must be realistic about the benefits and limitations of an electronic library.
• Despite shifts from print to electronic, judges and other users still require
  ongoing training and lots of handholding.
• Expectation of immediate response – expectation of an answer to e-mail in the
  form of a reply sent within minutes of the original inquiry.
Training (Includes Professional Development Training for Librarians & Staff):
- Staff need, more than ever, customer service training.
- New skills must be developed to handle remote questions vs. face-to-face interaction.
- Staff must have training re: alternative methods of responding when the “system” is down - established protocols for “Plan B”, “Plan C”, etc.

Budget:
- Funds needed for professional development and retraining.

**Impact of Trends in Technology on the Future of State, Court and County Law Libraries**

Physical Plant:
- While “wireless” courts are moving on the judicial branch radar, “wireless” applications in court and county law libraries are just beginning to be used.
- The “electronic courtroom” and bench eliminate the need for a separate law library in the court building – Los Angeles, CA: the “Planning and Research Digital Library” is a multimedia library containing primary research materials, administrative documents, videotapes, audio recordings, trial notes and more all delivered via the judge’s desktop computer.

Collections and Content:
- Due to access and control issues, CD-ROM is still “the technology” in some law libraries.
- Technology provides more personalized access for the judiciary and their clerks.
- E-books??

Staffing:
- As traffic in libraries decreases = perception that fewer staff are needed.
- Experiencing shift of staff from technical services area to technology functions.
- Need for information technology staff = not necessarily librarians and not necessarily the IT staff of the parent institution.

Services (Includes Instructional Support for Library Users):
- Technology facilitates more training opportunities for primary users.
- Technology opens the door to new services, i.e. training centers in the library used by a third parties.

Training (Includes Professional Development Training for Librarians & Staff):
• Need for higher levels of individual staff expertise and more training for internal users (other librarians on staff).
• Retraining of staff moved from technical services to computer services.

**Budget:**
• More $$ for upgrades, new hardware (servers), Internet access, etc.
• Funding for ongoing staff training.
APPENDIX E:
AMERICAN ASSOCIATION OF LAW LIBRARIES
EXECUTIVE BOARD MEETING

Meeting Date: July 18-19, 2005

AGENDA ITEM

Date Submitted: July 8, 2002

Submitted By: Barbara Bintliff, President
Bob Oakley, Board Liaison

On Behalf Of AALL Entity: Future of Law Libraries in the Digital Age Special Committee

Board Liaison: Bob Oakley

Topic: Future of Law Libraries in the Digital Age Special Committee
Final Report and Recommendations

Actions:

1) On motion by Bob Oakley, seconded by Cossette Sun, the Board unanimously approved:

Asking President Carol Avery Nicholson to appoint a Special Committee on Licensing Principles, composed of representatives from the three types of libraries,
   a. to review the Principles for Licensing Electronic Resources endorsed by the AALL Executive Board in July 1997,
   b. to revise and update them as needed; and
   c. to ensure that the Principles promote public access to legal information; and
   d. to consult with publishers, and
   e. to report to the Executive Board at the November 2003 meeting; and
   f. further ask the Strategic Planning and Finance & Budget Committees to make every effort to provide the Special Committee with adequate resources to complete their work.

2) On motion by Cossette Sun, seconded by James Duggan, the Board unanimously approved:
Referring the request for a continuing dialog about the future of law libraries in the digital age to both the Annual Meeting Program Committee and the Editorial Director of AALL Spectrum, and asking both of these committees to consult with the ALL SIS.

3) On motion by Bob Oakley, seconded by Karl Gruben, the Board unanimously approved:

Creating a **Special Committee on the ABA Standards** composed of academic law librarians, including non-directors,

a. to review the existing ABA standards for law libraries, and
b. to recommend appropriate changes that reflect the changing nature of law libraries in the digital age, and
c. to report to the Board in November 2003; and
d. further ask President Carol Avery Nicholson to inform the ABA Council of the Section on Legal Education of AALL’s objectives in creating the Special Committee and to invite the ABA Council to participate in a joint effort; and
e. further asking the Strategic Planning and Finance & Budget Committees to make every effort to provide the Special Committee with adequate resources to complete their work.

4) On motion by James Duggan, seconded by Anne Matthewman, the Board approved (Bob Oakley abstained):

Asking the Washington Affairs Representative to continue monitoring and supporting the efforts to establish a national law library that the Executive Board approved in November 2001.

5) On motion by Bob Oakley, seconded by Carol Avery Nicholson, the Board approved (two votes opposed):

a. Asking the AALL Representative to the ALA Committee on Cataloging: Description and Access to continue advising them on the special needs and requirements of law libraries;
b. and asking Carol Avery Nicholson to consult with the TS SIS and appoint a new **Special Committee on Cataloging Records** to work with the vendor community to examine and make recommendations that would facilitate provision of better records for cataloging of electronic resources and the development of intranets, thus ensuring consistent and permanent access, and to report to the Board in November 2003.
c. And further asking the Strategic Planning and Finance & Budget Committees to make every effort to provide the special committee with adequate resources to complete their work.
6) On motion by James Duggan, seconded by Sally Holterhoff, the Board unanimously approved:
   a. Referring the request for more educational programming focused on the future of law libraries in the digital age to both the Annual Meeting Program and the Professional Development Committees.
   b. Referring the request for more research on the digital law library to the AALL Research Committee and urge them to emphasize this need when soliciting proposals for research grants in the future.
   c. Thanking the Future of Law Libraries in the Digital Age Special Committee for their extraordinary efforts to consult with AALL members, to summarize their findings, and to prepare a summary report and recommendations in such a timely manner;
   d. And disbanding the Future of Law Libraries in the Digital Age Special Committee with appreciation for their work.
   e. And authorized the distribution of the Future of Law Libraries in the Digital Age Special Committee final report to the entire AALL membership in the fall 2002 and that President Carol Avery Nicholson write and thank LexisNexis for funding the publication and distribution of the report.