



## Visionaries in Law Librarianship

### *McCarthy, Finley and Tyburski Blaze New Trails for the Profession*

by Paul D. Healey and Mary Rumsey

As AALL approaches its centennial celebration in 2006, it seems appropriate to re-examine how law librarianship has evolved over the years — seeking to understand who law librarians were, who they are and who they will be. To that end, *AALL Spectrum* presents three visionaries who have paved the way for law librarianship.

#### **Envisioning a Visionary**

What is a visionary? It's a loose concept to be sure — and perhaps one that is fraught with shades of meaning we don't intend. The visionaries in this issue are people who have found a new direction for law librarianship. They have enlarged and bettered the profession by pointing the way to new opportunities. The three people profiled in this article are not to be taken as the most important people in law librarianship or its only visionaries. Far from it. Think of these law librarians not as paragons but as examples of how an individual can make an impression on the profession.

Law librarianship has some towering figures in its past and present. Many law librarians deserve the attention and thanks of the profession — and many of those people receive that attention through the myriad ways that law librarians celebrate the profession. However, we have intentionally avoided those people in this exercise, not because they don't deserve the attention or the accolades, but because we want to highlight people whose contributions have not been the subject of such attention.

We have intentionally selected three law librarians from three different eras. One of our visionaries was present at the birth of AALL at the beginning of the 20th century. Another was active in carving a niche for law librarians in private law firms in the middle of the century. Finally, one law librarian is a tour de force today in Internet legal information. And so, *AALL Spectrum* presents three visionaries in law librarianship: Charles R. McCarthy, Elizabeth Finley and Genie Tyburski.

#### **Aggressive Reference is Born**

Charles R. McCarthy is best known for his connection with the Wisconsin Progressive Movement and his eager advocacy of legislative reference services as a method of improving legislation and government. McCarthy didn't see himself as a librarian so much as someone who used the library to promote Progressive ideals and serve the legislature. However, his actual legacy is that of an accidental evangelist for libraries and librarianship — he gave librarians new credibility.

Many consider McCarthy the father of the special library movement. He may have done more than anyone else to advance the general practice of reference librarianship. McCarthy was clearly one of the first practitioners of what might be referred to as aggressive reference: the practice of going to the user to ascertain information needs and deliver information even before it has been requested.

McCarthy received his Ph.D. in history from the University of Wisconsin in 1901. Unable to find an academic position, he accepted the newly created job of documents cataloger, with the duty of setting up a small library to serve the Wisconsin legislature. Because the legislature would not be in session for another year, he had time to organize and build the legislative reference library. During that legislative hiatus, McCarthy saw the potential for a legislative reference library. In a telling letter to his college friend John D. Rockefeller Jr. in February 1902, he explained that his appointment was “in fact a sort of legislation expert for the Wisconsin Legislature,” and that “[m]y work in the future is an entirely new thing. . . . I see before me a field between the theoretical work of the university and the practical work of the legislature that has never been touched.”

His methods were innovative and even radical. In order to best serve busy legislators, he quickly determined that the library needed to aggressively promote itself and make information handily available. McCarthy's staff

provided information that was ready for the legislators' immediate use, providing not an exhaustive study of a topic but a concise presentation of it. McCarthy prepared digests, assembled packets and booklets by tearing up works to obtain the parts he needed, wrote letters of inquiry, consulted experts and provided lectures, and even went on field trips to other states to gather first-hand information on their legislation or social issues. Such travels also took him to Europe and once as far as Japan to obtain information. Even more radically, he held his department responsible not just for collecting and presenting data but for its validity. He sometimes had experts review comparative legislation before presenting it to legislators.

This process was more interactive than most library services of the time. With the legislative reference service, legislators identified problems and referred them to the legislative reference library. Experts researched and analyzed the issues and sent the information to the legislators. When requested, experts then drafted bills as directed by legislators.

As a result of this new approach to librarianship during McCarthy's tenure, the 1911 session of the Wisconsin legislature was considered one of the most impressive in Wisconsin history, argued as a model of legislative effectiveness. During that session, the Wisconsin legislative reference library was one of the dynamos that drove the Progressive movement. McCarthy brought his exceptional energy and ability to gather experts to aid the 1911 session, providing expert information and concise drafting. He facilitated the work of John Commons, who provided important economic information, and located Delos Kinsman, whose work had solved serious income tax-related problems.

### The Start of Something "Special"

Under McCarthy, the legislative reference library expanded well beyond what the legislature had envisioned. McCarthy's library was an extension of the "big idea" of special libraries — that they could be information bureaus, rather than repositories, and could gather, condense, combine and interpret results for their users.

It wasn't enough for McCarthy to set up a well-run legislative reference library to serve the Wisconsin Progressive movement. His zeal pushed him toward the overall goal of enhancing legislation nationwide. In addition to his work in Wisconsin, he

tirelessly promoted the legislative reference library across the country. As a result, McCarthy helped other states establish their own legislative reference services.

"In so far as legislative reference service represented a distinct and radical change in the conception and practice of reference service, its inception ... has been identified by an overwhelming majority of writers on the subject with the work of Charles McCarthy in the Legislative Reference Department of Wisconsin," said Samuel Rothstein, professor emeritus at the School of Library, Archival and Information Studies at the University of British Columbia.

McCarthy was present at the founding of the American Association of Law Libraries in 1906. However, he deemed law libraries to be an adjunct to rather than part of his work. Nevertheless, his influences formed part of the overall impetus that led to the Association's founding.

McCarthy's far-reaching influence went beyond legislative reference. For example, his interaction with Charles Williamson, one of the great library educators of the 20th century, prompted Williamson toward the library profession. Williamson was a graduate student in economics at the University of Wisconsin from 1905–07

legislative reference librarian," he said. In the end, though, Williamson left Madison to study at Columbia University in New York City instead of working at the Wisconsin legislative reference library. But it was McCarthy's influence that provided Williamson with his first library experience — and most likely pointed him toward his career as a library educator.

Between 1903 and 1913, the legislative reference library movement grew at an amazing rate. American libraries underwent a professionalization at the end of the 19th century. Melville Dewey's "modern library idea" of librarians as active rather than passive guardians of information was coming to the fore and, with it, the advent of real reference work.

In 1914 the stalwart Republicans and Democrats staged a comeback in Wisconsin politics and drove the Progressives from power. With that sea change came the release of a pent-up attack on McCarthy and the legislative reference library, based mostly on his close alignment with the Progressives and his perceived influence on the legislature and the legislative process. McCarthy and the legislative reference library survived this attack, largely because of the care he had taken to maintain the political independence of the legislative reference library and its drafters. By this time, the legislative reference library movement was in full bloom across the country, and McCarthy's vision was a reality. He continued in his position for another seven years until he died from perforated ulcers and peritonitis, untreated because of his fear of doctors.

McCarthy's energy and vision transformed how reference librarians provide information. He took the antecedents of the legislative reference library concept and gave it both structure and impetus. Almost single handedly he created the legislative reference library movement and spread it throughout the country. In the process, he moved reference librarianship to a new level and made practice of special librarianship and law librarianship a reality.

### Finley Forges Firm Libraries

Elizabeth Finley, who died in 1980, was a pioneer of law firm librarianship. Finley was largely self-taught. Nonetheless, in her first law library job, she built a collection that became a model for other firms. Even before most attorneys recognized the impact of the

(continued on page 18)



Photo credit: Wisconsin Historical Society

*Dr. Charles R. McCarthy and the legislative reference library staff in Madison, Wis., carried out the then new concept of aggressive reference in 1906. (Image ID: WHI-3783)*

when he met McCarthy. His first involvement with libraries was with McCarthy at the Wisconsin legislative reference library. McCarthy offered Williamson a job, hoping that he would dedicate his career to the legislative reference library movement. "At the time I left Madison, I was on the point of taking up work with Dr. McCarthy, as he advised me to do, and becoming a

New Deal, Finley saw how it would affect both law practice and law librarianship. As a role model and through publication of her *Manual of Procedures for Private Law Libraries*, she opened law firm doors for librarians.

In 1921, Finley began work for the law firm of Root Clark Buckner and Ballantine (now Dewey Ballantine) in New York City. Gradually, under her guidance, the firm amassed an excellent collection of practitioner's materials. This collection's content and management provided a model for other New York firm libraries.

Finley began reading the *Federal Register* when it was first published in 1936. As her former colleague Jack Ellenberger recalled in his *Law Library Journal Memorial* at 73 *Law Libr. J.* 737 (1980), "Finley was avidly collecting New Deal legislation in New York when its lawyers and brokers could scarcely bring themselves to read it, let alone comprehend its powerful effects."

After about 20 years with Root Clark Buckner and Ballantine, Finley became the first full-time firm librarian in Washington, D.C. at Covington and Burling. Her new employer had what Ellenberger described as "a single room with a handful of disorganized books." She transformed it into the largest and most influential firm library in Washington, D.C.

With uncanny vision, Finley grasped the need to collect and compile legislative history materials. Under her leadership, the firm amassed a premier collection of federal legislative histories. These histories have supported two generations of the firm's federal regulatory practice. Some of them have even become available on LexisNexis™, bringing additional prestige and revenue to the firm.

Ellenberger, who succeeded Finley as Covington and Burling's law librarian, said that the collection's organization and method became a national model. Moreover, Finley herself became "the leading national authority on the ways and means of collecting and compiling U.S. legislative history," he said.

### The Difference Between Lawyers and Law Librarians

Finley also took a leading role within AALL, serving as its president in 1961–62. Once again she broke new ground: She was the first private law librarian to preside as AALL president. Her concerns from that era persist into

the 21st century. In an AALL panel on certification reported at 53 *Law Libr. J.* 298 (1960), she wrote, "[W]e must educate the practicing lawyer (and many judges too), as to the function and value of the law librarian." Finley urged AALL to define a "professional" law librarian: "Is it any wonder that the legal profession is so largely unaware of our existence, and that totally unqualified persons are still appointed to law library posts?" she said.

Then, as now, questions about qualifications and certification sparked debate within AALL. At the AALL panel on certification, Finley said that "a firm librarian is primarily a librarian, not a lawyer." This notion was, as Finley said, "pretty radical" for the times. She acknowledged that a law degree was an asset to any law librarian.

"I do deny, however, that a law degree ... automatically makes one a qualified law librarian," she noted with characteristic acerbity. "Too many lawyers have asked me too many obvious questions for me to believe that a lawyer and a law librarian are synonymous. ... It is the lawyer's job to say what the law means. ... It is the librarian's job to have the necessary legal materials available and organized, and to advise the lawyer in their use."

Finley wrote and spoke on the need for firms to employ law librarians, and firms heeded her advice. She said she received calls and letters from firms saying, in effect, "You've convinced us. Where do we get a qualified law librarian?"



Photo credit: Dan Brock of Legal Photographers

From left: AALL members Sidney Hill, Elizabeth Finley and Marian Gould Gallagher network at the 1966 AALL Annual Meeting.

Inquiries like these raised other issues that Finley cared passionately about: recruitment and training of new law librarians. Ellenberger credited Finley with being the "guiding spirit" of one of the most active recruiting programs among national library organizations. Her efforts to survey

and assess the recruitment issue led to the creation of AALL's Recruitment to Law Librarianship Committee in 1960. Among other actions, Finley advocated promoting law librarianship among library school students and encouraging library schools to offer specialized courses in law librarianship.

Finley herself never taught law librarianship in a formal program. In private, however, she taught well. "She was a sharp taskmaster if you worked with her, and you learned a lot from her," Ellenberger said.

Her wider contribution to the profession took the form of her *Manual of Procedures for Private Law Libraries* (1966). This succinct 176-page guide gave firm librarians practical advice on topics ranging from bookkeeping to weeding. Through her guide, she gave firm librarians the benefit of her experience and talents. By helping them become more valuable to their firms, she paved the way for the dramatic increase in private law libraries and librarians.

For her service to the profession, Finley received the Marian Gould Gallagher Distinguished Service Award in 1994 from AALL.

### Tyburski Tames the Wild Web

Among all the changes affecting law librarianship, the Internet is having the biggest impact. One of the first law librarians to recognize its potential was Genie Tyburski. Her Web site, The Virtual Chase, has revolutionized researching and teaching Internet legal information.

As Web manager of The Virtual Chase and Web research applications specialist at the firm Ballard Spahr Andrews and Ingersoll LLP in Philadelphia, Tyburski is renowned among law librarians as a guru of legal research on the Internet. But her visionary approach to the Internet encompasses more than just legal research — she has pioneered law firm Web publishing, e-mail newsletters, news feeds, blogs and other Web-based innovations.

Located at <http://www.virtualchase.com>, The Virtual Chase contains step-by-step guides to factual and legal Web research, articles on searching and evaluating Web information, teaching materials, presentations from seminars, and many other useful materials for Web researchers. TVC's guides cover topics from elder care to agriculture/veterinary medicine. Unlike many Web guides that provide only a list of links, each Web site listed on TVC has a description of its scope and cost. These

careful annotations help researchers decide whether the site is worth visiting. With TVC, Tyburski has come close to creating a “one-stop shop” for law librarians — resources for finding information and teaching others how to find it.

### Imposing Order on Chaos

Although The Virtual Chase is considered one of the leading legal research sites on the Web today, it had humble beginnings. As organizations such as Cornell’s Legal Information Institute took the first steps to put law on the Web, Tyburski was one of the first law librarians to see the Internet as more than a hunting ground for information. She realized it was something to be tamed and domesticated. The Virtual Chase Web site, with its extensive, organized links to reliable sources of information, imposes order on chaos. “It started as my attempt to educate myself about new things coming down the pike and to record them,” Tyburski said, “because it’s one thing to see that Cornell has put the U.S. code up, and it’s another thing to find it when you need it.” Thus, one of the new roles Tyburski helped develop for law librarians is that of identifying and classifying — essentially, cataloging — valuable Web sites for use by their patrons.

### From Librarian to Web Master

Although Tyburski began The Virtual Chase Web site as a hobby in 1996, explosive growth in Internet sources demanded increasing amounts of her time. Rather than abandon the site as many other site developers have done when updating becomes too burdensome, Tyburski took another innovative tack. In 1999, she wrote a memo proposing that her employer, the Philadelphia law firm of Ballard Spahr Andrews and Ingersoll LLP, assume ownership for the site and pay her to run it. “Basically I said, ‘Here’s this wonderful, popular Web site — I wasn’t even sure they’d ever heard of it — providing 20,000 visitors a month,’” Tyburski recalled.

When the firm’s management didn’t respond within a few months, Tyburski enlisted the help of Carl Roberts, a litigation partner who was active in computer law issues. “I immediately penned a paragraph to the head of the firm expressing the immense value of the intellectual property [at TVC] and pointing out what a huge loss it would be to have someone rip it off,” Roberts said. “I suggested we trademark the name, which is ingenious, and provide formal support. The response to

my note was equally prompt. Someone from our trademark group was assigned to it and trademarked the name within days.”

And so, Tyburski’s job became Web manager — a hat that other law librarians wear but rarely all day long. As Web manager and Web research applications specialist, Tyburski no longer does routine



Photo credit: Paul Malanowski

From left: Genie Tyburski, Web manager, reviews changes that Greg Kaplan, Internet services librarian, made to several sections of *The Virtual Chase Web site*.

legal research. (She still coordinates background investigations, however, working with a private investigator.) “She can share so much information because she’s really blessed. She has one of the nicest positions I can think of — a full-time position with benefits,” said Carole Levitt of the training firm Internet for Lawyers.

The Ballard Spahr law firm, which sponsors the site, has benefited from its involvement with TVC. Newspapers such as the *New York Law Journal*, *Metropolitan Corporate Counsel*, *Pennsylvania Law Weekly*, *Legal Intelligencer* and *Legal Times* have cited TVC or Tyburski as a Web research authority and have included Ballard Spahr’s name in their coverage. “Now people at the firm recognize how valuable TVC is. The firm gets enormous public relations credit for putting the site out there,” Ballard Spahr partner Roberts said. He also acknowledges the value of Tyburski’s work on the firm’s intranet and extranet. “The intranet and the extranet are part of the firm’s persona and they knit us together across all our offices.” According to Tyburski, the firm’s lawyers use the site heavily — they talk to her about it, tell their clients about it, and even let her know when they find a broken link.

### TVC Alert

Librarians have always excelled at sharing information. But Tyburski has taken it new heights. Her daily newsletter, *TVC Alert*, reaches thousands of librarians, lawyers, legal researchers and teachers. *TVC Alert* reports on news stories, information search and evaluation techniques, new or overhauled Web sites, and the disappearance of old sites. To create the newsletter, Tyburski monitors a huge range of sources, such as consumer newspapers, legal newspapers, information industry journals, Web sites, blogs, e-mail newsletters, and any other sources likely to lead to useful discoveries. “I summarize what’s going on in the news that I think would be of interest to those who get the newsletter,” she said. “Regular new content comes out of the news and daily interactions with other lawyers and librarians.”

Law librarians and other researchers save time and stay informed by relying on *TVC Alert*. The e-newsletter reports on the latest news affecting librarianship and legal research. The front page of the newsletter lists the news of the day with headlines and brief summaries of each article and provides links to the full article. The format allows time-constrained readers to skim the headlines and summaries quickly and then read more about the articles they are interested in. The newsletter covers a variety of diverse, practical topics. For example, the April 24 edition included tips for searching on Google, a review of the latest online programs providing attorneys almost instant access to case information, an update about an Ohio state bill that would eliminate state government databases, and a response to the Special Libraries Association’s controversial attempt to drop the word “libraries” when it changes its name.

“I need to read the *TVC Alert* every morning because I can’t be everywhere or find out everything or keep up with all that’s going on in the worlds of legal and nonlegal research and on the Web in general, but Genie Tyburski can,” said Bill Jack, reference librarian and legal research instructor at William Mitchell College of Law in St. Paul, Minn. “I wonder how she does it. I am envious of her not only because of all that she knows, but because she has a knack for predicting what’s going to happen tomorrow and the next day.”

*TVC Alert* may even have been the first “blawg,” i.e., a Web log or “blog” that covers legal research. “Though the *TVC Alert* is not technically a blog, it has many of the

(continued on page 20)

characteristics of one, so you could say that Genie was a 'blogger' long before the word was even coined. The legal community has greatly benefited from Genie's generosity in sharing her knowledge," said Cindy Chick, library technology coordinator at Latham and Watkins and former co-publisher and editor of *LLRX.com*, a free Web journal.

Tyburski has also helped law librarians assume another new role — that of Internet research trainer. Overwhelmed at times by having to teach patrons how to use books, looseleaves, indexes and commercial databases, many law librarians have turned to the carefully crafted presentations, outlines and training tips Tyburski posts on the Web site. One particularly useful area of TVC has a list of "how-to" explanations, such as "how to find federal legislation by topic." With short, accurate explanations and real-world examples, TVC can bring any librarian up to speed on a wide range of topics. Tyburski has a huge file of permission requests from people asking to use her materials to teach Internet research, and the site itself gets more than 100,000 visits a month. Librarians rave about these materials. Beverly Rubenstein, law librarian at the Maryland Attorney General's Office, described them as "pure gold."

### New Experiments

Tyburski's visionary style extends to the medium as well as the message. For example, in 2001 she experimented with offering *TVC Alert* via RSS, a format for transmitting the information published on news-like sites. "RSS is basically a headline service for current information," she said. "That's what I do with TVC. So I wondered, would I reach a new audience, beyond the newsletter and the Web site?" It took her a few hours to learn how to put together an RSS newsfeed. Her experiment succeeded: By the end of the month, the newsfeed group was TVC's second-highest user group.

Like most pioneers, Tyburski finds that not all her ideas pan out. A recent test with a Q-and-A format as a daily feature fizzled for lack of response. "I thought I'd try setting up a Research Q-and-A service — almost a listserv kind of concept," she said. The result? "Dead silence. So maybe that kind of frequent interaction isn't what subscribers are looking for when they read *TVC Alert*." Fortunately, this outcome hasn't dampened Tyburski's enthusiasm for

innovation. "I get an idea ... and if it doesn't seem like it's going to take the next six months to bring it to light, I'll run with it."

Like other visionaries, Tyburski runs into her share of nay-sayers. "I've learned people don't see things the way I do. I've been this way all my life. I'll have an idea or an opinion and I'll get really excited about it. And I'll share that with somebody who looks at me like I just grew horns," she said. "So I can relate to big frustration. As I've grown older, I've learned to tolerate it better."

### Changing Times, Changing Skills

Tyburski believes, however, that law librarians must experiment and change to succeed — and even to survive. They must be willing to try new ways of receiving and delivering information, such as skimming a blawg on class actions every day or customizing and repackaging information for lawyers and clients. When asked whether law librarians are needed more or less in the Internet age, she replied, "Law librarians are needed differently, and I'm not sure as a profession we've got a handle on it. A lot of people are worried about whether they'll have jobs, and I can understand them personalizing the issue that way. But if they can pull away from the personalization, I think they need to look at how they can be valuable to their firms or other organizations. And to do that, they really need to understand how attorneys are getting and using their information."

Tyburski also considers the librarian label, with its baggage of stereotypes, damaging to the profession's prospects. As books become less important to legal research, librarians should avoid being linked only to books. Using the term 'researcher' or 'Web research applications specialist' severs that link. "We really have to redefine the role of the librarian," Tyburski said. "The perception is heavily influenced by that stereotype: 'Librarians take care of books.' We really need to think about whether we want to move away from that label. I don't use the term 'librarian' for myself any more, and I haven't in years. I advocated for that here [at Ballard], and it's not part of my title. It's not part of how I want to market myself."

Another of Tyburski's concerns is information professionals who lack technological skills. Her tips often focus on using technology to manage information, such as how to filter spam, suppress pop-up ads or keep track of an Internet research starting point.

"It wouldn't surprise me to come back to life in 30–40 years and find that our work is being done by people with more technical skills," she said. "I'm worried about people without technical skills. If you don't have them, I don't see how you're going to stay in this profession."

Tyburski also wants librarians to assume more active, integral roles within their organizations and their projects. "I think our roles aren't new per se, but it's the way we market them," she said. "We have to show the lawyers that we can be a part of their team. It's important for us — whatever case or research it is — to be involved from the beginning to the end, or at least as long as the process of information exchange is going to take place."

As for the future of law libraries, even visionary Tyburski hastens to say that no one can be sure what lies ahead. Librarians are better-equipped than their patrons, however, to make good guesses. "Nobody can really predict the future, but we probably care a lot more about it than somebody who needs information for their work but thinks of it only as a tool to do their work," she said. "The fact that you can see where things are going and do incrementally what you need to do to get it heading in the right direction is important."

The Virtual Chase Web site is in its prime as the amount of legal information on the Web continues to grow. The versatility and limitlessness of cyberspace provides the best canvas for learning about legal information, according to Ballard Spahr partner Roberts. He expects to see "anything that will enhance the value of the site. As new areas of law emerge, the site will address them."

"We'll continue to add new content and experiment with new ways of communicating information," Tyburski said.

After overseeing the site for seven years, is she bored? "No, I'm not bored with TVC. So much is happening within the field of law and information," Tyburski said. "There are so many new challenges and new content areas — and that means lots of potential growth areas for the site."

### Visionaries Create a Viable and Vibrant Future

Visionaries are one element that keeps a profession moving forward. These are

(continued on page 31)

people who have taken the initiative to do things in a new way or pursue new challenges. In the process, they have opened up opportunities and have helped law librarians keep the profession vibrant and viable. Charles R. McCarthy, Elizabeth Finley and Genie Tyburski exemplify what law librarians

do best: providing information and important services to those who need them.

*Paul D. Healey (phealey@law.uiuc.edu), head of public services and associate professor of library administration at the University of Illinois at Urbana-Champaign Albert E.*

*Jenner Memorial Law Library in Champaign, Ill., serves as editorial director of AALL Spectrum. Mary Rumsey (rumse006@tc.umn.edu) is the foreign, comparative and international law librarian at the University of Minnesota Law Library in Minneapolis.*