

SCCLL News

A Newsletter of the State, Court and County Special Interest Section of the American Association of Law Libraries

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View From The Chair

Marcus Hochstetler, SCCLL Chair



Change is in the air. The changing of the leaves, the influx of new patrons to our libraries or even the promises made during the presidential election cycle. These changes are welcome and yet we are reminded of other unwelcome changes approaching our libraries: these include the diminishing returns on the purchasing power of our budgets, the increased scrutiny by legislative bodies, and a pressure to do more with less.

An exceptional opportunity we have to address these changes is through the Annual meeting. Portland provided this opportunity with a great selection of 7 programs, including two well attended direct sponsored programs on dealing with foreign issues in a U.S. law library and using the law library as a CLE provider. The Silent Auction to raise funds for travel grants was a great success with a goal of \$6000.00 including \$3500.00 from the auction and \$2500.00 from challenges following the meeting. This support for our members through giving cannot be overstated.

The outreach of our members to the legal community continues to progress with the recent presentations at the Court Solutions Conference in Baltimore, MD. Sara Galligan and Charley Dyer share their experiences and summary of the conference in this month's newsletter. The conference was a success with over 12 law librarians in attendance sharing the value of connecting the courts with the county law libraries and self-help centers. This prominence of our message of support will continue next spring at the Equal Justice Conference in May.

Increasingly, county law libraries are under attack. This choice of words is not a mistake as there are governmental authorities and private interest lobbyists looking for ways to divert money in the economic down times all states and localities are facing. One place to look is the county law library which is often not an official county department. It is easy to make the argument that it is all online with the googlization of society. County law libraries in California, Georgia, Ohio, Oregon, and Washington are facing challenges over the provision of adequate funding to fulfill their mission. Some are being asked to pay rent to the counties when they are located in public courthouses. These seem to be less and less isolated experiences and should concern academic and private law firm libraries as well. As libraries of last resort when it comes to old ordinances, legislative histories and practice materials, we have intrinsic value to the public at large. Convincing legislative bodies of our significance will be a major focus of the coming years.

With this in mind, I am creating a Special Committee on County Law Libraries to explore how to reach out to the many county law libraries in the U.S that are not AALL members and by extension not SCCLL members. Many of these libraries are staffed with part-time staff or by court personnel. They may be unable to afford the AALL membership dues but they still need to have the resources we have available on our website. I am appointing Laura Orr, Washington County (OR), and Larry Meyer, San Bernadino County (CA), as Co-Chairs of this committee. If you would like to participate in the work of this committee, please let me know. I am interested in anyone who is willing to

push forward with establishing a broader network of law libraries which can help to serve our states well.

Please note the special update on the Ohio situation by Kathy Sasala in this issue. She details the challenges they are facing at present and in the future. I know we all are supportive of the effort to retain county law library services in that state. As fall progresses, watch the SCCLL website for further updates on this situation and happenings in other states.

Look for information on how to combat the argument that "Everything is Online" which will not go away anytime soon. Sign up for the RSS feed to get updates from the site. It is great to see the many great accomplishments of our members in meeting the challenges and changes which come our way. Change can be a good thing if it is guided by experience, especially that experience we share with each other.



From the Editor

Jennifer Dalglish, SCCLL News Editor

I'm looking forward to working as your new Editor. First, I'd like to thank Marcus for asking me to assume the role and Kim for trusting me to not mess up all the hard work she's put into this newsletter! Since I spent most of yesterday attending to legislative woes, I can't help but ruminate on the collective, precarious existence so many of us share. State, court and county law libraries exist in a state unlike other law libraries. Many of us are physically isolated from other professional colleagues similarly situated due to the nature of our jobs. This newsletter serves as an unparalleled avenue of communication. I hope that by working on this newsletter I can help facilitate the sharing of relevant information that pertains to all of us to help ensure our future existence.

With that said, I'm very interested in hearing your comments, ideas and suggestions regarding what it is you have gotten out of this newsletter in the past and what you'd like to see it provide in the future. Do you like the fonts or hate them? Is the format easy-to-read? Would you like more human-interest pieces or less? More humor or less? More Charley or less? Ha - just joking on that last one! In all seriousness, though, since this is my first issue as Editor, the sky's the limit! Please email me your thoughts, however outlandish or brutally mundane they may seem to: lawlibrary@co.clackamas.or.us.



SCCLL News is published three times a year (Fall, Winter, and Spring) by the State, Court and County Law Libraries SIS. **The deadline for the next issue is December 15, 2008.** Please contact the Editor, Jennifer Dalglish, at lawlibrary@co.clackamas.or.us with questions, comments, suggestions and submissions.

The State Court & County Law Libraries SIS does not assume any responsibility for the statements advanced by the contributors in this newsletter. The opinions expressed in SCCLL News are those of the authors and do not necessarily reflect the views of the SCCLL SIS.

The Court Solutions Conference 2008

Charles R. Dyer, Consultant and Retired Director of the San Diego County Public Law Library

Charles was given an SCCLL SIS travel grant to attend this conference.

A short history

In November 2007, the Self Represented Litigation Network put together a three-day conference for judges at the Harvard Law School. The conference was by invitation only, with the invitations coming through the state administrative offices of the courts. Essentially, the state chief justices and their staffs created "state teams" for the conference.

The idea was that these teams would be given "train the trainer" sessions that would present best practices in serving self represented litigants the attendees could take back to their local courts and emulate. The conference attendees were required to prepare short presentations to simulate their subsequent training sessions for their peers back home.

The conference was so successful that the SRLN Information, Marketing, and Outreach Working Group decided to organize another one aimed at court administrators.

Officers at the National Center for State Courts suggested to the SLRN Coordinator Richard Zorza that the conference could be planned as one of the three tracks at its next annual Court Solutions Conference, a conference directed at court administrators and judges who work in court management. The SRLN decided to go with that, but this changed conference planning in two important ways.

First, since the Court Solutions Conference is an open conference, in addition to formal state teams, the planners had to plan for non-affiliated attendees. Most would be court administrators who would come to the conference anyway, but also others interested in court administration, such as librarians and lawyers, would come.

Second, given the more open character of the conference, the educational content could be expanded more easily. As a member of the Information Group, I argued that one of the training modules could be devoted to "supporting and integrating law library services." That module was accepted as part of the program. In fact, most of the working groups in the SRLN were then invited to participate in the planning.

Knowing that I could not afford to attend the conference, I asked members of the SLRN Law Librarians Working Group to prepare the module for "Supporting and Integrating Law Library Services" and asked for a volunteer to present it. Marcus Hochstetler stepped forward, both as compiler (and major composer) of the module and as presenter.

The lead up

The SRLN working groups prepared fifteen modules for the conference. These modules consisted of Power Point presentations, made according to a common template for consistency of depth and style. There are typically some 30 to 50 slides per module, with extensive teaching notes attached to each slide and pictures embedded within the mod-

"The conference was so successful that the SRLN Information, Marketing, and Outreach Working Group decided to organize another one aimed at court administrators."

ules, and video also available for use.

Conference registrants were given a list of the modules ahead of the conference. Each conference attendee was asked to choose a module that the attendee would use to prepare a presentation at the conference. Attendees were told to rank their three favorite modules, from which one would be chosen for them. This method was used to guarantee that someone would prepare a talk on each module in each of the small groups set up to hear the presentations. Then the attendee was presented a link to the module the attendee would speak on. The presentations were to be five minutes each.

The conference (CSC 2008)

CSC 2008 was held in Baltimore, Maryland, September 8-10. Of the 310 attendees, 220 attended the SRLN-composed track, "Court Leadership and Self-Represented Litigation." Some of the registrants came in state teams, but many individual attendees chose the track as well. Several law librarians attended.

The conference opened on Monday afternoon with a plenary session before it broke into its three separate tracks. The Self Represented Litigation track then started with a panel of eight persons from different environments, who gave concrete examples of success in innovations in service to self-represented litigants.

Although there were no librarians on this panel, Judge Lora Livingston of Travis County (Austin), Texas, extolled the great success of locating their family law self help center in the Travis County Law Library. She noted that it was originally an expeditious compromise because it was easier to get funding from the county government for the law library than for the courts. But it worked particularly well in their environment due to the positive leadership and administrative abilities of the library staff. Judge Livingston used the phrase "an untapped resource," which caught my mind immediately. Those Texans do like to find their "oil!"

After the panel discussions, the state groups met to focus on their own state issues. Several states without official teams held meetings as well. I met with the unofficial team from the State of Washington. Mostly, we reported to each other what we separately were and were not doing for self represented litigants. It was a good exchange of information. The group was particularly impressed, I felt, with Marcus Hochstetler's description of services at the King County Law Library, some of which are programs held at the library by other agencies.

On Tuesday morning, the conference reconvened with short presentations of the first eight modules:

1. *Challenge, Models, Court Self-Diagnosis, and Strategies for Getting a Court Moving.* Presented by Judge Laurie Zelon, California Court of Appeals. Telling the story of leadership and impact of self-represented litigant friendly courts and state court systems. Diagnosis, Planning and Start-up.
2. *Establishing and Operating a Court-Based Self-Help Center.* Presented by Bonnie Hough, California Administrative Office of the Courts. Court-based informational

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services that assist the self-represented to navigate the court and file needed forms.

3. *Designing and Modifying Physical Space for Access.* Presented by Kathleen Dixon, Los Angeles Superior Court. Building self-help spaces, the courthouse and the courtroom so that litigants are served most effectively and efficiently.
4. *Establishing Justice Corps and Volunteer Programs.* Presented by Margaret Little, Los Angeles Superior Court. Building highly cost effective services with students and other volunteers.
5. *Ethical Guidelines for Clerks and Court Staff.* Presented by Bonnie Hough, California Administrative Office of the Courts, and Susan Ledray, Hennepin County Self Help Services (Minneapolis, MN). Establishing programs so that clerks and other staff know what they can and cannot do to provide information to litigants without violating court neutrality.
6. *Developing and Deploying Plain Language Forms and Instructions.* Presented by Lisa Rush, Travis County Law Library (Austin, TX). Removing barriers by designing and setting up standardized forms and instructions written so that they can be completed by the self-represented, and so that the court and judge get accurate information and save time.
7. *Deploying Automated Forms for Access.* Presented by Katherine Bladow, Pro Bono Net. Implementing a project that allows litigants to use computer software to help them prepare forms. Increases accuracy and court preparation.
8. *Caseflow Management for Access.* Presented by Linda Daeley, Orange County Superior Court (Orange, CA). Modifying current caseflow management to ensure that self-represented litigant cases move and that litigants get the services they need to proceed with their cases.

Then after the break, the group was divided into pre-assigned small groups for their "Module Leadership Activities." The attendees who were assigned to make short presentations of the first eight modules each had their turn at making a presentation.

After lunch, the last seven modules were presented:

9. *Working with Judges for Access.* Presented by Jose Guillen, Imperial, CA, and Judge Mark Juhas, Los Angeles Superior Court. Learning the best ways of getting judges and court leaders communicating about removing barriers to access in the courtroom, the courthouse and the community.
10. *Courtroom Staffing and Services for Access.* Presented by Deborah Chase, California Administrative Office of the Courts. Establishing programs

My thanks to Marcia Koslov and the SCCLL SIS Grants Committee for the travel grant to attend CSC 2008. In 1994 when Marcia had received the West Excellence in Law Librarianship Award, she donated the funds to set up an endowment for travel grants for libraries to attend the Institute for Court Management, an annual conference put on by the National Center for State Courts. Over the years, fewer librarians than anticipated were taking advantage of the grant. So, at the July AALL Annual Meeting, the SCCLL SIS Executive Board and Marcia jointly agreed to expand the terms of the grant to allow librarians to get grants to attend the annual Court Solutions Conference as well.

I retired in 2005 to do independent research and to act as a consultant to court systems and law libraries. Consequently, I no longer have institutional support for travel to meetings. Without the travel grant, I would not have been able to attend the Court Solutions Conference. In what must surely be a bit of irony, this grant was the first travel grant I have ever received, even though I have attended AALL annual conferences for 34

in which additional courtroom staff—including attorneys—help keep cases moving and make sure there are appropriate resolutions.

11. *The Court Role in Establishing and Supporting Discrete Task Representation.* Presented by Rochelle Klempner, New York City Civil Court. How courts and judges can help encourage unbundling of legal services so that litigants that need counsel get it, and cases can keep moving.
12. *Supporting and Integrating Law Library Services.* Presented by Marcus Hochstetler, King County (WA) Law Library. How courts and law libraries can work together to provide additional services to the self-represented, leveraging existing resources in the interests of moving cases and providing access.
13. *Distance Service for the Self-Represented.* Presented by Judy Meadows, Montana State Law Library, and Glenn Rawdon, Legal Services Corporation. Establishing the programs that use technology to provide information and tools for the self-represented, providing access to all in the state, while improving the courts' operations.
14. *Promoting Access for Those with Limited English Proficiency.* Presented by Susan Ledray, Hennepin County Self-Help Services (Minneapolis, MN). How courts can establish programs that solve the especially large challenges faced by those with no lawyer and limited English—and by the courts that must serve this population.
15. *Access Innovations to Enhance Compliance.* Presented by Tina Rasnow, Ventura County Self-Help Center (Ventura, CA). How courts can increase compliance with their orders, remove obstacles, and assist the self-represented who do not know how to obtain enforcement.

Without a break, we went right into the next set of Module Leadership Activities, i.e., the individual presentations by attendees in small groups.

We then met at 4 p.m. for the “State Strategic Planning Time,” where, in our individual state groups, we made plans for advocating and deploying innovations. Also, attendees made note of questions they would present the next day.

We concluded the day with dinner groups organized around particular topics. These were not required, and many attendees went with more casual dining.

Wednesday morning began with fifteen tables set up as “Ask the Experts” tables, one for each module topic. I sat in with Marcus as the experts for the topic, “Supporting and Integrating Law Library Services.” There were two separate meeting rounds, and we had a full table at each round. The questions were thoughtful, and some good contacts were made. In our opening statements, Marcus and I emphasized the innovations that would not cost much, such as having librarians teach the clerks how to make good referrals and using written

consecutive years.

In fairness, I should note that, in my early years, there were fewer grants available and other librarians from the same libraries received grants in the years I applied. I became an academic library director at age 30 and stopped requesting grants, as I was then supported by my school and writing reference letters for grants for my own staff.

So, now that I really needed the grant, I thank the SCCLL SIS Grants Committee for considering me, even though I am no longer a new librarian. But I am new to my career as an independent librarian, and the grant came at a most propitious time. I wholeheartedly support the idea of travel support for other retired librarians who remain active and willing to make a contribution to our profession.

*With my sincerest thanks,
Charles R. Dyer*

referral forms. Some difficult issues came up, such as how to get public libraries involved when the county law libraries were too small for staff. We mentioned the 6th Judicial District of Minnesota's plan, using a circuit riding law librarian for several rural counties, with self help libraries set up in public libraries and pointed them to the resources on the Self Help Support website (www.selfhelpsupport.org).

At mid-morning, we took a break from the work and watched as Kate Sampson, herself, presented the American Judicature Society's Kate Sampson Access to Justice Award to SLRN Coordinator Richard Zorza. We all laughed when Richard noted that he would keep his acceptance remarks short, which he did, so that he could keep the conference running on time since he was the person who kept things moving.

Then one representative from each state at the conference stood up for a 30 second report. Each rep had to say one good thing about what their state was doing and one thing on which they planned to try a new innovation. This short session revealed the diversity of standards for serving self represented litigants that exists throughout the United States.

Finally, Richard Zorza moderated a panel discussion on the "Agenda for the Future." He would ask the same question to the panelists, New Hampshire Chief Justice John Broderick, California Court of Appeals Associate Justice Laura Zelon, and National Center for State Courts Vice President Robert Baldwin. Their answers varied at times, but they all generally agreed that the courts have to change in order to continue improving access to justice for self represented litigants. With some caveats, mostly due to the financial problems of state governments right now, they saw a better future coming.

The accompanying materials

Given that the whole purpose of the conference was to "train the trainers," each attendee received both a CD and a DVD. The CD contained the following materials:

1. **Introduction to the Leadership Package.** This document gives an overview of the Package and its components.
2. **The Modules.** The fifteen Modules in PowerPoint form, each including preparation notes, and references to profiles, video, and activities.
3. **Activity Guide.** Detailed instructions and materials for about 80 activities, all of which are referenced in the Modules.
4. **Resource Handbook.** Detailed listings of resources of use in implementing the innovations in each Module. Organized Module by Module.

"Some difficult issues came up, such as how to get public libraries involved when the county law libraries were too small for staff."

5. **Introduction to the Videos.** This document describes some 30 video segments, found on the DVD, which are referenced in the Modules and can be used in association with them. It is organized Module by Module, and many of the videos can be used with more than one module.
6. **The Profiles.** About 65 separate Program Profiles, each of which is referenced in the Module preparation notes. The Profiles' files are named in accordance with the Module with which they are most closely associated.
7. **Best Practices in Court-Based Self-Represented Litigation Innovation.** Forty Two Best Practices, each including the concept, recommended attributes, examples, and contacts. Prepared by the Self-Represented Litigation Network.
8. **Self-Represented Litigation Network Principal Products.** This is a short listing of the most important and useful materials produced by the Network.

After the Conference, the modules will be updated to reflect input and experience at the Conference and will be posted on www.selfhelpsupport.org. The videos will not be available as a group on the web, although some might be posted elsewhere. This collection of materials is copyright 2008 National Center for State Courts. However, permission is granted to courts and non-profit access to justice organizations to reproduce and make use of the materials, provided the copyright is properly noted, and this condition is also included. Certain materials are copyright to the author or organization. Materials and video may not be posted on the Internet without prior additional authorization.

Some final thoughts

Note that, with Lisa Rush Tuesday morning and Judy Meadows and Marcus Hochstetler that afternoon, there were three law librarians among the module presenters. All three were also the compilers for their presentations, so in essence, law librarians accounted for 20 percent of the nuts-and-bolts substance of this conference track. Law librarians were a major presence at this conference.

Many of the people at this conference had not been at any of the regional conferences put on by the Self Represented Litigation Network. Several states who had not previously participated did this time in a big way. Richard Zorza noted that, when added to the state teams at the November judicial conference, there were better than 40 states who have recently participated in train the trainer sessions meant to improve the access to justice for self represented litigants. Change is in the wind, and not just because that is the political catch phrase of the moment.

Some of you law librarians may find that your local courts may approach you to work together on how law library services can be better integrated into the service model for your local courts. Or, if you know some people from your courts attended this conference, then perhaps you can venture out to them. If nothing else, you can ask to see the modules. ■

“After the Conference, the modules will be updated to reflect input and experience at the Conference and will be posted on www.selfhelpsupport.org.”

SCCLL-SIS Travel Grant Recipient Thanks Everyone Who Donates!

Donna S. Williams, Recipient

I am a lucky and thankful recipient of an \$850 travel grant from SCCLL-SIS for the AALL Annual Meeting & Conference in Portland this year. I was very happy to see that the Silent Auction raised over \$3,500 for travel grants. Then, I was extremely happy to donate toward the upwardly moving goal of \$5,000, then \$6,000. Thanks to the generosity of all of our members!

I thought that Robert Mead, State Law Librarian at the NM Supreme Court Law Library put it very well "BTW, I've only been in this SIS for a couple of years (after being an academic law librarian for ten years). I want to commend all of you for the generosity and care that the State, Court, County folks show to one another. I'm proud to be part of this SIS." What a wonderful compliment to our SIS!

I had a great time at the meeting. I attended many interesting programs and met with old and new colleagues. Portland was one of the best annual meetings I've been to, not only because the programs were outstanding, but I enjoyed the friendly, clean city immensely. Altogether I attended 11 programs, four receptions, four business meetings, volunteered, and worked CONELL on the Friday and Saturday before the meeting.

It was a jam packed five days filled with fun (who doesn't love to discuss law libraries at an AALL meeting--I'm a solo, I need to talk law libraries!), entertainment (hearing David Pogue sing was hilarious), learning ("Beer and the Law" was truly educational, although, I suggested a tasting next time to truly appreciate the full impact of the program), and new technologies ("Teleporting to Second Life" was excellent; one of the speakers actually presented her talk through SL and I realized how relevant it could be for educational purposes).

I started Friday with a CONELL meeting and hosting a "Dutch Treat Dinner" with CONELL attendees. Meeting those new to our profession was a delight! I was surprised to see how many of the over 90 participants had been lawyers that decided to go into law librarianship. It's invigorating to meet and form relationships with new attendees. Participating in CONELL on Saturday was truly an amazing experience. I'm looking forward to my new role as the incoming vice-chair of CONELL.

The SCCLL Breakfast/Meeting Sunday morning was very good. I had the chance to meet Anne Matthewman who was the chair of the Grants Committee this year. I wanted to personally thank her and the entire committee for my grant. In fact, since I was fortunate to get the grant, I joined Marcus Hochstetler's call for volunteers and joined the Grants Committee this year.

The SCCLL reception at the Federal Courthouse on Sunday evening was amazing. The view was spectacular, as was the food and drink. Another reception I attended was the Pacific Chapters Joint Reception. It was great to see how well attended both of these receptions were.

I attended the SCCLL program "Giving Credit: The Law Library as CLE Provider" by Judy Meadows and Cossette Sun on Monday. Judy talked about planning and market-



ing CLE. She emphasized getting staff involved at all levels, defining your audience, collaborating with your local bar association, information technology departments and vendors, and deciding the format of your CLE. All of these components are key to a successful program. Cossette explained how her facility is set up for CLE, showed us examples of programs and speakers they have used, and explained the paperwork involved with CLE. Both Judy and Cossette did a nice job of explaining their library's involvement in CLE.

I also attended the AALL business meeting. I always feel that it's my duty to attend those meetings since we gather but once a year. Next, I enjoyed the "Meet the Candidates" time in the exhibit hall on Tuesday. I was on the AALL Nominations Committee so it was a wonderful chance to meet the excellent candidates. What a great idea to have the candidates gathered in one area at the same time. It's always nice to connect names and faces.

■

The Portland Trail

Carolyn Tanen, U.S. Courts Library for the Second Circuit

The trail began with a tranquil flight into Portland. The descent into PDX was awe-inspiring with a bird eye's view of the snow-capped summits of Mount Hood and Mount Jefferson.

I scheduled my arrival to Portland early Saturday morning so I could attend the Discussion Forum Managers Workshop. The workshop covered the administrator features of the Lyris system as well as useful tips that can be used to better manage and improve the SCCLL discussion list. If you have any questions or experience difficulties with the SCCLL listserv, email me at: carolyn_m_tanen@ca2.uscourts.gov

After the workshop I decided to explore the city a little. I stopped in at the Multnomah County Library. Did you know that in 2005 the Multnomah County Library was ranked #1 in circulation in all of U.S. libraries? There were long lines at the check-out counter with the library-loving people of Portland! I then headed to the Portland Saturday Market which was bustling with artisans displaying their arts & crafts from stained glass, woodworking, jewelry and homemade Marionberry jams.

After a few cups of java, I MAXed (Portland Light Rail) over to the convention center to attend the LexisNexis Opening Event. The Opening Event was filled with scrumptious desserts and was a great way to kickoff the conference.

On Sunday, the trail continued to the SCCLL Breakfast & Business meeting. It was a bit early for me with my body clock still on Eastern Time. Even at sunrise, the breakfast meeting was a wonderful way to greet old and new colleagues. I was pleased that the silent auction was successful. Along with the post conference contributions, SCCLL will be able to offer grants for next year's meeting in Washington, D.C. I would like to express my sincerest gratitude to SCCLL and the Grants committee for selecting me as a recipient for this year's conference.

I then headed to the Opening General Session featuring keynote speaker David Pogue and his program, *Disruptive Tech: What's New, and How it Will Change Everything*. I made my way to the front row to meet my transcriber. Mr. Pogue, remarked at the beginning "she is actually typing everything I say" referring to the transcriber. Mr. Pogue, being a tech analyst, chatted with her before the program about the CART (Communication Access Realtime Translation) technology. For those who are not fa-



miliar with this technology, it is similar to what is used by the court reporters in the courtroom. CART is the instant translation of the spoken word to text using a stenotype machine linked to a laptop computer for real-time captioning. I first became aware of this service at an AALL conference several years ago. It has been an invaluable service for me since I am hearing impaired. I just think back to my college years and how valuable the technology would have been for me, as many of the CART transcribers work at universities.

Mr. Pogue talked about five technology trends to watch:

- 1) VOIP (Voice over Internet Protocol) - inexpensive and features unlimited talk time;
 - 2) Voice to Text (of course my favorite) - he demonstrated the *Call Wave* service and found the voice to text message was fairly accurate;
 - 3) On Demand TV - purchase episodes of your favorite shows and watch when and where you want with some networks offering episodes for free;
 - 4) Wireless Everywhere - he mentioned an *Eye-fi* card which transmits photos as soon as you take the picture to your computer; and
 - 5) Web 2.0 - he discussed blogs and how it can connect people with similar interests but presents challenges with ethics policies and teaching credibility.
- Mr. Pogue, ended his session performing three entertaining medleys about *iTunes*, *YouTube* and the *RIAA*.

The next program I attended was, *Strategic Plans That Work: Creating a Strategic Plan for a Law Library*, to take note of how the impact of emerging technologies, expanding roles, marketing activities and new services in law libraries have on planning future projects. The speakers presented an overview of the elements in formulating a strategic plan. The goal of having a strategic plan is to communicate to management and staff of your organization about the strategy and goals you developed for your library. It is an opportunity to push those new projects and demonstrate the future potential for your library.

As the day wound down and the trail continued, I got stranded on the MAX for 45 minutes. Luckily I was with a few federal court colleagues heading to the Federal Court Librarians reception, hosted by Ann Fessenden, AALL President, Circuit Librarian, 8th Circuit, before heading as a group to the SCCLL Reception at the Mark O. Hatfield Federal Courthouse. The SCCLL reception was a lovely event with the gorgeous outdoor terrace and sculpture garden along with wonderful local northwest flavors and microbrews. I always look forward to meeting with my federal court colleagues to discuss similar projects we are working on in our respective libraries. My personal thanks to all my federal court colleagues who offered me moral support and feedback making my conference experience much more rewarding.

On Monday, the trail continued.... I spent most of the day in the Exhibit Hall staffing the Stitching Silent Auction and SCCLL booth, all while viewing vendor demonstrations. It is important that I keep up with the technologies to help my library promote new products and services which may be useful to other court staff.



"Mr. Pogue talked about five technology trends to watch."

The buzz words during the conference were Library 2.0, Web 2.0 Is your library using or planning to use RSS? Blogs? Wikis? Social Networks? Chat/IM? Second Life?

I attended the program, *Exploring Library 2.0 : Stretching the Boundaries of Virtual Reference Services*, to explore how other libraries are using these technologies to expand reference services. What is Library 2.0? The presenter refers to it as a participatory type of conversation and knowledge building utilizing Web 2.0 applications. By employing evolving technology you can deliver information better and more quickly. You can create open conversations with users using blogs, create topical research guides where users can add content, and incorporate instant messaging. You can filter information from databases and links to create notification when changes are made to content, saving users the time of having to revisit the source. Second Life was interesting as I had not seen this before. It is a 3-D web based virtual world where you interact with other users through avatars representing yourself. It seemed too animated for me but the speaker encouraged us to explore Second Life as there is much to learn which may be applied in future developments.

After another long day, the trail directed me to the evening receptions. I attended 3 concurrent receptions: Lexis Court Librarians Reception, LLAGNY Reception, and lastly the West Customer Appreciation Event. Mmmm, that hamburger was a treat!

The last day of the trail ended with another successful Stitching Silent Auction. We raised \$980.00 for the Friends of the Multnomah County Public Library. The donated items were beautiful, and many items were hotly contested. I invited Administrators, Sara Lindgren and Anne Peterson to the exhibit hall. Sara Lindgren said "Anne and I had such a good time seeing you all and watching the last few minutes of the successful silent auction. I even felt lucky to have bid on a few items!" An article, [Law Libraries Keep FOL in Stitches](#), was published in *Footnotes*, (p.5) a newsletter for the Friends of the Multnomah County Library. Special thanks goes to the State, Court & County SIS and to the Law Library Association of Maryland for offering space at their tables. The Stitching SIS will continue to support the Friends of the Public Library in our conference host city. Join us next year in Washington, DC for another round.

Another program exploring Web 2.0 tools, *Explore the New World of Legal History Research-Be Prepared to Wiki*, examined a new method of disseminating legal history information. With access to many databases that provide historical coverage of books, newspapers and documents in digital formats, the question that came to mind was, "Can a wiki be an answer to how librarians deal with information overload and management?" A wiki can be the basis for a research guide of filtered data and a bibliography of specific events or interests from various databases. A wiki can be used to post, edit, disseminate and update documents. It is a collaborative tool that will not be a static research page; it is constantly in process of updates.

After the 4 day trail of energizing events and exploring Web 2.0 along with a re-

"With access to many databases that provide historical coverage of books, newspapers and documents in digital formats, the question that came to mind was, 'Can a wiki be an answer to how librarians deal with information overload and management?'"

newed perspective of evolving law libraries, I continued the trail on Wednesday to energize my soul and explore the majestic Mount Hood. I went on a sponsored AALL tour to the Columbia River Gorge. The trip included visits to the Timberline Lodge at Mount Hood, the historic town of Hood River, the Bonneville Dam and traveling along the river to the magnificent 620-foot Multnomah Falls. A day of fresh air in the great Oregon outdoors ended my Portland trail!

I certainly will have some fond memories of the 101st AALL conference in Portland. I look forward to next year's conference in Washington, DC. See you there!

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Where Do We Go From Here? An Update On The Library's Future

Reprinted from Cleveland Law Library Association Newsletter

Kathy Sasala, Director

Fall 2008

Pending Legislation: The future of the Cleveland Law Library hangs in the balance as we await further activity on SB 345, a bipartisan bill introduced in June that would affect the administration, funding and operations of all of Ohio's county law libraries. As with all legislation, this bill is a compromise. It was originally intended to address provisions in the 2005 biennial budget bill (HB 66) that implemented a 5-year plan to eliminate county funding for county law libraries, but the final scope of SB 345 is much greater. As you may already be aware, SB 345 represents the culmination of negotiations between four major interest groups that pursued legislation based on recommendations issued by an Ohio Task Force on Law Library Associations that completed its work last year. Although the County Commissioners Association of Ohio ("CCAO") was the driving force for changes in the current system, the Ohio State Bar Association, the Ohio Judicial Conference, and a coalition of county law library boards and bar associations had the opportunity to make recommendations and participate in drafting the legislation. All indications are that the bill will be heard and determined after the November elections are completed.

Legislative Summary: If passed, this bill would amend the statutes governing county law libraries contained in O.R.C. Chapter 3375 and transform Ohio's county law libraries from private associations providing services to lawyers, county officials, judges, and state legislators into formal county agencies by 2010. Specifically, SB 345 would create County Law Library Resources Boards (CLLRBs) in each county that would run the county law libraries and serve local cities, townships, county agencies, courts, and members of the public. Each CLLRB would provide a public law library, employ a librarian and other staff as needed, and establish local policies relating to access, resources, services, and fees. As a county agency, each CLLRB would also coordinate legal research and reference for all county offices, assume custody of all public revenue the libraries currently receive by statute, and participate in the county budget and appropriation process.

Current law library association boards, like the Board that runs the Cleveland Law



Library, would serve in an advisory capacity during a two-year transitional period beginning on January 1, 2009 and have 2 interim seats on the new CLLRB. Permanent CLLRB board members would include appointments by the Common Pleas Court, municipal and county courts, the county prosecutor, and the county commissioners. After the initial two-year period, each CLLRB could still maintain a more informal advisory council.

CLLRBs could create multi-county agencies or contract with other CLLRBs, private entities, public agencies, and a state-wide consortium of CLLRBs that would be created in 2011 to catalog each library's resources, make grants to CLLRBs, negotiate contracts CLLRBs could use, and otherwise make recommendations. SB 345 also proposes to reinstate the Task Force on law library associations to help implement all of these changes.

Potential Outcomes: Although the potential outcomes are probably more numerous than Ohio's 88 counties, there are a few financial and practical realities we need to consider.

If the bill passes, Ohio's system of county law libraries would survive, albeit with different governance and goals, and county funding for county law librarians and library space would be partially restored. However, if the bill passes, county boards would be in charge of public revenue the libraries receive from traffic fines and penalties, the libraries would become open to the public, and the method by which county law libraries were historically run by private, non-profit boards of local attorneys and judges would cease. Specifically, SB 345 would bifurcate private and public funds, assets, staffing, and services, and the private boards would have to decide whether to move their operations elsewhere, contract with their new county law libraries for combined operations, or fold. Since all but a few of Ohio's county law libraries only receive public revenue from traffic fines and penalties, that really only leaves them with the last two choices. The first option is only possible for libraries that charge private dues or could otherwise raise private funds. Since the Cleveland Law Library currently charges dues and raises private revenue to provide a larger collection, staff, and level of services, it can consider all three options. However, the Cleveland Law Library's current budget to run the robust library upon which members, judges and county officials have come to rely currently depends on the aggregate of three sources: county funding for salaries and space; public revenue from fines and penalties; and private income. As a result, SB 345 presents a lot of "ifs" for the future of the Cleveland Law Library, which is one of the largest libraries in the state, has one of the largest collections and staffs, receives the lowest per capita fines and penalties, is not currently open to the public, and raises private income from membership dues.

If the bill does not pass, Ohio's county law libraries could continue to operate as they have been with their present boards, but they would continue to suffer additional cuts in county funding for library salaries, benefits and space that began in 2007. County funding would completely end by December 31, 2011. The obvious import is that each year of cuts would place a greater burden on the libraries' public and/or private income, which is already being stretched to pay

"If the bill does not pass, Ohio's county law libraries could continue to operate as they have been with their present boards, but they would continue to suffer additional cuts in county funding for library salaries, benefits and space that began in 2007. County funding would completely end by December 31, 2011."

for the increasing costs of maintaining collections, staffing and services. If SB 345 does not pass, the CCAO has also promised to go after the public funds county law libraries receive from traffic fines and penalties and divert it to help fund indigent defense.

This is not an idle threat county law libraries can ignore. Without this income or county funding for salaries and space, virtually all of Ohio's county law libraries would cease to exist. Only those with private revenue have other options, as outlined above.

Comments and Questions: If you have any questions about this pending legislation, please contact the Cleveland Law Library Director, Kathleen M. Sasala, at (216) 861-5070 or ksasala@clelaw.lib.oh.us.

Links: The text and status of SB 345 can be found at the following link: <http://tinyurl.com/6ndtym>.

The history of the underlying Task Force activities can be found on our website at the following link: http://clevelandlawlibrary.org/Public/Misc/Task_Force.html.

"This is not an idle threat county law libraries can ignore. Without this income or county funding for salaries and space, virtually all of Ohio's county law libraries would cease to exist."

Court and Spark

Editor, SCCLL News

Editor's Note: Court and Spark is a place where "our court and county librarians are motivated to contribute musings on, experiences with, or real life accomplishments in, strengthening the recognition of their library as a full and honored partner in the process of self representation, where the Court staff, the librarians and the library user overlap, and where expectations are met or exceeded."

I did not received any submissions for this column, but would really like to see it continue! So, go ahead, send me your piece - I'm waiting (and, yes, I do know how dangerous it could be asking a bunch of law librarians to send me their opinions, experiences and accomplishments!).

Courts Solutions Conference - Resolving Problems Through Training

By Sara Galligan, Ramsey County Law Library

I attended the Courts Solutions Conference (CSC) as AALL's representative to the National Center for State Courts (NCSC). The CSC is NCSC's biennial conference, usually held in Baltimore in September. This year's conference focused on three program tracks: Self Represented Litigation; Delivering Court Interpreter Services; Survival by Service Redesign. By far, the majority (70%) of attendees participated in the Self Represented Litigation (SRL) track.

The SRL's opening session featured several speakers who set the program's tone by highlighting court initiatives and improved access for SRLs. Robert Baldwin, Executive VP and General Counsel for NCSC, described his organization's role as multifaceted, including: 1. taking court tools internationally; 2. a voice for state courts nationally on legislative issues; 3. a monitor of changes in Congress (e.g. upcoming proposals with regard to modifications to ADA); 4. a provider of national education and civic education; 5. a national forum for discussion among major court organizations in the country. He also mentioned that in 2010, the 4th National Judicial Symposium would take place; this event occurs every ten years.

Opening speakers that set the stage for the SRL program focus included Chief Judge Robert Bell of Maryland, Richard Zorza, and Judge Laurie Zelon of the California Court of Appeals. They addressed interdependence between "public trust and confidence in the courts" and "access to justice." They spoke of the need for courts to re-envision how they serve SRLs, the need to provide services to middle and low-income litigants, and the need to partner with others in the community.

The program emphasized fifteen modules for improving SRL services and included a module entitled "Supporting and Integrating Law Library Services for the Self-Represented." Charley Dyer's column in this newsletter details the fifteen modules. For participants, the opportunity to highlight a specific module occurred in both the general session and in the breakout sessions. For the law library module, law librarians (and there were at least 10 of us in attendance) were asked to prepare a short presentation to their small groups and explain how the module could be used for training staff in our local courthouses regarding the advantages of the service portrayed in the module. In my small group, I presented ten core statements from the library module. In preparation for the presentation, I met with court supervisors in my local court prior to going to Baltimore. In the meetings, I explained the law library's interest in partnering with the courts to serve SRLs, and then I asked them to respond to the ten statements in a follow-up email. The following list includes the statements/responses (each distinguished by varying fonts) about law libraries that I presented to our Ramsey County Court Staff. Five supervisors responded to the questions; mostly, they were in agreement with the statements.

**(Pre-conference survey) For the following statements, please state if you:
AGREE/DISAGREE and PLEASE COMMENT**



1. A referral (to the law library) from the clerk's office is the most common form of collaboration, often occurring daily.

Agree. Most referrals include sending a party to the law library to seek additional forms or to do legal research. Disagree—not until recently have we communicated with one another about roles and expectations...this clarity may change how the court and law library interact—for the better.

2. Law Libraries are able to offer remedial and high level resources, referrals to pro bono attorneys or in-house legal clinics as well as document assembly resources.

Agree. As stated above, most referrals are sent to the law library to seek additional legal resources/books, additional forms not offered by the specific office, or to use law library resources such as the internet and word processing.

3. Law Libraries point people toward forms and other resources. Court self help centers, court administrative staff, and libraries support resources for each of their areas.

Agree. See above. The law library offers a multi-media approach to resolving legal questions. Agree—some provide at higher levels than others due to budget and priorities. Agree—this would be most helpful with expungements.

4. By partnering with libraries, court clerks will be able to focus on processing more people through the system with less stress and strain, while having a direct answer to questions about access to legal materials, legal aid and training.

Agree. Strengthening ties between court clerks and the law library will expand the resources available to court staff and customers to resolve legal problems. Law libraries provide the clerk's office with an alternative to suggesting consultation with an attorney. Although the law library does not replace legal advice, often the answers to legal questions can be ascertained by using law library resources. This gives the customer the satisfaction of knowing that court staff has responded to their needs even if they are unable to provide direct answers to legal questions. Absolutely agree. If we have information on what the library has for resources it would make it much easier on front counter staff.

5. Law libraries offer greater access to computers where forms may be drafted and then filed with the courts.

Agree. Although many of the same forms are available at other computer terminals, the law library has the largest collection of forms and the least restricted use of computers, including access to word processing of documents. Agree and Disagree---some court areas access to PCs is highly user friendly but other areas due to space and budget have little

“Strengthening ties between court clerks and the law library will expand the resources available to court staff and customers to resolve legal problems.”

access to such devices. **Agree**—It would be helpful for customers who come in expecting to be able to use word programs on our computers. **Agree**, except in those instances where court sponsored self help service centers maintain computers.

6. Court staff can identify what isn't being done in the rest of the system that the law library could undertake.

Disagree. Although efforts are being made to inform staff regarding the role of the law library, most court clerks know very little about the law library and how it can benefit the customer and their own daily work. Staff is more likely to refer a customer to a different Division of the Court than to the law library unless the court clerk has already identified the problem as belonging to their particular division and has identified it as a legal or legal research issue. **Agree**, however, others may need to help identify gaps and solutions, such as the customers.

7. Court staff can be an advocate for the law library by making sure the law librarian is invited to join committees that the courts may organize to handle self represented litigants.

Agree. As noted above, interdepartmental cooperation can be of great benefit to both offices. **Agree**—this makes a lot of sense.

8. Create regular contacts between the law librarian and court administration staff to keep open lines of communication going.

Agree. This is a vital need to ensure that court staff understands the benefits and limits of the law library. This will also ensure that the correct information is given to customers and maintain a good working relationship. It will also help to reduce the tendency of the clerk's office to duplicate or mimic services that are more appropriate and better supplied by the law library. It will also help the court clerks identify what critical information a customer should be equipped with upon referral to the law library, including case numbers, legal terms for research and any other information the clerk's office may have that would help the customer and law library staff more readily access the necessary resources.

9. Connect with law library staff for training opportunities for judicial and court employees.

Agree. The more that the library staff knows of our daily work and duties the better equipped they will be to answer the questions those processes will generate in the public. It will also increase the library staff's awareness of the overall court system they are supporting and the particular nature of that system. **Agree**—court staff definitely needs additional training re: law library functions and roles. **Agree**—All staff should be aware of what the library has

“Although efforts are being made to inform staff regarding the role of the law library, most court clerks know very little about the law library and how it can benefit the customer and their own daily work.”

to offer and the help it can give to court staff as well as the public.

10. Include the law library in any surveys of public use of the court system since they receive many questions on how to maneuver the rules and manage filings.

Agree. The law library is part of the court system and, as such, has a stake in the overall success of the District and the Judicial Branch. Fittingly, they should be included in any surveys and their 'usage' is pertinent information.

11. Other

I agree with the integration of law library support into the court system. This will help to alleviate some of the budgetary problems we are currently facing while maintaining good customer service. In addition, it will serve to streamline current pro se services and reduce the duplication of services. It is a team effort, however. Court staff should help to support the law library with accurate referrals and increased communications to help the law library provide services efficiently. This increased communication will require team building, cooperation and perhaps even a measure of cross-training or observational periods that occur on a regular schedule. Many law libraries probably have *untapped, underutilized, and under recognized* resources to assist the courts in their long standing goal of meeting the needs of the unrepresented litigant.

In my breakout session, we discussed services that the law library could provide to courts and summarized the results of the survey. From my small group members, I definitely got positive feedback about how law libraries can serve SRLs. Being exposed to the content of the other modules also gave me an idea of how law librarians can assist in explaining/supporting other programs that serve SRLs.

It was heartening to note the increased participation by law librarians in this court solutions program. One program presenter described self-help centers as the fastest growing legal delivery system in the country. To the degree that law librarians strengthen this delivery, programs such as the Court Solutions Conference increase their knowledge about forming partnerships with the courts. At the same time, courts learn more about the valued services that law librarians bring to the self represented litigation movement.



Above: SCCLL members pictured from left to right - Richard Zorza, Marcus Hochstetler and Charles Dyer.

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SCCLL Meeting With West

Sara Galligan, Ramsey County Law Library

Oregon Convention Center
Portland, OR
July 14, 2008

Attendees for SCCLL:

Donna Bausch, Norfolk Law Library
Penny Hazelton, University of Washington/Consultant to AALL Vendor Relations
Barbara Fritschel, U.S. Courts Library, Milwaukee
Sara Galligan, Ramsey County Law Library, St. Paul
Amy Hale-Janeke, U.S. Court of Appeals 5th Circuit Library, New Orleans
Marcus Hochstetler, King County Law Library, Seattle
Anne Matthewman, Toronto Lawyers Association Court House Library, Toronto
Karen Quinn, Rhode Island State Law Library, Providence
Regina Smith, Jenkins Law Library, Philadelphia

Attendees for West:

Anne Ellis, Senior Director, Librarian Relations
Mike Kinsella, Manager, Librarian Relations (Convener)
Tom Pfeifer, VP, Government Sales and Account Management
Mark Capaldini, VP, Government Segment Marketing
Bob Azman, VP, Customer Experience Operations
Sue Denkinger, Director, Customer Services

1. Customer Experience Roundtables—Bob Azman and Sue Denkinger shared the results of focus groups that were conducted by various segments to better respond to customer questions from West. They are interested in additional topics that could be covered in the focus groups. They also explained that there had been some changes in field assignments.

They described transaction based surveys (monthly), changing training for sales reps and phone support reps, and also trying to reduce reasons why customers are calling. For West Coast customers, the phone service is now open until 8PM CST.

2. Print pricing, upkeep, and how LMAs can help—Mark Capaldini and Tom Pfeifer explained that discussions are underway and that West is in the midst of designing new approaches to the Library Maintenance Agreement (LMA). Specifically, one new program would apply to collections in the \$10,000-\$40,000 expense range and is entitled "Library Savings Plan" (LSP). While the LMA is for larger collections (and is growing steadily), they want to extend the concept to smaller libraries and are getting input from local sales reps and are also planning a marketing campaign to local libraries (and maybe for small firm law libraries). They encouraged law librarian feedback regarding this new program. Law librarians asked about penalties if a library had to drop out of the program. Tom and Mark explained that they understand that libraries face budget challenges and would talk to customers to do a workout. The agreements could also have a clause related to unavailability of funds. LMAs also offer a swapping option (to substitute one title for another) which could exist for LSPs. One librarian asked if the



program would expand its coverage to Canadian customers of Carswell. Mark forwarded that request to Carswell, which is managed separately from West. As for a variety of rates of increase related to LMAs, one librarian advised that it would be better to keep annual increases consistent among LMA customers.

3. Government document depository rules/Barclay's California Code of Regulations—Mark Capaldini reported that he had contacted the state librarian in California to assess why some county law libraries were not receiving Barclay regulatory and code materials that are licensed to ThomsonWest. California depository libraries have an arrangement whereby West provides the depository copies for 137 locations. The library locations are confirmed by the state librarian who sets the libraries that receive Barclay materials. Bill Riddle, Librarian Information Resources and Government Publications for the California State Library) explained that the process works as follows:

“The system by which California county law libraries become depositories for state government publications (like the Barclays materials) is governed by California's Library Distribution Act (CA Government Code sections 14900-14912; in particular, see sections 14905 and 14907-14909). Libraries wishing to become depositories must apply for depository status with the State Librarian, specifying what type of depository they'd like to be—a complete, selective, or law library depository (the latter category describing county law libraries). If approved by the State Librarian, then that library signs a contract with the state's Department of General Services (was the Department of Finance before 1964), agreeing to house, manage, process, and make available the state publications that they receive on deposit. The State Library maintains the list of state depository libraries; this list is available on the CSL webpage at the first link on this webpage: http://www.library.ca.gov/gps/gps_cal3.html. When changes to the list are made (address changes or libraries added or dropped from the list), the document is changed on the website and some of the primary distributors of state publications are also notified directly of the changes - the Office of State Publishing, Assembly and Senate Publications Offices, and notably West/Thompson Reuters, the publisher of the Barclays materials. So West should have the latest version of the mailing list, and it is also available from the State Library's website.”

Mr. Riddle's contact information is: 914 Capitol Mall, P.O. Box 42837, Sacramento, CA 94237-0001, (916) 651-6799; briddle@library.ca.gov.

4. Westlaw pricing: usage vs. plan rates; confidentiality of contracts and pricing—Tom Pfeifer and Mark Capaldini addressed librarian's questions about the need to keep prices confidential. They explained that non-disclosure of pricing was a result of the limitless variables involved in their pricing structures; these include content, number of users, and length of contract. They acknowledged librarian's need to have pricing information available, and they're exploring options that can better explain how they arrive at pricing. They believe there are eight to ten factors that would go into such a discussion.

“They explained that non-disclosure of pricing was a result of the limitless variables involved in their pricing structures; these include content, number of users, and length of contract. They acknowledged librarian's need to have pricing information available, and they're exploring options that can better explain how they arrive at pricing. They believe there are eight to ten factors that would go into such a discussion.”

West Print Price Increases: Mark Capaldini explained that West print price increases are driven, in large part, by increasing production costs, including costs of acquiring new content; editorial, order fulfillment, and manufacturing labor costs; expenses for raw materials used in manufacturing; author royalties; and higher energy and shipping costs. West has a wide range of discounts available which depend on the specific title and number of copies purchased, as well as each customer's unique overall relationship with West. Mark further stated that West understands customers' budgetary restrictions and the need for predictability in pricing and that was the impetus for the creation of programs such as Library Maintenance Agreements and Library Savings Plans. Mark also indicated that West would make this explanation of cost factors available on the West website.

5. **Westlaw Patron Access: emailing/downloading vs. the competition**—Mark Capaldini summarized West's concerns about emailing and downloading; i.e. that attorneys would use the library download/email option rather than purchase their own subscription. However, West is looking at making portions of their database available for emailing. After studying Patron Access, it doesn't appear to reduce sales to attorneys and law firms, so West is now willing to look at some possibilities to offer download/email capability to Patron Access subscribers. West has developed an initial design for this new capability and will be reviewing it with some librarians the 4th quarter to be sure that it meets customer needs. Assuming that this design receives positive feedback, implementation will be in early 2009.

6. **Usage Statistics**—Mark Capaldini explained that West has identified a technical approach that will offer usage statistic capability. This should be implemented early in 2009.

7. **Other**—West attendees expressed an interest in ongoing dialog about SCCLL-SIS member concerns and indicated an interest in a possible mid-year teleconference to stay in touch with our group.

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Left: SCCLL members pictured from left to right - Joan Bellistri, Catherine McGuire and Steve Anderson.

Charley's Corner

Election Special: Changing the Frame

Charles R. Dyer, Consultant and Retired Director of the San Diego County Public Law Library

All views expressed in this column are solely those of the author.

Back in September 2004, I devoted a Charley's Corner to an election theme. While I have never denied that I am politically liberal and a supporter of the Democratic Party, I try to avoid taking a direct political stance in this column, which is meant for all SCCLL SIS librarians, regardless of their political beliefs.

So I devoted that column to a relatively objective view of the Bush Administration's policies on matters of concern to librarians. While noting several items that many librarians consider to be incursions on freedom of speech, I also noted that the Bush Administration had pushed more funding into graduate and undergraduate training for librarianship and funding of library science research projects than any previous administration. Undoubtedly, Laura Bush, as a former children's librarian, was a great influence on the President in that regard.

Of course, the funding from the national government has not been sufficient to replace the considerable losses of funding for county law libraries that has occurred at the state and local levels over the past few years. The loss of civil filing fee income in Florida, under the watch of then Governor Jeb Bush, is peculiarly vexing to me, as it seems that Laura Bush's influence did not extend to her brother-in-law. Laura Bush most likely never noticed the situation in Florida, or she, like many, considered county law libraries as entities devoted solely to helping the practicing bar that could and should be privatized, i.e., let the lawyers buy their own books. Or she, like many, might believe that public libraries should be mostly augmentations of schooling for children, with fewer resources devoted to adult needs. ("Let the people buy their books at Barnes and Noble. If you don't have the money for books, well, shame on you.") ("And that would certainly be true of county law libraries, and people should hire lawyers anyway.")

Those sentences in parentheses in the preceding paragraph are meant to be the words that might come out of the mouths of people who hold the beliefs that I attribute as possibilities to Laura Bush. Those beliefs and those words come from a cognitive frame that holds that people should earn enough money to take care of their needs, and when they don't, it is their fault. This frame further holds that those who are rich are deserving of their riches, and they are better people than those who have not managed to accumulate wealth. In effect, those employing this frame would suggest that having not earned the money to hire a lawyer when you need one is a moral failure on your part. This same frame suggests that people left behind when Katrina struck New Orleans have only themselves to blame and that they were morally wrong to have sat on their haunches instead of going out, doing hard work, and earning enough money to have a car and be able to get out of town before the storm hit. Even those in wheelchairs should have earned money prior to their debilitating event in order to handle their own situation. Indeed, those who may have lost limbs from diabetes have only themselves to blame for their condition as well. Had they eaten better, i.e., not had diabetes, they would have been able to walk out of New Orleans.



Many of us who have struggled and attained some degree of success often succumb to this framing as it is regularly preached at us through the media and often through our churches. Many successful immigrants become conservative voters as they apply the “veracity of their own life story” to their political thought, even to the extent of denying easy entrance into the United States to successive immigrants.

There is the notion among some that the frame is simply a result of the clash of the classes. But the statistics don’t bear that out. Among the upper middle class, especially the professionals, the ones who had to do a lot of college and testing to attain their roles in life, Democrats outnumber Republicans. Among working classes, those who find it harder to make ends meet, Republicans outnumber Democrats. And one study showed that, when given the chance to vote, the chronically homeless generally vote Republican! With books such as Thomas Frank’s *What’s the Matter with Kansas?*, the fact that class is not the decider for the frame we use is no longer news.

Daniel Kahneman, a cognitive scientist, won the Nobel Prize in Economics in 2002. He and his late colleague Amos Tversky used cognitive science to show the inadequacies of the “rational actor model” and how economics could benefit from the study of how people really reason. (http://nobelprize.org/nobel_prizes/economics/laureates/2002/kahneman-lecture.html) Kahneman distinguishes *reflexive* thought from *reflective* thought.

“Classical economics presumes that people make rational decisions based on marginal utility, i.e., what do you gain versus what do you lose.”

Classical economics presumes that people make rational decisions based on marginal utility, i.e., what do you gain versus what do you lose. Kahneman and Tversky found that:

- People think in terms of gains and losses relative to a reference point, e.g., momentary pleasure over long-term gain, quarterly profits over infrastructure support.
- People tend to choose frames that highlight gains rather than losses.
- People tend to avoid losses more than they prefer gains, e.g., a 10 percent death rate is worse than a 90 percent survival rate. (There was an actual psychological experiment that showed that how the doctor stated the probability actually altered the responses.)
- People tend to prefer certainty to uncertainty.
- People tend to think in terms of prototypical frames.
- People tend to adapt to a new state and take it as a new reference point, e.g., our successful immigrant.
- People tend to substitute more “accessible” frames for more accurate but less accessible frames, e.g., “global warming” as opposed to “climate change.”

Thus, contrary to classical economic thought, gamblers who are losing tend to think they need to bet more in order to win back their losses, and presidents fight wars long after their original aims are met or denied.

In line with these observations, those who see the free and open marketplace as the place where the best will win continue to apply this frame well beyond the scope of its validity. We are taught to think that “socialized medicine” is somehow bad, as if our current privatized system actually gives we consumers any real choice about our medical care and thus the best care becomes the kind that wins out. I get my medical insur-

ance through the California Public Employees Retirement System, which has better than a million people in its medical system, i.e., it has great bargaining power. Yet even with that group leverage, HMO choices are few and those of us outside of California can only use one of two PPO programs. With my PPO plan I would be seeing the same doctor as if I had no insurance (unless I were too poor and had to rely on the emergency room), because in my small community, even with relatively good medical services, only a very few doctors were accepting new patients when I arrived. And who has the ability individually to go hunting around interviewing doctors as if we were buying a new car. And when my doctor wants to run expensive tests, he has to check with my insurance company to see if his plan for my care fits with the company's protocol, e.g., must I go through needless physical therapy before I can qualify for an MRI. Is our privatized system actually allowing us to get the best medical care?

The reason that "socialized medicine" sounds like some evil is that those who want the present system to continue have been very good at framing our thinking. "Socialized" sounds like communism, our cold war bogeyman that so easily provides guilt by association. Using their definition of "socialized," we should consider that we already have socialized fire protection, socialized police protection and socialized roads and bridges.

What this freedom of the marketplace frame has done is to skew our brains into thinking that things are better done when there is a profit motive, as if the removal of profit will somehow remove the incentive of we humans to do good things. Those of us who choose to work in public law libraries or for government agencies generally do not make those choices based on our profit motive. Sure we want good and fair salaries, but we do not expect to be making money like investment bankers, even though many of us are brighter and more capable than investment bankers, or at least the ones I've met.

This thinking has, of course, entered our own profession to some extent. We tend to think that the competition between Reed Elsevier Lexis-Nexis and Thomson Reuters West is a good thing. And we lament the loss of the many small publishers bought up by these two companies and a couple of other conglomerates. West Publishing began in the mid-1800s as a private publisher of appellate court opinions, finding a niche because the states individually were always woefully behind in getting out their official reports. Partly, that was due to the time required to accumulate enough opinions to make publishing a new volume worthwhile. Enter West's regional reporters, combining reports of adjacent states into volumes that could be published faster, and publishing advance sheets, i.e. pamphlet editions of portions of volumes so they could come out even faster.

In this day of online court reports, there is no longer the ability of a private concern to provide a service that individual state governments could not. Nearly all appellate courts now publish their own reports, either themselves or through another government agency. Backfiles of court opinions have been scanned in by smaller companies competing with West and Lexis. Such scanning is now so inexpensive that any state government could easily do the same. West and Lexis are now scrambling to provide additional services to lawyers and others so that their services are still considered worth paying for. And all this is being done without any real change in framing. It's just that it is now so easy for government to do what it should always have done that it is now

"What this freedom of the marketplace frame has done is to skew our brains into thinking that things are better done when there is a profit motive, as if the removal of profit will somehow remove the incentive of we humans to do good things. Those of us who choose to work in public law libraries or for government agencies generally do not make those choices based on our profit motive."

unavoidable. Shall we refer to this trend as the intrusion of “socialized court opinion publishing”? If you talk to some Lexis and West sales representatives, you would think so.

So let me backtrack a bit to get to the point of this column. Why do we librarians become librarians? According to cognitive science, there are several kinds of neural events going on in our brains as we learn how to deal with the world. We have the natural tendency to try to reach a nice homeostasis, i.e., be in a good place, so we have pain and pleasure neurons and neurotransmitters that help us learn what works and doesn't work. Fear and joy are elemental parts of our decision making process, operating often at a “reflexive” level, to use Daniel Kahneman's term.

But in addition to that, we have a particular type of neuron called the *mirror neuron*. Mirror neurons are those that cause a baby to smile when his mother smiles at him. This process of emulation is the necessary ability required for learning. A failure of some of the functions of mirror neurons is the cause for autism and similar learning disorders.

But mirror neurons also do something a bit more. Through them, we learn to realize what others might be thinking. That is how we anticipate the actions and reactions of others. We understand facial expressions because we know that when we feel sad, anger, joy, pain, and so on, our facial expressions are the same as those we observe in those states. This is the root of empathy. All human beings who are not severely mentally ill have the ability to have empathy for others. It is as much a part of being human as fear, joy, and the other base feelings we have.

Most librarians I know are usually very empathetic. Indeed, our best reference librarians are those who can anticipate the needs of their customers so as to speed the process of getting them the resources they need. It is perfectly logical and indeed a mark of our humanity to be empathetic. As a species, we survive because we see the needs of others as connected to our own environmental conditions. Mothers endanger themselves in order to save their babies. In a more abstract sense, soldiers fight for their country because they are hoping to improve or maintain the lot of their countrymen. Or at least, that is a principle we use to sell military service as a noble thing.

What this country needs is a new frame that emphasizes our empathetic side, as well as our competitive side. Can government solve everything? No. Governments tend to be lousy movie producers. Large bureaucracies often lose the close touch needed, indeed the empathetic side, when providing human services. But the marketplace frame is not filling the bill either. When the bureaucracies still exist, but buried inside large corporations that are unaccountable to voters and often unaccountable even to marketplace economics, the lack of empathy is even worse. What governments can do is to remember our better nature and allow its employees to do so as well. What governments can do is find ways to improve our lives without seeking the immediate rewards of quarterly profits. We can wean ourselves off fossil fuels. We can provide health care for all. We can provide disaster services for all. We can provide justice for all.

A county law library is not just a place. It is a provider of renewed homeostasis, where

“A county law library is not just a place. It is a provider of renewed homeostasis, where empathetic humans help other humans obtain a state of social equilibrium by providing them access to justice.”

empathetic humans help other humans obtain a state of social equilibrium by providing them access to justice. Social equilibrium is a necessary part of physiological equilibrium. In that sense, like fire and police departments, we are a part of the health care system.

Don't forget to vote. And don't forget to vote all the way down the ballot. Every public position needs our vote.

For those of you wanting a fast and friendly read on much of what I discussed here, I recommend George Lakoff, *The Political Mind: Why You Can't Understand 21st Century Politics with an 18th-Century Brain* (Viking 2008).

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My Experience at AALL

Joanne Gialelis

Attending the AALL Conference was a truly exciting experience. Being an online library student, it can be hard to network with fellow students. Seeing the strengths of networking at the Conference taught me that networking is more than just getting one's name out there; it is also about sharing ideas and solutions to commonly shared problems that libraries across the countries face. Even on session breaks and on the MAX's light rail trains, I overheard librarians openly trade collaborative ideas and contact information. The conference's theme of Energize! Explore! Evolve! was captured - truly captured - in every moment of the conference. After attending this conference, I realized our field has evolved from a profession concentrated on technical tasks to one in which new and innovative ideas help shape our institutions.



I attended a variety of sessions and meetings to get introduced to the different trends facing a variety of law library types. My favorite session was the Legislative Advocacy Training sponsored by the Washington Affairs Office. It taught me that being a leader is more than just effectively managing a staff, a collection, or usage policies, but that an awareness of larger social, political, and economic influences need to be known and understood. I also thoroughly enjoyed sessions on working with government information, especially FOIA requests, and working with self-represented litigants. These sessions further solidified my interests in working with the public and publicly available information resources.

The variety of subject expertise our members taught sessions in was very enlightening, especially the "We are the World" session focusing on international law resources. Many of our members have come to the field from widely different educational backgrounds, and it's great to how see these differences enhance the field. The biggest surprise to me at first was seeing a large number of judges and library board members present. After the educational sessions, I realized this shouldn't have been a surprise. Our profession depends on strong networking abilities with those outside our field as much as within it. I have already begun to share my experiences at the AALL Conference with fellow students in my program who are mostly interested in working in public and academic libraries. I hope to take the concepts learned at Conference and utilize them heavily in my professional career and in my networks in and outside law libraries.

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The Back Page

Member News & Announcements



The SCCLL Nominations Committee is seeking nominations

The SCCLL Nominations Committee is seeking nominations for candidates for these two positions, which will become vacant in July 2009.

Vice-Chair/Chair Elect
Board Member to serve on SCCLL's Executive Committee

Each position requires a three-year time commitment beginning with the July 2009 AALL Annual Meeting to be held in Washington, DC. The Vice-Chair/Chair-Elect serves for the first year as a member of the Executive Committee and is chair of the Strategic Planning Committee. The Vice-Chair/Chair-Elect attends the SIS leadership training at the annual meeting, if possible, and appoints committee chairs for the following year when he or she becomes the Chair.

The Chair prepares charges for committees and coordinates their work, writes the Chair's column for the Newsletter, attends the SIS leadership training at the annual meeting, serves on the AALL Council of SIS Chairs, coordinates SIS activities at the annual meeting, and runs the SCCLL business meeting.

The third year of the term is spent as Past Chair, and the duties are to serve on the Strategic Planning Committee and to advise the current chair.

The Member-at-Large serves on the Executive Committee as a voting member, and may also serve as a committee chair, advisor to a SCCLL committee or be assigned other responsibilities by the Chair.

Do consider running for one of these positions or nominating another talented and energetic SCCLL member. SCCLL is an active group within AALL and we need more leaders to keep it that way. For more information, or to submit your nomination, please contact any member of the Nominations Committee by Friday, **December 5, 2008**.

Anne McDonald, amcdonald@riag.ri.gov
Donna Bausch dbausch@norfolklawlibrary.org
Janet Camillo jcamillo@mcccourt.com
Sandy Marz smarz@washoecounty.us

Ballots will be distributed to the membership by April 1, in accordance with SCCLL's bylaws. SCCLL now has electronic voting which takes only a moment of your time. Every vote counts!