In This Issue

6p.
How to Protect Domestic Violence Victims who Come to the Library for Information

22p.
One Ordinary Law Librarian Assists in Solving a 53-Year-Old Mystery

26p.
The Social Audit: What is Your Library’s Impact on Society?
What hat will you wear today?

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- **Determined gumshoe**
- **Research-cost recovery expert**
- **Last-minute miracle worker**
- **All of the above**

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I recently received a research request that required quickly retrieving an English translation of a proposed Chinese law—within two days—for a pitch to a client. Nonplussed, I checked Sources of Foreign Law for some leads to Internet-based resources. A check of those sites, however, proved fruitless. Next, I tried some commercial services—looking for news stories about the law—hoping that they would point to a source. I found several articles, but none referred to a source for an English version.

I tried a couple of search engines, Ask and Google, without success. One, however, did point me to a www.llrx.com article, which in turn led me to an academic law librarian colleague. The LLRX article reminded me that someone might have written a law review article on the topic. Sure enough, a check of the Legal Resource Index yielded multiple articles on the proposed law, but the best footnote reference to the law was, “A current English translation is in the author’s files.”

By now it was late afternoon in Denver, so I decided to try multiple approaches since everyone East had probably gone home already. Still, I made the long-shot phone call to the academic librarian…and it rolled into voice mail. I explained my quest in a voice mail message and promised a follow-up e-mail so that he could easily reply. His reply the next morning confirmed my research that there was not an English translation readily available. And in his reply he copied a key sales representative of a commercial site who might be able to provide the translation.

Alas, by 10 a.m. Denver time I had not heard from the sales representative and decided it was time to try the author of the law review article, a partner at a large, southeastern law firm. As I drafted the e-mail to the partner, I suddenly realized (duh) that I knew the librarian at the firm. I stopped typing, found the phone number, called my librarian friend, and within five minutes I had the most recent translation of the current proposed law. Wow!

Two weeks later China finally passed the law, and the sales representative from the commercial site sent me a special trial offer, which included a link to the English version of the law.

The moral of the story: I made connections using the standard approach to legal bibliography and research, trying one source and then another source, changing the sources used as new ones presented themselves and remembering a core belief that law librarians want to help each other and that it is much easier to help someone when you have the personal connection. I had started the personal connection years ago by participating in AALL and attending meetings. I reestablished that connection by telephoning, chatting briefly, and then getting the translation e-mailed to me.

This issue of Spectrum covers many topics and connects us with our changing law library world and what we do outside of our library world.
# Table of Contents

## Features

<table>
<thead>
<tr>
<th>Page</th>
<th>Title</th>
<th>By</th>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>Practicing Law Librarianship: New Technology Means New Dangers for Domestic Violence Victims</td>
<td>Jacqueline Cantwell</td>
<td>What law librarians should know to help protect victims who come to the library for information</td>
</tr>
<tr>
<td>10</td>
<td>Public Relations: Selling Law Librarianship</td>
<td>Kristine L. Collins</td>
<td>Build a set of sales skills to become more effective in today's business conditions</td>
</tr>
<tr>
<td>12</td>
<td>A Law Librarian's Second Life</td>
<td>Meg Kribble</td>
<td>Explore the virtual frontier with your colleagues and a whole other world of people</td>
</tr>
<tr>
<td>16</td>
<td>Reaching across Virginia—Virtually</td>
<td>Jeanne T. Ullian</td>
<td>How one chapter experimented with videoconference at a meeting to increase member involvement</td>
</tr>
<tr>
<td>22</td>
<td>Cold Case</td>
<td>Joyce Manna Janto</td>
<td>One ordinary law librarian assists in solving a 53-year-old mystery and learns a lesson about how law students treat legal research</td>
</tr>
<tr>
<td>26</td>
<td>Perspective: What is Your Impact on Society?</td>
<td>Mark P. Bernstein</td>
<td>Law librarians should perform social audits to evaluate the value of the library</td>
</tr>
</tbody>
</table>

## Columns

1. Letter from the Editor
2. From the President

## Announcements

32. Awards Committee Calls for Nominees for AALL Awards
33. AALL Elections this Month

## Center Insert

- The CRIV Sheet

## Departments

- @AALLNET.org
- Ad Index
- Member to Member
- Memorials
- Stu’s Views
- Views from You
How do smart librarians choose which online resources to keep?

You've just been told the budget needs to be cut – yet to be sure you don't cut resources that are critical to your firm's practice. You ask attorneys and staff which resources are the most important to them, and instead they list every resource they can think of.

You simply can't make the right choices about how much online resources are worth when accurate information isn’t available. But a smart librarian knows where to get it: LookUp Precision, the premiere solution for usage tracking, cost recovery, and password management for online resources.

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The objectives are to:

- Provide tools to increase members’ abilities to position themselves as essential to the mission of their organizations.
- Provide leadership training opportunities.
- Expand mentoring programs and opportunities.
- Increase AALL participation in organizations within the legal and library communities.

This spring AALL led the legal community by organizing a national summit on Authentic Legal Information in the Digital Age, which brought together AALL members and officials from national legal organizations and state and federal government to discuss possible solutions to a critical emerging area of information policy. We are continuing to educate the leaders in legal fields on the critical importance of this issue.

The Publishing Initiatives Caucus has promoted the expertise of law librarians to the wider legal community by writing articles on legal research topics for bar journals and legal newspapers. The second edition of our Guide to Fair Business Practices for Legal Publishers was approved by the board in 2006 and is being adapted for use by several other international law library organizations.

This summer the Executive Board approved an expanded representatives program, which will result in AALL having official representatives to a wider range of law and library organizations. Our committee structure is receiving a major overhaul for the first time in 20 years, and a new chair/vice chair approach will provide for better mentoring of new leaders and more continuity in committee operations.

Leadership is the focus of two special committees that I’ve appointed—the Leadership Development Special Committee and the Developing Law Librarians for the Future Special Committee. The Leadership Development Special Committee is already well on its way to developing plans for an annual AALL leadership institute. The Developing Law Librarians for the Future Special Committee is in the process of forming a comprehensive review of how we recruit, educate, and mentor future law librarians.

Are You a Leader?

But what does all this really mean to you? Does every law librarian have to be a leader? You don’t necessarily have to be the director of the library, the chair of a committee, or the president of your professional organization to be a leader. Leadership skills are needed and can be practiced every day in your job and in your personal life. In AALL’s recent essay contest on “Why Do You Belong to AALL?” (June 2007 AALL Spectrum) one of the winners, Joseph Novak, wrote, “The measure of any group of people is not the leadership, but rather the people themselves...It’s the people that will carry this organization in the future, as it does now, as it has in the past.”

I’ve read several articles about leadership in the last year or so, and one consistent theme is about change. Leaders don’t stand still. They look ahead and try to determine where their organizations need to go and try to figure out how to get there. Doing a good job at what they’ve always done just isn’t enough. They must have the courage to go beyond their comfort levels.

All of this sounds to me like the daily life of a law librarian. Our roles, our resources, and our responsibilities seem to change almost daily. We have to constantly prove our value to our organizations or our libraries may cease to exist. It is both an exciting and frightening time. But whether you are in a law school, a law firm, or a court, and whether your role is the library director, the cataloger, or the reference librarian, you need to lead in your area of responsibility. You need to develop a vision of how to do things better or how to bring new services and value to your users.

Leave Your Footprint

How can you do that? By keeping current on new developments in your field, by learning to manage change, and by being willing to push ahead into new areas. Law firm librarians are evolving new roles as competitive intelligence specialists, court librarians are partnering with other organizations to expand their services to the public, and law school librarians are extending their roles as teachers. Law librarians in all types of law libraries are experimenting with podcasts, Webcasts, blogs, Library 2.0, and the list goes on. Law librarians are also leading in their larger employer organizations.

So gather your courage and lead in a new direction—write an article about research for a newspaper or magazine that is read by your stakeholders or volunteer for a committee or work group that cuts across the departmental lines of your organization. Share your knowledge by mentoring a newer colleague in your work environment, on a discussion list, or at a chapter meeting or annual conference. Apply for an AALL/BNA Continuing Education Grant to develop a program. Tell a promising student or library technician about law librarianship. Consider whether the time is right for you to lead in a more formal manner, and, if it is, try presenting a program or running for office in your chapter or special interest section. If you’ve done that already, try running at the national level.

Many articles about leadership talk a lot about vision. This sounds like something really grandiose that many of us may not feel like we have. But do you have an idea for a new service, a new way of doing things, a new role? Take that vision and make it a reality!

One of the most interesting definitions of leadership that I’ve read comes from an article by Jonathan Byrnes in Harvard Business School’s HBS Working Knowledge newsletter. He quotes a graduate school admissions officer as describing leaders as “people who leave their footprints in their areas of passion.” If you have read this far, then I know you are passionate about law librarianship! So, where can you leave your footprint?
“BNA is the standard for legal newsletters in our firm. No other services are as consistent in quality.”

BNA products have always been of high quality. They’re the first places to turn to find out what’s happening in any area of law. Attorneys get the current information they need and pass that on to their clients.

“By expanding the subject areas covered—for instance, BNA’s Pharmaceutical Law & Industry Report came out just as biotechnology became a hot topic—BNA continues to meet the demands of the market. And the immediacy of Web-based services is great.

“I’ve been the law librarian here for 23 years. We’ve had BNA services for so long that it’s just assumed BNA is the standard for newsletters.

“So we keep subscribing to additional BNA services as the years go by. We started with four or five, and as the office has grown into more practice areas—well, I can’t even name all the BNA services we have at this point!”

Charlie Knuth
Director of DC Library Services
Foley & Lardner LLP
Washington, DC

800-372-1033
www.bna.com
New Technology Means New Dangers for Domestic Violence Victims

What law librarians should know to help protect victims who come to the library for information

Court libraries may be among the first places domestic violence victims go for information— in person, on the telephone, or through virtual reference. Meanwhile, rapid changes in technology have created common gadgets that can be exploited by abusers to continue a pattern of control and harassment. Law librarians need to be aware of these security and confidentiality issues to help protect those victims who use the law library.

Since its founding in 1996, the Brooklyn Domestic Violence Court has handled all of Brooklyn’s indicted felony domestic violence cases. It has been a model for Domestic Violence (DV) Courts throughout the nation and internationally because of its success in improving offenders’ compliance rates with court-issued orders. Its organization reflects the goals of a problem-solving court by drawing upon many resources to aid the victims of domestic violence and to hold offenders accountable.

The court has had two presiding judges since 1998 because of its large case load. Each part has a resource coordinator and an on-site victim advocate. Two case managers within the Case Management Unit do psychosocial assessments and program placement. The case managers monitor defendants with substance abuse or mental health issues as an alternative to incarceration. If the defendants are not compliant, they face jail.

The court collaborates with a team of victim advocates. Some of the victim advocates are from the District Attorney’s Domestic Violence Counseling Unit; others are from Safe Horizon, a not-for-profit victim advocacy agency. The court is involved in active outreach with stakeholders and coordinates information and practices among court personnel, criminal justice, and social service agencies by holding quarterly partnership meetings.

To better understand the needs of this court, our library staff asked to observe partnership meetings. The court’s presiding judges, Matthew D’Emic and John Leventhall, kindly permitted us to attend. For library staff, these meetings have been an eye opener. We have been impressed by the stakeholders’ commitment to victims of domestic violence. Because of our better understanding of this court’s concerns, we are revising our collection development policies and current awareness services with the input of Jezebel Walter, the court’s project director.

Technology Gone Bad

For the March partnership meeting, Erica L. Olsen of the New York State Coalition Against Domestic Violence spoke on the theme “Planning for Safety in a Tech Filled World,” adapted from curriculum from Safety Net, the National Safe and Strategic World, the National Network to End Domestic Violence. Olsen spoke for almost two hours on how technology and common gadgets can be exploited by abusers to continue a pattern of control and harassment. Olsen described how court personnel and service providers need to be aware of how technology can put victims at risk.

She started her presentation by describing how domestic violence victims use the Internet to find resources. Many domestic violence Web sites have “escape” buttons that quickly allow users to click to another page; however, it is also important to alert users that cookies and images from all of their Web surfing will remain on their computers. Navigating to a new Web site does not erase these and does not guarantee that an abuser will not later access the computer and view the victim’s Internet history. Additionally, victims sometimes send questions about domestic violence through a Web site or via e-mail, and service providers need to be informed about the safety risks of online communication.

Olsen briefly described cyberstalking, the use of the Internet to stalk individuals through e-mails, monitoring software, and other telecommunication technologies. Abusers also search public records for information on victims. The courts have been aware of the risks of posting personal information from cases and briefs on the Internet, but the drive to post documents from so many organizations has created a new resource for abusers.

Information posted on the Internet never disappears. Since search engines are consistently archiving information on the Web, even if harmful or confidential information is removed from a Web site, it is still accessible on the Internet. Barbara Fullerton’s 2003 LLRX.com article, “CyberAge Stalking,” describes cyberstalking in depth and remains a good resource (www.llrx.com/features/cyberstalking.htm).

Olsen spent most of her time on phone-based technologies, GPS devices, video cameras, and computer software. She covered an enormous amount of information that the audience appreciated; many of the devices described were involved in on-going cases. For law librarians, the points to be absorbed were how technology can be abused and to become aware of legislation and resources. Common practices may expose victims to harm.

Harmful Phone Uses

Corded, Cordless, and Cellular Phones. Abusers use phones to stalk and harass, as well as to monitor communications. Cell and cordless phones may not be a confidential means of communication because they may be intercepted through a variety of technologies.

Corded phones can offer more security for confidential conversation, although abusers can tap or bug any phone line. In addition, phone features, such as caller ID, call logs, text messaging, GPS locator services, instant messaging capabilities, and online billing are all things that abusers exploit to monitor, harass, and stalk.

Caller ID and Fax Machines. Abusers can use services like caller ID to trace victims to a physical location. It’s important to remember that fax machines also operate
Court libraries may be among the first places domestic violence victims go for information—in person, on the telephone, or through virtual reference.
via phone lines and often transmit the phone numbers on the first page of the fax. Individuals being stalked or abused may have their location revealed through these technologies, and it is important to plan around the use of them to promote safety. TTYs. Teletypewriters are text-based phones that people who are deaf or hard-of-hearing use. TTYs store a memory of conversations, keep a call log, and can be used by an abuser to impersonate a victim.

### Surveillance and Monitoring

**GPS.** Global positioning systems are used by abusers to monitor and locate a person. Cell phones equipped with GPS can often be remotely activated and can be used to locate someone when combined with a Web site or software from the phone service provider.

Other GPS devices can be strategically placed somewhere by an abuser to monitor or follow someone without her knowledge. GPS devices can be easy to obtain and difficult to detect.

**Hidden Cameras.** Hidden cameras are used in a variety of crimes, including domestic violence, to monitor and stalk. Like GPS devices, they are easy to obtain and difficult to detect.

### Internet and Computer Risks

**Computer Monitoring Software and Hardware.** Spyware is software that can be installed on someone’s computer, either remotely or directly to the physical computer. Spyware has the ability to record all e-mails, chats, instant messaging, Web sites visited, keystrokes typed, and programs launched; it can also activate Webcams. This information is continually sent to the abuser’s computer.

Keystroke logging hardware is a device that is physically attached to the computer, although still difficult to detect, that records every key typed, including all passwords, the content of all e-mails, and Web sites visited.

**Information Brokers.** Personal and identifying information is consistently being collected and distributed by information brokers. Abusers obtain information, such as a current address, about victims through both free sites and through those that charge a fee. In addition, a great deal of information is being posted to the Web by organizations and courts that may inadvertently provide abusers with information about a victim.

### What You Can Do

Current awareness in technology security and the various ways abusers are exploiting technology may be difficult to maintain, but it is imperative to safeguarding survivors’ personal information, ensuring survivor safety, and accurately holding offenders accountable. Reviewing news releases will probably be the easiest way to learn new terms and become aware of new developments.

### A good resource is the Stalking Resource Center (www.ncvp.org/src/Main.aspx). In January 2007, the Stalking Resource Center published a proposed Model Stalking Code in a 78-page report that librarians would do well to read. Its publication, *Analyzing Stalking Laws*, is a useful cheat sheet for librarians starting research on this topic.

Another excellent resource is the Safety Net Project at the National Network to End Domestic Violence. Its publication, *A High-Tech Twist on Abuse*, is an excellent overview of the intersection between technology and domestic violence.

Googling some of the suggested terms may get you into trouble at work. The new Thomas beta indexing service may be the best way to find new federal legislation. Using that service’s heading, “Telecommunications,” I found the *Preventing Harassment through Outbound Number Enforcement Act of 2007*, H.R. 740, and *Truth in Caller ID H.R. 251*. I suspect both these bills apply to SpoofCallerID.

Finding earlier legislation requires looking at laws on telecommunications, stalking, burglary devices, and privacy. An important privacy law has been the *Electronic Communications Privacy Act (ECPA)* from 1986.

Privacy law has been described as reactive. An example is *The Video Voyeurism Prevention Act*, 108-495, that amended 18 USC 1801 to prohibit sexually-oriented photographs of individuals in public places. This bill was drafted in response to “up-skirt videos.”

Drafting such bills is difficult because, while the “up-skirt” Web sites are repellant, there has been a long tradition of street photography and news reporting in the United States that has not required the consent of the individuals photographed. A recent 2006 case, Nussenzweig *v. DiCoria*, covers the issues of privacy, information, and opinion. This is a good case to read so as to distinguish between the intent of photographers and video voyeurs.

### Just the Beginning

Domestic violence offenders are not the only abusers of technology, software, and the Internet. Other crimes that have been committed by utilizing these technologies include school bullying, identity theft, election fraud, sexual crimes, voyeurism, pedophilia, criminal sexual Web sites, and witness intimidation. Buyers may feel that

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**Domestic Violence Awareness Search Terms**

The attached list of searching terms will work on Google, but not on Thomas. Sexually-related terms may be blocked. This is not a complete list. Librarians would need to read news bulletins on the FBI and Department of Justice Web sites to get an idea of current phrases known to law enforcement.

| Anonymizing Internet tools | Anonymous remailers | Caller ID spoofing | Computer crime | Domestic violence | Electronic crime | Electronic evidence | Evidence | Flaming | Harassment | Identity theft | Investigations | Larceny/theft | Monitoring software | Nanny cam | Offenses against the person | Online bullying | Online disinhibition effect | Online social networking | Parodying | Social neuroscience | Stalking | Surreptitious interception device | Surveillance cam | Upskirt videos | Video voyeurism | Voice over Internet protocol (VOIP) |
|---------------------------|---------------------|-------------------|---------------|------------------|-----------------|------------------|---------|--------|-----------|----------------|--------------|-------------|----------------------|------------|-----------------------|----------------|-------------------------|----------------|------------------------|-------------|----------------------|-----------------|----------------------|------------------|----------------------|-----------------|----------------------|

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*Note: This list is not exhaustive and may require updating as new technologies and laws emerge.*
because something is for sale, it is okay to use.

The advertising for many of these technologies openly encourages people to monitor their partners. It provides abusers with language to justify their acts, making them feel that their actions are valid and defensible. Sexually-oriented Web sites and chat rooms have also created virtual communities that reinforce and support all types of violence.

As librarians, we must contribute to discussions on public integrity and safety and ensure that our public spaces protect users from harm. We must counter the impression that there are no consequences to actions in the online world. We need to become familiar with the ethical issues of other professions, such as journalists. As more court law libraries become involved in virtual reference and live chat, our libraries will have to draft policies in coordination with local administrators.

Jacqueline Cantwell (jcantwell@earthlink.net) is senior law librarian at the Brooklyn Supreme Court Library in New York.

Web Sites

Carnegie Mellon Data Privacy Lab
http://privacy.cs.cmu.edu

Center for Court Innovation - Brooklyn Domestic Violence Court
www.courtinnovation.org/index.cfm/fuseaction/Page.viewPage/pageId/599

Center for Democracy and Technology
www.cdt.org

Department of Justice
www.usdoj.gov/index.html

Electronic Privacy Information Center
www.epic.org

Federal Bureau of Investigation
www.fbi.gov/homepage.htm

Federal Communications Commission
www.fcc.gov

National Criminal Justice Reference Service
www.ncjrs.gov/viewall.html

The National Network to End Domestic Violence’s Safety Net Project
www.nnedvfund.org/SafetyNet

The NYS Coalition Against Domestic Violence
www.nyscadv.org

New York Office for the Prevention of Domestic Violence
www.opdv.state.ny.us/victims/privacy.html

New York Unified Court System
www.nycourts.gov/courts/problem_solving/dv/home.shtml

Poynteronline
www.poynter.org

Reporters Committee for a Freedom of the Press
www.rcfp.org/taping

Stalking Resource Center
www.ncvc.org/src/Main.aspx

Wired Safety
www.wiredsafety.org

Articles


Selling Law Librarianship

Build a set of sales skills to become more effective in today’s business conditions

by Kristine L. Collins

As you read the title of this article, you may have thought to yourself that this is some type of acrimonious joke or a lead to a subject unrelated to “selling.” That dirty word! Law librarians, after all, don’t sell or deliver a book or business for a firm or act as a vendor in any way. Or do they?
As firms move toward and hit the $1 billion mark, they appear to be—for all practical purposes—real corporate structures. That corporate structure in America has a long-standing reputation for financially responsible behavior that requires setting economic goals. The expectation is set on specific dollar amounts, and falling short of those amounts brings a host of unhappy board members and shareholders. The necessity to acquire a set of skills directed at achieving those goals has everyone being able to “sell” themselves, whether externally or internally.

Times they are a changin’—don’t you feel the pressure from your side of the desk in a law library? Many times librarians are unsure of what service it is that they provide, and, once they understand what that is, they wonder if they will provide the service adequately. The thought of selling yourself has, unfortunately, been tagged with a negative meaning. However, in relation to the current environment, it is a necessity. How do you begin to build a set of skills that will arm you to become more effective in today’s business conditions? The following criteria will help that process.

**Personal Development Skills**

When you are asked for your assistance, do you act like you are doing the internal client (partner, associate, staff)? a favor? Since the essence of the library is its academic isolation, a librarian is likely to feel comfortable within that space.

Here are some skills that are easy to implement to move you outside of that comfort zone, but they require practice to acquire as a habit pattern. They can improve the atmosphere within a firm almost instantly.

Always smile when you answer the phone. You can sense the positive energy over the phone lines, and it extends the fact that you are energetic about your service.

Keep a mirror near the phone. Check your reactions and keep tabs on your expressions during phone interactions.

Discipline yourself to react in a positive manner to your own staff members. The exercise will be contagious.

Ask three other people their impressions of your interactions. It is necessary for the individuals to be comfortable with telling you their perceptions. It may surprise you to see how others perceive you in the workplace.

**The Internal Client**

It is almost your entire responsibility to provide the library services to a partner, associate, or supporting staff member. There are many obstacles in accomplishing that in today’s environment, as opposed to 20 years ago. How do you deal with the barriers that prevent these clients from accessing you and the plethora of information available?

**Communicate one application or service a week.** Use graphics to get users’ attention. Keep the rotation going because the squeaky wheel gets the grease. Most of all, keep the communiqué very short because, as you all know, attorneys don’t like to read or be spammed with e-mails. Remind associates of library services that are not electronic. Use this to push your very necessary library agenda.

**Target about 10 attorneys at a time for a small campaign**—perhaps with the help of your marketing department. Use short messages to communicate services specific to particular practice groups. This will encourage them to stroll over to your area or access the information on the firm’s intranet.

**Find a champion within a practice group to introduce a library service.**

Ask him or her to tell three people about it. I was recently told by a firm librarian that the firm had 500 applications on its intranet. For that type of investment by the firm, there should be an ongoing drive to get users to access this information. Remember, if what you are doing is not working, you need to change it up.

**Dedicate a set time of 20 minutes each week to fulfill the above activities (without fail). It will make a difference.**

**Dealing with Emotional Interactions and the Internal Client**

Any interaction with people is ultimately going to spell out your success or failure in a situation. Law firms are special environments with cultures specific to each one. Emotions run high there because success and failure are clearly defined. Either you are an attorney or not—it is black and white.

Unfortunately, the judgment runs throughout the firm, and many times it is a contentious climate as opposed to a more neutral one. You can exercise some control over this if you learn some selling techniques.

**Many times librarians are unsure of what service it is that they provide, and, once they understand what that is, they wonder if they will provide the service adequately.**

Mitigate angry behavior toward you or the library. The individuals who are constantly angry or hostile towards you are likely just angry in general. Understanding human behavior outside of your sphere is mandatory to your performance role. Before you respond to a situation, take a deep breath and consider the following:

- They receive pressure from clients and/or other senior partners to succeed at all costs. It matters if they win or lose.
- They may have personal problems unrelated to work, but do not have the skills or ability to set those aside.
- They are all-around unhappy individuals. Nothing will make them happy.

The way to deal with these types of clients is not to mirror their behavior. Of course you should be respected, but if you exhibit an attitude of sarcasm or disgust, you only feed into their behavior toward you and your staff. If they attack you personally with onsloughts, I recommend using some of the following phrases in a calm voice:

- “Can you help me understand your request better?”
- “Is there any way I can help you _____?”
- “Could you let me know how I could improve _____ for you?”

Remember, at this angry, upset, frustrated point in time, they are not thinking about your feelings or how you should react to them short of genuflecting. The key is to turn it around on them. By remaining calm and using non-threatening phrases, a normal person will be embarrassed by his or her behavior in the long run.

If the situation is abnormally hostile, I recommend you approach the individual at a later time with a question such as, “I know our last meeting was tense, I want you to know that I would like your input on how I might improve that situation so it would have a more favorable outcome.”

Again, if you make it about you or your feelings or your “anything,” you will lose the interaction and negotiation.

(continued on page 31)
Explore the virtual frontier with your colleagues and a whole other world of people

Picture building a library collection out of primitive plywood boxes. Imagine serving patrons with blue skin, purple wings, or the body of a raccoon. Envision flying or teleporting to the library instead of enduring traffic. These things are happening every day in the virtual world of Second Life.

**Virtual Worlds**

In his 2005 book, *Synthetic Worlds: The Business and Culture of Online Games*, economist Edward Castronova explains that virtual reality is here, but it’s not what we expected. Instead of isolating one person in a bulky body suit that mimics sensory perception, it resembles a computer game and creates communities.

San Francisco-based Linden Lab created Second Life in 2003. It resembles massively multiplayer online role-playing games (MMORPGs) like World of Warcraft and EVE Online. However, aside from the terms of service and community standards, Second Life has no rules, no quests, and no storyline.

Second Life’s millions of users, called residents, are responsible for creating all of its content and experiences. They build structures, start businesses, network, plan events, teach courses, share information, and, yes, create games. There are real people behind every character you see in Second Life. An average of approximately 35,000 residents are online at any given time, according to the Second Life Web site.

Second Life has its own economy based on a currency called the Linden dollar. Residents can exchange Linden for U.S. dollars and vice versa—at the time of writing, the exchange rate was 267 Linden to one U.S. dollar, according to the Second Life Web site—so they can make real money with their virtual businesses. On August 4, $1.152 million dollars had been spent in Second Life in the previous 24 hours, with activity of $200,000 on the Lindex currency exchange, according to the Second Life Web site.

Second Life residents can also own virtual land and rent land to others. As in the real world, there are property disputes and disagreements over the terms of contracts. Second Life is a new frontier, drawing economists and legal scholars to explore questions about interactions and transactions within the virtual world and between the virtual and real worlds.

In fall 2006, the Harvard Law School and Harvard Extension School collaborated to offer the first law school course in a virtual world. Harvard law students attended “CyberOne: Law in the Court of Public Opinion” in live sessions, and they joined Harvard extension students and interested members of the public at Berkman Island in Second Life.

Harvard isn’t alone. According to the *SimTeach* wiki, as of August 2007, more than 100 universities, colleges, and schools are involved in Second Life.

Librarians are also drawn to Second Life. Joseph Janes, dean of the University of Washington Information School, wrote in the March 2007 *American Libraries*, “It’s hard for us to imagine an environment that wouldn’t be better, stronger, and funnier with a library.” Thus in April 2006, the Alliance Library System (ALS), an Illinois consortium, opened a library in a rented virtual storefront. In October 2006, ALS celebrated the grand opening of Info Island, an entire virtual island dedicated to librarianship. In the following year, Info Island blossomed into an archipelago of about 20 affiliated islands. Today there are more than 600 members of the in-world Librarians of Second Life group and more than 30 different groups for librarians.

**Virtual Law Librarianship**

Kate Fitz, a public services librarian at the Sacramento County Public Law Library, heard about Info Island through the biblioblogosphere. Since she had prior experience with gaming, she was curious about the project and pursued her interest in it on her own time. In the summer of 2006 she requested and received a small spot in the main library building for the first virtual world law collection, which she named LawSpot. Its early materials consisted of virtual computer monitors with links to U.S. Code, FindLaw, and other basic sources, plus some posters and books.

LawSpot is now in its third home, located on the fifth floor of the Bell Library, an open-air glass and steel skyscraper on Info Island. Recent resources include bibliographies about law and virtual worlds, lists of real cases involving virtual worlds, and an in-world directory of law-related locations in Second Life called the Galileo Law Directory. Fitz recently created an Internet-based version of LawSpot at http://lawspotonline.com in hopes of opening up the collection and making it possible to future virtual worlds.

Since receiving an invitation to speak about Second Life at Internet Librarian 2007, Fitz was given some time at work to spend on LawSpot as a professional activity, though virtual librarianship still falls outside her library’s mission. The county law library is locally focused, while Second Life has an international scope. The technological requirements of Second Life are an obstacle for many of the library’s patrons. Still, Fitz thinks that at some point in the future, virtual worlds could be useful for classes and role-playing training, such as moot court-style rehearsals before hearings for pro se patrons.

In January 2007, the Nova Southeastern University Law Library and Technology Center became the first academic law library in Second Life. Our initial location was a free plot on the island of Cybrary City, sponsored by U.K.-based Talis and the ALS. The following month, we moved to a larger space on the new island of Cybrary City II, for which we pay an annual fee to ALS. Our geographically diverse virtual neighbors include the Michigan Library Consortium, the Library and Archives of Canada, and the Murdoch University Library of Western Australia.

Our librarians in Second Life each created an individual account (basic accounts are free), went through orientation, and learned how to customize their avatars, the cartoon-like but reasonably realistic representation of each Second Life resident. Avatars are the means through which residents communicate in and interact with the virtual world.

Our collection initially consisted of simple objects linking to our Web site, our OPAC, WorldCat, and GPO Access. As we grew comfortable with the interface, we learned how to build our own objects and to customize found and purchased items. All objects in Second Life begin as one of 12 basic primitive shapes, or prims, which can be resized and sculpted. Multiple prims link together to form complex objects. Objects are finished by applying textures, images that have been imported or found in-world, and adding scripts that enable functions like handing out in-world note cards or launching external Web browsers, as well as basic functions like opening doors and making avatars sit in chairs.

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Learning to build was frustrating until I attended some in-world classes. Linden Scripting Language is a java-like language that is more challenging to learn, but there are many pre-made scripts that are easy to edit. The ICT Library on Info Island was a great resource for finding scripts and display tools geared to librarians and educators. As our skills grew, our collection expanded to include a poster exhibit about the primary sources of federal and Florida law, the structure of court systems, and some basic legal research strategies. We also provide information about our law center programs.

Virtual shopping was another skill to learn, and this is how we obtained furnishings and a new building for our larger space, all made by other residents. Since anything is possible in Second Life, I commissioned an old-fashioned card catalog from an in-world designer to link to our OPAC.

We look forward to continuing to use our Second Life branch to develop innovative ways to serve our patrons and share our legal research knowledge with Second Life residents. At the time of writing, I’m re-designing our virtual branch from a single staid, brick building in the center of our land into a modular group of cabanas that will reflect our real life location and take advantage of all the space we have. In addition to our resources and exhibits, the new design includes an open-air courtroom and a student center.

**Why Explore Second Life?**

“Going where our patrons are” is not yet a reason for exploring Second Life, even with our Millennial generation students who are required to have laptops. We do not expect that Second Life will ever be the first place our students go for legal research. However, we do have a small group of entrepreneurial students excited about the potential of virtual worlds both for themselves and for their education.

To date, there are no known law firm librarians working in Second Life. Library Manager Connie Crosby of the Toronto firm Weir & Feudals, known in Second Life as Patrice Primeau, speculates that if she had a geographically dispersed library staff, it could be a useful way to hold “face to face” meetings, but only if staff were willing and able to spend the necessary time working through the learning curve.

Crosby thinks mainstream law firm use of virtual worlds is unlikely to happen for years, if it happens at all. She points out that communication with clients beyond casual chat and seminars is risky, because there is no way to guarantee who is behind the client’s avatar. There are a few firms with space in Second Life, but these are firms seeking to build reputations as innovators, such as Washington D.C.-based intellectual property specialists Greenberg & Lieberman.

For the time being, Crosby plans to continue exploring Second Life for personal enrichment and to use it as another social networking tool. In April she experienced an example of Second Life’s ability to connect people who might not otherwise meet. After attending a talk by Wikinomics author Don Tapscott, she took the opportunity to chat with him one-on-one. Even if she had been close to his location in real life, she suspects that at a real world book talk, he would have been too busy or surrounded by handlers for her to strike up a conversation.

**Expanding Educational Horizons**

While Second Life was not designed as an educational tool, it is another in a series of innovations that educators and librarians have embraced. Unlike games that have built-in narratives and quests, its blank slate makes it an ideal venue for experimenting with a 3-D online environment. Among educational experiences designed for the Second Life are interdependent virtual ecosystems, heart murmur simulations, and immersive exhibits that demonstrate what it’s like to experience color blindness and schizophrenia.

Harvard continues to hold classes in Second Life. Following CyberOne, Professor Charles Nesson taught a course, called “Evidence at Large,” that concluded with a mock trial of a real case involving Second Life, Bragg v. Linden, 487 F. Supp. 2d 593 (E.D. Penn. 2007). In his blog *video vidi visum*, Gene Koo wrote that Second Life is an ideal venue for mock trials because the instant message-style communication forces participants to make their arguments as concise as possible. The IM chat transcripts can also be saved for later analysis.

Seattle University Visiting Professor of Law Elizabeth Townsend Gard used Second Life in her first-year property class. Students took turns using avatar Fizzy Soderberg to explore how real life property concepts might apply in a virtual world and reported their findings with short videos about their experiences.

James Milles, director of the University of Buffalo Law Library, has been working on generating faculty interest in using Second Life as a role-playing venue where students in a domestic violence course can explore gender dynamics by trying on avatars with the opposite of their real life genders. Second Life’s sense of presence can also enhance distance education, which often fails to create a real sense of connection among instructors and students. Computer science Ph.D. candidate Rebecca Nesson, who has taught in Harvard’s Second Life classes, told the *New York Times* in January, “Second Life has really bridged that gap. There is just more unofficial time that we spend together outside of the typical class session.”

Linden Lab Founder and CEO Philip Rosedale, interviewed for technology blog *Pogue’s Posts*, explains the sense of presence: “If I walk forward, I will bump into you and move your avatar back. And that feeling creates a...connection between us that’s much more similar to real life.” One can also learn about students from the way they present their avatars, or representations of themselves, in the virtual world. Is the student’s avatar wearing a suit or a sari or a Snooky costume?

No librarians are actively teaching legal research in Second Life yet, though my colleague Robert Hudson is planning to incorporate a Second Life information

Nova Southeastern University law librarians built and staff a virtual library on the island of Cybrary City II in the Second Life Info Archipelago. Anything is possible in Second Life, so they have an old-fashioned card catalog that links to their OPAC.
treasure hunt into a segment of his upcoming international law section of advanced legal research. While discussing Second Life for this article through our avatars, Fitz and I spoke of the possibility of offering an in-world legal research seminar to other Second Life librarians.

Still not Convinced?
Additional reasons librarians have for exploring Second Life include learning new skills, improving real life services, sharing special collections, marketing, and networking.

Learning to work with Second Life’s building and scripting tools is akin to learning HTML in the 1990s. The 3-D environment leads to creative thinking about how to represent resources and collections in virtual space. Kathryn Greenhill, reference librarian at Murdoch University of Western Australia, known in Second Life as Emerald Dumont, believes that the librarian who has experience creating and communicating in virtual worlds will be better prepared to take advantage of future interfaces, particularly if innovative Web browsers incorporate features developed in virtual worlds.

Fitz’s experiences have led to improved real life services. Inspired by Second Life’s easy placement of virtual computer links, she created bookmarks listing three to five “Websites to Bookmark” featuring services and resources that are Web-based or that the library doesn’t subscribe to. The bookmarks are placed in locations where patrons will find them when they browse for similar print resources. Although there are links to these resources in the library’s OPAC, the bookmarks make them easier to find.

Second Life also provides a way for libraries to give their special collections greater visibility. Several state libraries and consortiums have put up fascinating virtual exhibits about local authors, historical personalities, and attractions, sharing them with visitors who might never be able to visit the libraries in person. Announcing new virtual exhibits in Second Life and to the world at large is a great way to gain publicity for these collections. It also marks the library as one that is interested in technology and open to trying new things.

Finally, Second Life is a fun place to network. The community of librarians in Second Life is global. While all of us share an interest in exploring new technology, that is the only thing we have in common. Second Life librarians hail from every niche in the field, new librarians and career veterans, young and old alike. Even if their libraries are a different type, chatting with them about what they’re working on in Second Life is a way to keep up with the latest presentation tools and gadgets in virtual librarianship.

The library community is also a great place to make some virtual world (but not merely virtual) friends. Every other Friday, the ALS librarians host a themed party for the Librarians of Second Life group at Club TX950 on Info Island. The parties provide a chance to catch up with friends and meet new people while the avatars dance to streamed-in music—no real world dance skills required.

Getting Started
Want to know more? The best way to learn about Second Life is first hand. Go to www.secondlife.com/join to create a free basic account. The hardest part of registration may be deciding on a name for your avatar. You can choose any first name, but you must select a surname from a pre-defined list that changes over time. Be creative! Your name can be a pun, an anagram, or your dog’s name.

After registration, download the Second Life viewer and install it like any other software. When you log in, you’ll emerge at Orientation Island in the company of other newborn residents. Visit the orientation stations for tutorials on moving, communicating, and customizing your appearance. Once you get used to changing your height, weight, and hair with the slide of a mouse, you’ll wish it were so easy in real life.

Adjusting to your Second Life may be challenging. Learning to control your avatar and manipulate virtual objects can be frustrating, especially if this is your first time in a 3-D environment. The “grid” is updated frequently, so the program is offline for several hours every two weeks. Like any new software, it is also prone to crash. In a post to the Second Life Educators’ discussion forum in February 2007, Linden Lab Community Manager Jean Miller compared using Second Life to using a Web browser in 1993. On top of all that, it requires fairly high minimum computer specifications.

Second Life is a big place, covering more than 65,000 virtual acres, so finding interesting areas is a challenge. The built-in search engine is limited and often down. Like the Internet, Second Life has an abundance of sex and commerce locations in addition to its library and educational sites. However, the best part of this virtual world is that it’s filled with real people. Rosedale says the best advice for newbies is to talk to people and ask for help. After orientation, consider teleporting to Info Island for some friendly librarian faces.

Second Life Resources
Second Life
http://secondlife.com

Fizzy’s Second Life: a first-year property class explores property concepts
http://fizzysecondlife.com

ICT Library: a showcase for tools and ideas for Second Life librarians and educators
http://ictlibrary.googlepages.com

Infosland.org: a blog featuring news, events, and a teleport link to the Second Life library system
http://infosland.org

LawSpot Online
http://lawspotonline.com

LawSpot teleport link
http://tinyurl.com/2zdo6n

NSU Law Library teleport link
http://tinyurl.com/22sa7

SimTeach Wiki: virtual world information for educators and administrators

The Unofficial Complete Fool’s Guide to Second Life

Virtually Blind: a blog about legal aspects of virtual worlds
http://virtuallyblind.com

Second Life In-World Groups:
Use the search feature, groups tab, to find Law Librarians of Second Life, Second Life Bar Association, Real Life Education in Second Life, and many more!

Meg Kribble (kribblem@nsu.law.nova.edu) is reference/instructional services librarian at Nova Southeastern University Law Library and Technology Center in Ft. Lauderdale, Florida. Her Second Life avatar is Anne Idler.
Reaching across Virtu
And so began the Virginia Association of Law Libraries’ (VALL) then Vice President/President-Elect (now 2007-2008 President) Kevin Butterfield’s message to the chapter in early January 2007. It also began a journey for VALL, experimenting with technology and reaching out to members, regardless of geography. The result was a learning experience for all involved and a new way of looking at member services. The rest of Butterfield’s initial message follows.

Through the generous support of Williams Mullen, we will offer access to the program and business meeting “live” via videoconference at two locations in addition to Virginia Beach: Tysons Corner and Roanoke. It is our hope that those of you who would be otherwise unable to attend the winter meeting because of the time and expense associated with traveling to Virginia Beach would be able to gather at these sites, network with colleagues, benefit from the program, and participate, virtually, in our business meeting. The VALL Board will be evaluating the success of this format following the meeting and will appreciate feedback when deciding whether to continue offering this additional format at future winter meetings.

The Role of Geography
VALL’s quarterly meetings are normally hosted by our members’ institutions. This keeps the costs down for everyone. Richmond is the most central location for the majority of our members, who are clustered in the eastern part of the state. It is the usual choice for our two-day annual fall meeting.

Virginia, however, stretches twice the distance from east to west as it does from north to south, which means that some of our members (including those at three law schools) in the middle and western parts of the state must travel 300-400 miles to attend meetings. Even though we accommodate people north and south of Richmond by rotating the remaining three meetings to major cities in those areas, those in the west are not served equally. This is the issue that pushed us into the videoconferencing experiment.

Within four months of the first mention of the word “videoconference,” VALL held its first videoconferenced quarterly meeting. While it wasn’t perfect, our participants overwhelmingly rated it a positive experience and one from which VALL, and I hope other chapters, can learn. I write this from my perspective as coordinator of the meeting and as the VALL treasurer during this time period.

Investigating the Possibilities
The journey actually began in October 2006 when VALL sent inquiries to its Norfolk members seeking a host for the winter 2007 chapter meeting. It was time for my firm, Williams Mullen, to host a meeting, but the Norfolk offices, and in particular the meeting rooms, were under renovation with a tentative completion date too close to the proposed meeting date to even consider making an offer. So we counter-offered our Virginia Beach offices, which are just 20 minutes away and located in the “town center” of Virginia Beach, with free parking in an attached garage, multiple conference rooms, and excellent support staff. The free parking item caught Butterfield’s attention, as did another phrase in my e-mail: “state of the art videoconferencing facilities.” Virginia Beach was selected.
**Helpful Hints for Videoconference Meetings**

- **Make e-mail group lists for each location** to facilitate and individualize correspondence.

- **Serve box lunches.** This saves serving time and reduces clean-up.

- **Provide detailed driving and parking instructions** with a number to call in case of emergency.

- **Script the meeting** and provide copies to all sites.

- **Provide handouts** (PowerPoint for sure) to free up the screen and as a backup technology.

- **Make several copies of all your lists and instructions** so that you can quickly delegate a task when it appears you are needed in two places at once. These should include a contact list of everyone involved at all sites with all pertinent information (name, phone number, e-mail, role), registration list, lunch choices list, etc. Send copies to all sites.

- **Use more voice instructions and explanations.** Even though there is video, it doesn’t show the full picture of what is happening in the room.

- **Design a useful evaluation form.**

- **Equipment varies.** Don’t assume what works at one site will work at another.

- **Train the attendees tactfully.** Remind them about noise in the room, that they should speak up, that they are on the screen in other sites, and that people are watching them.

- **Check and recheck that you are still connected to all sites.**

- **Check your bylaws** to see if virtual attendance satisfies quorum requirements or the ability to vote.

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Once we were on the Williams Mullen Virginia Beach master calendar, as well as the meeting room calendar, I began to research the videoconferencing capabilities. I was not familiar with videoconferencing, because this was not my home office and because the Norfolk videoconferencing equipment had not been upgraded and installed yet.

Walter Glod presides over my firm’s videoconferencing equipment from our headquarters in Richmond. He monitors every videoconferenced meeting, often managing several at the same time, and always operates under strict confidentiality. When he lowers the lights or moves the cameras in our new Norfolk conference rooms, it appears magical (and he is a magician—see www.glodmagic.com).

His magic, I soon learned, does not come cheap. Our firm charges a standard hourly rate for use by "outside groups" that is less than the norm of $300, with an additional charge (around $50) for set-up, depending on the equipment at the other end. That party at the other end incurs similar expenses—the hourly rate and the set-up charge, with the cost escalating if rooms and equipment have to be rented. In our situation we and the "other party" were the same, which seemed to mean double the charges.

Then came the saving e-mailed FYI: “All of our in-house (WM [Williams Mullen] office to WM office) is no charge per minute,” Glod wrote, “so we can videoconference all we want without watching the clock if it involves ONLY our offices. We pay a simple, low, flat monthly fee for between office videoconferences.” With this set-up, videoconferencing became a possibility.

**Picking Locations**

Up until the board meeting held on November 3, 2006, during the VALL annual meeting in Richmond, discussion of the winter meeting had been handled via e-mail within the VALL board, although the date and Virginia Beach location had been announced through the online discussion forum. It was now up to the board to decide whether and how to expand beyond the Virginia Beach location. Inclusiveness was certainly a goal, although weather (in 2003 George Mason University in Arlington had cancelled both the scheduled winter meeting and the rescheduled meeting due to snow) and driving (VALL’s secretary had a five-hour drive each way) strongly impacted the decision.

Once we got on the videoconferencing track, we started re-thinking our plan. Should we move the meeting to Richmond to capitalize on the size of the live audience and be near the equipment? Should we change the program to something more suitable to this delivery method? Then we debated different registration fees depending upon the location and delivery method. A change in any one of these decisions could have made the program better, but with the meeting just three months away, we decided it was time to move forward with what we already had.

The mandate from that meeting was to “decide” so we could send out a registration form to our members. With Virginia Beach set as the live site, we started to pare down the alternatives. Within our firm we selected Tysons Corner (actually located in McLean and considered our northern Virginia office) as the best videoconferencing site (because we knew there would be no costs involved) after eliminating Richmond (only 90 miles away), Norfolk (only 20 minutes away), Washington, D.C. (bad location for traffic, parking, and facilities), and Charlottesville (good, but no librarian at this location).

The office of Woods Rogers in Roanoke, where VALL Secretary Jane Baugh is the librarian, made the list (subject to verifying costs) primarily due to her interest and ability to serve as a host. Next on the short list were our two newest law schools: Liberty University School of Law in Lynchburg (208 miles from Virginia Beach) and Appalachian School of Law in Grundy (450 miles from Virginia Beach).

**Good News and Bad News**

After the holidays intervened, and with the meeting just a month away, the board swung into action. First we had to determine the viability of Roanoke. Our best move was putting Clay Gibney, IT director at Woods Rogers, directly in touch with Walter Glod at Williams Mullen so they could discuss the issue knowledgeably and then explain their findings to Baugh and me in terms we could understand as newcomers to the technology. They gave us good news and bad news.

Woods Rogers had a Polycom VSX system, which only supports IP-based connections. Gibney estimated a $107/hour charge to bridge to the Williams Mullen system, assuming we could use ISDN calls into the bridging service.

Glod replied that “for outside video calls we use ISDN dialing exclusively. Our IP system is a closed dedicated loop between only our offices and has no Internet applied to it.” If Gibney could arrange a third party to bridge his IP to Williams Mullen’s ISDN, that would be the solution.
Meanwhile Glod would internally bridge at least two of our offices by IP to blend the call using our own MCU bridge. He could provide Gibney with a dial-in number ISDN for his bridging service, and if Woods Rogers called Williams Mullen, there would be no charge at Williams Mullen’s end, unless there were more than three incoming lines. If you understand the basics of the above exchange, that may be all you need to know. If not, I found Two Way Interactive Connections in Education (TWICE) (www.twice.cc/multipoint.html) to be a useful resource.

Roanoke looked promising until an e-mail arrived from Baugh a few days later in which she said that after figuring in everything Gibney said, we should budget $162/hour instead of $107. “Still want to do it?” she asked. Yes, we did, but only after an intensive e-mail discussion among the board on how to estimate the total cost, justify it, set the registration fees, etc. In the end we agreed that this experiment was worth the investment of $486-$648 (for three to four hours) if at least 10 members attended in Roanoke. With the registration fees we had set and vendor underwriting, we were fairly confident we could meet our goal of coming out even on the budget.

On January 9 the registration form went out on the VALL online discussion forum. We had tightened up the schedule, adjusted the registration fees, and pared down the options. There would be a live meeting in Virginia Beach with videoconferencing to the Williams Mullen Tysons Corner office. There would be videoconferencing to Woods Rogers in Roanoke, provided a minimum of 10 members registered for that site.

The Planning becomes Reality

Unfortunately Roanoke dropped out as a videoconferencing site when only one other person besides Baugh registered for that location. We connected to Baugh on a speaker phone in the Virginia Beach meeting room—a task much easier than trying to find someone to take meeting minutes for her. With this change we learned a valuable lesson.

We had overlooked the possibilities of a simpler and cheaper technology—the telephone—focusing totally on videoconferencing. With the handouts and a copy of the PowerPoint, Baugh sat at her desk in the Woods Rogers library that Friday morning and followed along just as well as the people in Tysons Corner. We never saw her, but I did check the phone periodically to make sure she was still connected and to see if she had any questions.

Obviously if a number of people were connected this way it could get complicated if interactivity is required, but it does have its virtues. Plus, Baugh made her own name tag and lunch, relieving us of that responsibility. The one negative aspect is that we lost the one landline phone in the meeting room that we normally use to communicate within the firm, to Glod, etc.

Meeting Schedule

- 9-9:45 a.m. - Registration and continental breakfast
- 9:45-10 a.m. - Welcome and opening comments
- 10 a.m.-12 p.m. - Program
- 12-1 p.m. - Lunch and business meeting

In anticipation of the hourly technology costs, we tightened the meeting schedule by combining lunch and the business meeting. With little new business and all reports in a handout, there was still time for everyone to socialize and network within the scheduled four hours.

Lunch service was very efficient. In Virginia Beach we had name labels on the box lunches, which were pre-selected via e-mail. Attendees picked them up in a room just across the hall from the meeting room where the lunches had been delivered and organized with no interruption to the presentation. In a matter of minutes everyone was back in his or her seat ready for the business meeting.

Tracy L. Thompson, executive director for the New England Law Library Consortium Inc., who presented the program at the meeting, deserves special credit for participating in this experiment.

The telephone in Virginia Beach reaches Jane Baugh in Roanoke. With the handouts and a copy of the PowerPoint, Baugh sat at her desk in the Woods Rogers library and followed along just as well as the people in Tysons Corner.

When she was first invited to speak we did not tell her she would be participating in a videoconference because at that time we had not even thought about the option.

Her presentation, “Electronic Resources from Acquisition to Access: Licensing Content for your Library,” received high marks, despite the fact that it is not an ideal presentation for videoconferencing in that it does not naturally lend itself to interaction other than the usual audience questions or comments. Thompson also does not normally include a copy of her PowerPoint presentation in her handouts—a change she made for us.

Budget

After all of the budget worries, VALL made nearly $400 on this meeting. Eliminating all the technology costs contributed to the bottom line, as well as vendor underwriting of the lunch and the contributions of our firm—beverages, printing (handouts, nametags), etc. With all of these covered, the only sizeable expenditure was for the muffins and juices that we added to the traditional Friday bagels served at Williams Mullen for the breakfast buffet. We were not asked to provide housing or transportation for Thompson—she did it all for an engraved Jefferson cup.

Final registration fees were set at our usual level: $35 for the Virginia Beach site and $25 at Tysons Corner. Roanoke had also been set at $25, which was waived when we eliminated the videoconferencing. Does the $10 difference compensate for the more limited socialization and interaction? Maybe not, but it acknowledges that there is a difference, making this a possible model for the future.

One other policy decision I insisted upon as the treasurer was that the $25 fee would be considered payment in full for anyone registered at a cancelled location who chose to attend at one of the remaining locations. Free registration, which we talked about in the beginning, was abandoned to avoid the problem of people registering and then not showing up when no money was involved.

If you are budgeting for videoconferencing, keep in mind that $300/hour per location is the more typical charge and that you must allow at least an hour to get everything set up. It takes time to set up the bridges, and it takes time to check that all locations are connected both in audio and video and to make any necessary corrections. It also takes time to “train” the audience. In addition to tightening the meeting schedule, we saved precious minutes by scripting the morning. There was no waiting for the next person to get to the podium. Everyone involved knew where he or she should be.

If you are planning a meeting such as this one (presentation and business
into how the evaluators selected their ratings site responders. including 50 percent of the videoconference of the program and speaker was positive, and 75 percent said the delivery method program was either very helpful or helpful. Results” on page 21). Numbers speak and attendees) were returned (see “Evaluation lines with no additional charges incurred.

**Evaluation**
We devised a fairly simple evaluation form that would answer the crucial question: Should we use alternative delivery methods at future meetings? Check boxes at the top of each form identified the location of the evaluator followed by these questions:

1. How helpful will the program (Building the Perfect License) be to you? (very helpful, helpful, somewhat helpful, not very helpful, not at all helpful, other, and comments)
2. Please rate your overall experience with the delivery method of the program/speaker. (positive, neutral, negative, other, and comments)
3. Please rate your overall experience with the delivery method of the VALL business meeting. (positive, neutral, negative, other, and comments)
4. Is there anything we should do differently to improve the quality of the next meeting or program using these delivery methods?
5. Ideas for future speakers/topics ideally suited to these delivery methods?
6. Additional comments?

Twenty evaluation forms (31 total attendees) were returned (see “Evaluation Results” on page 21). Numbers speak and these do: 90 percent of responders said the program was either very helpful or helpful. And 75 percent said the delivery method of the program and speaker was positive, including 50 percent of the videoconference site responders.

Comments provide important insight into how the evaluators selected their ratings and are good indicators of unique perceptions/experiences (positive or negative) vs. shared perceptions/experiences. We had comments on the room in Virginia Beach being “cold.” I might not have thought too much about this except that more than one person toward the front of the room voiced the same concern. I have since learned that more air conditioning comes into the front of the room in order to keep all of the electronic equipment cool.

I believe I am correct in stating that everyone at the Tysons Corner site suffered from video monotony. For the two-hour presentation, five of them sat quietly in a meeting room, “looking at each other,” and watching PowerPoint on the screen. Baugh, in Roanoke, might have suffered the same monotony if she had taken the conference call in a sterile meeting room. Instead she attended in a familiar setting—sitting at her desk in the library with the PowerPoint handout in hand and the phone on speaker. These are only a few examples of the important details we learned through the comments.

We definitely had issues with the room microphones. In an ideal situation someone sitting in the audience should be able to ask a question and have everyone in the room and at the other sites hear him or her and be able to respond. Unfortunately with our equipment this is not as simple as it sounds.

If we had a presenter at the podium microphone, the room microphones were muted to prevent them from picking up noise from the attendees that would be heard by the attendees at the other sites and by the speaker. This is a technology issue, perhaps unique to this situation, but a good example of what you should expect in any situation. The challenge is to not let the technology issues stand in the way of making this delivery method work. I like to think that we did a lot right before focusing on what did not work. This was a learning experience, and I do feel the evaluations reflected this. People realized that the point was not to complain but to provide constructive criticism so future meetings would be better. Perfection would be lovely, but I can’t remember a single live (“gold standard”) meeting that I have attended where I have not encountered the same problems: room temperature, sound, video, etc.

One comment says it all: “Overall, it was a good experience, and it certainly beat spending 10 hours in the car to attend in person!” wrote Jane Baugh at Woods Rogers in Roanoke.

**New Paradigm**
“Our Age of Anxiety’ is, in great part, the result of trying to do today’s job with yesterday’s tools—with yesterday’s concepts,” writes Marshall McLuhan and Quentin Fiore in their book, _The Medium is the Message_.

My two-year term as VALL treasurer ended a few months after this meeting. In those two years I presided over a growing treasury and the enviable task of identifying new ways to spend money. Switching to a totally electronic quarterly newsletter in the summer of 2004 eliminated a major drain on our budget and contributed greatly to the growing surplus. Except for an annual print directory, we have eliminated nearly all print items and correspondence. Even our 2007 election was held electronically under the auspices of AALL.

Membership dues ($20/year), income from meetings, and vendor underwriting remain our major sources of income. VALL offers modest grants to our members to
attend the AALL Annual Meeting and our annual fall meeting. We also participate in the AALL VIP Program on a regular basis. Increasing the amount and number of grants to our members is one alternative for spending that is pretty easy to implement and support.

The problem is that these “surplus” funds used to be spent on something that equally benefited all members—the quarterly newsletter. Does giving those funds to three or four individuals benefit all members? In some ways it does, but I tried, when we discussed the funding of this meeting, to introduce the concept that by subsidizing the delivery of our meeting to members who are “geographically-challenged,” that we should not necessarily see it as spending more on them but rather as giving them mini-grants. Yes, we could have charged our attendees in Roanoke extra if we had incurred technology expenses for a videoconferenced meeting, and yes, their institutions would have saved money whichever way we proceeded, but does that qualify as equal distribution?

Why should those farther from the population center (Richmond) have to pay more? Is it not our goal to have all of our members participate in VALL, including those at Appalachian School of Law in Grundy, who currently attend our lunch/meeting at the AALL Annual Meeting, but rarely attend other meetings? In some ways it does, but I tried, when I voiced the need for such training; our library director heard it and asked me to put something together for our librarians retreat. Glod, listening in, suggested I give the same presentation to others in the firm.

Mindful of the Williams Mullen corporate structure, we (the Library Department) cleared this with the Training Department, since videoconferencing is not strictly speaking a library-related topic. They were quite supportive, which encourages us to look towards future areas of cooperative training.

Get All the Help You Can

It took a team to pull off this meeting. We tapped Molly Ross, a legal secretary at Tysons Corner (where we do not have a librarian), to advise, make catering arrangements, and provide the really important local driving and parking instructions. Billie Jo Brooks, our library director in Richmond, attended at the Tysons Corner site, where she served as our local host, oversaw the printing and distribution of the handouts, and maintained direct communication with Glod.

Three members of our library staff helped at the Virginia Beach location: Susan Aronhalt from Richmond; Sabine McCabe, our Virginia Beach librarian; and myself. We relied heavily upon the Virginia Beach receptionists, training staff member, and Office Services staff. The latter handled not only the duplication of the handouts, but also serviced the meeting rooms—setting up the rooms, providing beverages, and cleaning up afterwards.

Our solos, Walter Glod in Richmond and Jane Baugh in Roanoke, were extremely self-sufficient.

Even with all this help I would have loved to have had a knowledgeable technician in each location and e-mail access via BlackBerry with all of the key people at each site.

Final Thoughts

Our model was based on one “live” site with two remote sites—one connected via videoconferencing, the other via teleconferencing. With a different program we could have had a speaker in Virginia Beach for half of the program and a speaker in Tysons Corner for the other half, which might have helped balance the “video monotony” and increased the interactivity with little additional effort.

We used three real-time delivery methods of the many available. We could have also employed a delayed delivery technology. Glod had suggested videotaping as an alternative if videoconferencing fell through due to costs.

This experiment was limited to our members. If you have broader aspirations, check into the AALL/BNA Continuing Education Grants Program (CEGP) (www.aallnet.org/prodev/grant_program.asp), whose “purpose is to encourage program development and promote sharing among AALL entities.”

Above all, maintain a sense of humor, don’t expect perfection, and don’t procrastinate.

Jeanne T. Ullian (jullian@williams mullen.com) is the librarian in the Norfolk, Virginia, office of Williams Mullen.

VALL Winter Meeting Registration Numbers

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*Chesapeake, Norfolk, Portsmouth, Suffolk, and Virginia Beach **Speaker

Evaluation Results

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Jeanne T. Ullian
Cold Case

One ordinary law librarian assists in solving a 53-year-old mystery and learns a lesson about how law students treat legal research

by Joyce Manna Janto

“One of her students was wondering about the charge and punishment for someone arrested for a hit and run in which the victim died...in 1953.”
Every year I face a new group of one Ls in my legal research class, and I tell them that legal research is easy. And every year, they tell me the only reason I think legal research is easy is because I already know how to do it.

While my students are correct in recognizing experience as a factor in the ease of legal research, there are other reasons they find the research process difficult. One issue is proximity. Many feel that first-year students, who have a limited need for research skills outside of the legal research class, are simply not ready to learn this skill. The theory is that people more readily learn a skill when they perceive the need for, or have suffered from the lack of, the skill.

Another issue may be one of format. Students are more comfortable with online sources—classes that emphasize print sources may turn them off. Another issue identified is the lack of context in legal research programs. This theory posits that first-year students have a difficult time grasping the concepts needed in legal research because they do not understand the underlying legal issues.

There are also issues that are generational. Since the 1990s, students have shown a marked decrease in their ability to find, synthesize, and analyze information, according to Edward Tenner's article, "Searching for Dummies," in the March 26, 2006, New York Times. Students today also lack an understanding of the realities of the information marketplace and are impatient with the research process. They are used to typing a query into Google and receiving an answer in seconds. These things, I feel, cause the most difficulties for novice researchers. All of these problems were graphically illustrated for me by a reference question I received in the fall semester of 2006.

The Main Themes
My first legal research class is held during orientation. Since my students have no context, I try to keep this class general. I focus on four main themes. The first is the need for good research skills. I remind the students that strong research skills are necessary not only for law school, but for the rest of their career.

The next is the need for a researcher to be a creative thinker, or to use the current cliché, to think outside of the box. A client doesn’t come into your office saying they have a tort problem or a contract problem; he comes in because a neighbor is driving him nuts by mowing the lawn with a power mower at 7 a.m. on Sundays. A good researcher takes that fact and translates it into the legal concepts of nuisance or noise pollution.

Third is the need to find the right law for the occasion. Does state law, federal law, or a municipal ordinance cover the situation of your client with the noisy neighbor? I also emphasize that what makes the law “right” is not just a matter of subject matter or jurisdiction. Time is also an essential feature. When did this action happen? This concept has been easier to teach since the debut of the television program “Cold Case.” I ask my students, when the “Cold Case” squad finally solves the crime, under what law is the felon charged?

The final issue is one of location. Where will you find the law you need? Will it be online? In a book? Will you have to use a combination of sources?

Location, Location, Location
This issue is the one with which my students have the most trouble. These Millennials have grown up using computers. To them, IMing, e-mailing, and Googling are a way of life. While their computer skills may be excellent, they lack one of the fundamental understandings of any skilled researcher: information is a product.

Even the Internet, like any other provider of information, operates on the law of supply and demand. In 1999 Professor Penny Hazelton published an article, “How Much of Your Collection is Really on WESTLAW or LEXIS-NEXIS,” in Legal Reference Services Quarterly. It details a study she conducted to determine the overlap of the print collection and the materials available online. At the time, Hazelton concluded that roughly 10 to 15 percent of the print collection at the University Washington Law Library was duplicated online.

In the intervening years, the Internet has grown by leaps and bounds. And with the advent of “Google Books,” there may come a time when a much greater percentage of the materials held by an academic law library will be available online. But I predict that it will never be 100 percent. What will be missing? Older non-treatise legal materials that were published before the Internet became the new reality.

The Internet is a living thing. Information put up now will live on, but no one bothers to go back and fill in the “old stuff.” The reasons for this are ones of utility and priorities. Very few people need the “old stuff.” Why expend the effort on information that will be of interest only to a few users? If there is no demand and no market, there will be no product.

The types of legal materials that are not available on the Internet are primarily the ones that are used by only a few researchers. Old statutory codes are a prime example of the type of material needed occasionally by a researcher. Lexis and Westlaw are adding older versions of codes, but usually the effort stops at 1989. This is a sensible business decision considering how rarely they will be used. Even the Georgetown Law Library’s Historical State Code Project envisions potential purchasers acquiring print copies (www.l.georgetown.edu/states/historic_codes/index.cfm).

You are more likely to find an old code or session law in microfiche than online. And Millennials, who are already reluctant to touch books, blanch at the thought of microforms.

The other assumption of novice researchers is that if the material isn’t available online, then it is on a nearby shelf. They have no idea of how difficult it may be to maintain a research-oriented, historical collection. Consider the example of state codes. One would think that academic libraries would be the logical choices to locate these materials. But of the seven law schools in the state of Virginia, only the University of Richmond’s collection comes close to being complete. County law libraries in Virginia may or may not hold this type of material.

The libraries in the large, urban areas of the state tend to be better funded and have more extensive resources. If rural libraries exist, they tend to be less rich in resources. Almost no firm libraries hold this type of material.

In Virginia, your most reliable sources for old Virginia codes are located in the state capital. You have four libraries to choose from: the State Library, the State Historical Society, the State Law Library, and the library of the Division of Legislative Services. This may sound adequate until you consider the size of the state of Virginia. A lawyer practicing in the southwest corner of the state is geographically closer to the capitals of six other states than to the city of Richmond. (Those states are Indiana, Kentucky, North Carolina, Ohio, Tennessee, and West Virginia. As Edith Ann would say, “You can look it up.”)

It was this inaccessibility that led to my involvement in a 53-year-old crime.

The Cold Case Begins
My first involvement with this “cold case” came from an alumna. She is a legal specialist with the Virginia State Police and teaches a class that is attended by troopers from all over the state; this class concludes with a tour of our library. This time, in
addition to arranging a date, she had a reference request.

One of her students was wondering about the charge and punishment for someone arrested for a hit and run in which the victim died...in 1953. This, I thought, would be a simple request.

What kind of law did we need? Since it involved an area heavily regulated by the state, we needed statutory. Where could we find it? Like many researchers, I find statutes much easier to use in print than online. I knew it would be easy to determine the relevant code section in force in 1953 since the current code of Virginia was re-codified in 1950.

A quick check of the current code led me to the relevant section on leaving the scene of an accident (Virginia Code Annotated § 46.2-894 (2005)). The historical information gave me the original section number as it appeared in 1950 (Virginia Code Annotated § 46-189 (1949)). By comparing the 1949 volume of the 1950 code (don’t ask) containing the relevant section and the 1958 volume (the next superseded volume), I learned that the section had not been amended until 1958. Therefore, the information in the 1949 volume was in force in 1953.

According to that volume, in 1953 a person involved with a hit and run, in which death occurred, would be charged with leaving the scene of an accident (Virginia Code Annotated § 46-189 (1949)). The punishment would be a confinement in the penitentiary for not less than one year or more than five years; by confinement in a jail for not more than one year; a fine of not less than $25; or both (Virginia Code Annotated § 46-190 (1949)).

At this point, my students would make their first mistake. A novice would have stopped after reading the statute because it gave a complete answer to the question asked. The more experienced researcher knows that the annotations offer a more detailed understanding of the statute.

The annotations changed the answer to this question. An annotation quoting a 1936 case indicated that a person convicted of manslaughter could also be charged with the crime of hit and run for the same incident (Henson v. Commonwealth, 165 Va. 821). I assumed the converse would be true and expanded my research.

I pulled the case and discovered that Virginia case law interpreted “running” to be the crime in a hit and run. Any injury from the accident would be a separate charge. A death that resulted from the “hit” would be charged separately as manslaughter. I Shepardized the case and found it was still controlling law in 1953.

Going back to the Virginia Code, I determined that in 1953 involuntary manslaughter was a felony, punishable by a term of one to five years in a penitentiary, or, at the discretion of the jury, with a term of not more than one year in jail, a fine not to exceed $1,000, or both (Virginia Code Annotated § 18-34 (1949)). I photocopied the relevant statutes and the case, ready to be picked up by the requestor.

A Twist in the Plot

After the library tour I learned more about my cold case from the state trooper involved. He was stationed in Carroll County, which is located in southwest Virginia, near the North Carolina border. The population is under 30,000. The percentage of residents with a high school degree is 64 percent and with a college degree is 9 percent. The median income is $32,812; the percentage of population below the poverty line is 13. This is a poor county with few resources.

The commonwealth attorney in Carroll County had a problem. The previous summer a 76-year-old man about to undergo open-heart surgery confessed to killing a man in a hit and run accident when he was 24 years old. The commonwealth attorney now had a 53-year-old crime to prosecute, but he was unsure of the status of the law in 1953. Knowing the trooper was coming to Richmond for a class, he passed along the reference question. The trooper was grateful that I had located the answer. I told him that I would be willing to do any more research, if needed.

Soon after, the trooper called back. He wanted to know if I could find a misdemeanor that would fit the situation. It seems the commonwealth attorney didn't want to bring a felony charge. This is where the lack of context trips up the researcher. It’s hard to “think outside of the box” when you don't know the parameters of the box.

As a researcher with no experience with criminal law, I was stymied. A man had died; how could this be considered a misdemeanor? Like my students, I lacked the needed context. I combed the criminal statutes circa 1953 and found nothing. It took someone very familiar with this particular box, my state trooper, to come up with a potential charge.

In Virginia, reckless driving—driving in such a manner as to cause damage to a person or property (Virginia Code Annotated § 46-208 (1949))—is a misdemeanor. A liberal interpretation of the statute could consider death as damaging to a person.

Back to the Books

Finding the proper version of the reckless driving statute was not as easy as my previous forays into the Virginia Code. And if I found it tedious, imagine how a student would react. Furthermore, the majority of my students have never done an in-depth research project. They have never had to consult primary sources. They lack the basic skill of crosschecking documents to piece together the correct information.

A comparison of the reckless driving and the penalty statutes as they appeared in the 1949 and 1958 volumes of the code showed that while the reckless driving statute as published in the 1949 volume was in force in 1953, the penalty statute had been amended in both 1950 and 1952.

While our collection of superseded volumes of the code is comprehensive, our collection of pocket parts is not. We do not have any pocket parts prior to 1954, and the collection is spotty until the late 1970s. This meant that I would have to use the Acts of Assembly. Armed with the original volume of the relevant 1949 volume, the 1958 replacement volume, the 1950 regular session Acts of Assembly, and the 1952 extra session of the acts, I was able to piece together the relevant penalty. In 1950, the penalty for reckless driving had been strengthened (1950 Virginia Acts 396). In 1952 the penalty section had been amended to take the punishment out of the traffic code and into criminal procedure when there was a case of serious bodily injury (1952 Virginia Acts Ex. Session 46).

I now had to research a different statute, § 19-265. I ran into a small problem. The
first replacement volume for this section, after the 1949 volume, was dated 1960. Surprise!

In 1960, section 19 had been renumbered. A quick perusal of the new section 19-1 failed to turn up any mention of the punishment for a misdemeanor. I jumped to another tool foreign to my students—the comparison tables. Unless a student has the opportunity to take an advanced legal research class, he or she would most likely not have exposure to this type of tool.

Using the tables, I determined that § 19-265 had become § 18.1-9. And here, I was very lucky. Our collection had the 1960 pocket part that contained the newly revised section 18.1. The legislative history made it clear that the section had not been amended since 1949, only placed in a different portion of the code. The penalty for reckless driving in which the driver caused serious bodily harm would be a fine not exceeding $500 or confinement in jail not exceeding 12 months or both (Virginia Code Annotated § 19-265 (1949 and Supplement 1953)). I made photocopies of everything I had looked at and faxed it to my contact in Carroll County.

For the Record
Next I received a phone call from the commonwealth attorney. He wanted me to walk him through the research process so that he could answer any questions the judge might have for him. This is another point that students fail to grasp. Legal research is not something that you undertake to produce a written product or find “the answer.” Keeping track of your research is an integral part of your case. The judge or supervising partner might want to know what sources you consulted.

The commonwealth attorney informed me that he would be going before the judge the following month. He had already gone before the grand jury and received an indictment for involuntary manslaughter, pled guilty to reckless driving in the 1953 death of George Dalton. The judge fined him $500 and sentenced him to serve two years of unsupervised probation. But this was truly a case of justice delayed, justice denied. The descendants of Dalton were gratified, but surprised by the case. It seems “everyone” had always known that Elden Martin, who as a teen-ager at the time and had a reputation for “hot-rodning,” had caused the accident that killed Dalton. Martin died in 1991, according to “No Jail Time in 1953 Hit-and-Run,” in the February 23, 2007, issue of the Richmond Times-Dispatch.

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The old volumes, the tables, the session laws, and the crosschecking needed to trace the statutes amazed them. They couldn’t believe that it was so hard and time-consuming. They did not believe that the process I was describing was actually quick and fairly easy.

I discovered that my students have a completely different attitude as to how much time a research task should take. An informal survey of my students revealed that they would consider that they had worked for a “long time” on a fairly straightforward, moderately difficult problem after 20 minutes. This seems amazing until you consider that this is the generation that grew up using the remote control to flip through hundreds of channels, who use digital cameras to instantly view photos of an event before the event is even over, and who would never dream of sending a letter though the U.S. mail.

Learning legal research skills may not be as easy as I tell my students, but it also is not as hard as they think. The challenges facing librarians teaching legal research are myriad and some are out of our control. The best we can do is try to give our students the context, the training in basic sources, and the understanding that sometimes the task may take longer than expected. After that, all we can do is hope for the best.

Epilogue: On February 22, 2007, Verlyn Brady, who had been charged with involuntary manslaughter, pled guilty to reckless driving in the 1953 death of George Dalton. The judge fined him $500 and sentenced him to serve two years of unsupervised probation. But this was truly a case of justice delayed, justice denied. The descendants of Dalton were gratified, but surprised by the case. It seems “everyone” had always known that Elden Martin, who as a teen-ager at the time and had a reputation for “hot-rodning,” had caused the accident that killed Dalton. Martin died in 1991, according to “No Jail Time in 1953 Hit-and-Run,” in the February 23, 2007, issue of the Richmond Times-Dispatch. ■
What is Your Impact on Society?

Law librarians should perform social audits to evaluate the value of the library

The consumer is king. Today consumers have more options than ever before to access information. This access to information in turn gives them more power when making their decisions, whether it’s deciding where to shop for groceries or which physician to see. Even though libraries generally reside in the not-for-profit sector, they must address the consumer-driven world or risk a perceived lack of value or effectiveness.
Several years ago, Baker and McKenzie made national news and caused concern in the law library community when it announced that its law library would close. Today, in law schools, students are no longer confined to the physical library to do their research—they can sit in cafes or their living rooms and access materials via the Internet, iPods, and cell phones.

Law schools, law firms, and public entities, such as county or municipal governments, often see libraries as overhead in terms of cost or space and divert those resources to other purposes. This is where the social audit can have an impact.

**What is a Social Audit?**

The social audit is a concept that can be used to evaluate library effectiveness based on qualitative standards and criteria. It is a method to look at outcomes from a social perspective and the impact an organization has on society, rather than through inputs such as the number of circulated items, dollars spent, and other resources.

For too long, quantitative measurements have been used to evaluate libraries. As collection formats change and technology changes the way patrons use libraries, it is clear new ways of looking at library effectiveness need to be adopted. A social audit is one method that all types of libraries can use.

The term social audit is sometimes referred to as social accounting, but that is because it generally was adopted in the private sector, and libraries generally are in the public sector. A social audit enables an institution to measure itself against its own goals rather than against organizations with different missions. This is especially useful for academic law libraries where, though different missions, the consumer will go to libraries in two different towns. Libraries need to look at their roles from the outside in, rather than from the organization out. They need to see their impact on the economic and cultural life of their communities. The community may be the public, the student body and faculty, or the members of a law firm. And once they determine the library's impact, librarians need to convey the value of their work to the parent organization.

One reason the social audit is critical is because of its emphasis on the outside. In *Libraries in a World of Cultural Change*, the authors state that the independent social audit can help drive the policy for change: “The library is not only a powerful symbol of the past, but also a potential beacon or landmark for the future.”

Libraries of all organizations must continue to perform self-audits and make their case. In some ways, the goal of the social audit—to show the impact on society (again, society can be defined by whatever parameters the organization sets on)—is similar to writing a grant proposal.

**Altruistic Benefits**

In writing a grant, one of the key factors that the awarding agency often looks at is how much of an altruistic benefit is derived from the grant. The social audit allows you to see where an organization can have the most impact. This can be done through market research, focus groups, or other similar surveys of stakeholders, but it cannot rely on pre-existing assumptions. In some ways, it is like the theme of Frank Capra’s film, “It’s a Wonderful Life,” except the questions faced here are:

**Examples of Library Audits**

One of the earliest studies of a social audit of libraries occurred in Great Britain, and, in fact, much of the early research comes from there and Ireland. The study in England looked at the societal impact of libraries in two different towns. Libraries were perceived as valuing continuity above flexibility, preferring to consolidate a known audience rather than developing new markets, and valuing professional loyalty and integrity above innovation.

While most people probably feel that valuing loyalty and integrity are positive attributes, the above statement reflects users’ perceptions that libraries are institutions somewhat resistant to change. Many people in all walks of life resist change. But if consumers see stagnation setting in any organization, that stagnation needs to be corrected for the organization to survive.

As collection formats change and technology changes the way patrons use libraries, it is clear new ways of looking at library effectiveness need to be adopted. A social audit is one method that all types of libraries can use.

The social audit helps bring this into focus.

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“I honestly believe that the winning companies of this century will be those who prove with their actions that they can be profitable and increase social value.”

— Carly Fiorina, former CEO of Hewlett Packard
• What would your organization be like without the library?
• What would your organization be like if the library does not change to meet new social, economic, and cultural needs?
• What is the negative societal impact?

A 1993 green paper, published by Comedia Consultancy in Gloucestershire, England, titled, "Borrowed Time," looked at issues facing public libraries. While the paper focused on public libraries, I believe the issues are applicable to all libraries because they all have a society or constituency that they represent. The paper stated that while book issues (circulation data) have been declining, other uses of the library are increasing. These uses include for information and studying, as homework centers, and for literary events and other community activities.

Law libraries are facing the same issues. Librarians can convey their value to administrators holding the purse strings by showing the value the library still has beyond resources and circulation data. It is clear in most studies and through anecdotal evidence that in academic libraries students look for a more social setting. They are interested in group study rooms, information commons, cafes, and other "creature comforts." Law schools need to have space for speakers and other events that will raise the value of the library. With the growth of electronic resources, the library can no longer simply rely on "if you build it, they will come."

Another English study points to young people having a low opinion of libraries. They consider them old fashioned or not high quality; young people are interested in technology. We, as the library community, must answer these needs and change our own ways of thinking. Where will students, young attorneys, and pro se patrons go to seek information? Will they be at home and Google their way to knowledge? Where will they want to spend their time? The environment that they are in, the social aspect of the library, or the outcomes that can be generated through responding to the wishes of the society in the social audit is going to drive the role of the library in our organizations.

Social Responsibility
A key aspect of the social role of the library is the importance of social responsibility. This is often seen at the corporate level but is expanding into the not-for-profit sector and is a key element to look at in maintaining the relevance of the library. Social responsibility expands to a variety of groups.

As part of the process of a social audit, one needs to look at all internal and external stakeholders. This will lead to employees valuing the organization and not feeling like a cog in a big machine, failing to directly see how their contributions can help the parent organization.

In looking at stakeholders, one needs to look at those with an economic, organizational, and societal role. For example, one analysis of social responsibility looks at this concept as concentric circles with various people playing different roles. The economic stakeholders are the employees within the economic circle of the organization. They are the ones who need to ensure accountability and bring legitimacy to the organization in the long term.

The social audit enables organizations to be legitimate by testing outcomes and bringing in stakeholders to impact the role—again it is outside in, rather than inside out. It enables the organization to share its intrinsic value and show the benefit to society.

A Means to an Ends
Social responsibility encompasses economic, legal, ethical, and discretionary expectations that society has of organizations at a given point in time. Archie Carroll, who has written extensively on corporate social responsibility for many years, including "A Three-Dimensional Conceptual Model of Corporate Performance" in 1979 and "The Pyramid of Corporate Social Responsibility: Toward the Moral Management of Organizational Stakeholders" in 2001, explains this through a means to the ends analysis. The means are the organization's services, and the ends are the stakeholders' concerns that the organization wants to address. Success is therefore measured by how well the organization has been able to navigate stakeholder concerns while implementing its business model.

Carroll goes on to explain that the organization has a hierarchy that includes various responsibilities. These are discretionary, ethical, legal, and economic. More stakeholder input is needed in the organization or the penalties imposed will become prohibitive. For example, people will stay away or go elsewhere. This is an issue faced by all law libraries. In fact, data shows that it can affect recruitment and retention of students and faculty, as issues such as the environment, ethics, and economics impact their decisions. The key point is that social responsibility is becoming a more important factor for all organizations to address and is part of the social web of the library.

The Luxury of Choice
Social responsibility also comes into play because of trends in consumerism, which eventually impact libraries. One trend is increasing affluence. While this is obviously not true for everyone, society as a whole is more affluent and has the ability to make more choices today than ever before.

Consumers can afford to choose products they buy and pay a premium for brands they trust.

This trend can be seen in the impact of the U.S. News and World Report rankings on prospective law students. These consumers make economic choices in many instances when considering law schools. While most law school administrations have disavowed the role of the rankings, it is clear that they have an impact. It will be up to law schools to address consumer needs and wishes to survive in the marketplace.

Stakeholder advocacy is another area that is part of social responsibility and is part of the overall social audit. Can stakeholders push the agenda to drive change? The answer in law schools is clearly yes, as new buildings, technology advancements, and other user expectations drive how law libraries of all types are making changes. There must be an adaptation to the consumer.

This is why the American Bar Association needs to also change the information it requests from academic law libraries. While the Section on Legal Education Committee on Libraries continues to modify the information it requests and change is occurring, there is still too much of an emphasis on data, numbers, and inputs. This creates an inequity among libraries and does nothing to separate out the differing missions and goals of each institution.

Librarians should not worry about these numbers but focus on outputs and their impact. Perhaps a social audit conducted by each law library and a task force within AALL to develop goals pertaining to the social role of the library is a new approach worth taking to measure the value and importance of the law library in the 21st century.

“I honestly believe that the winning companies of this century will be those who prove with their actions that they can be profitable and increase social value,” said Carly Fiorina, former CEO of Hewlett Packard, at the APEC CEO Summit in Shanghai, China, in October 2001. This is true for law libraries too.

Mark P. Bernstein (bernstm2@slu.edu) is assistant professor of law and director of the Omer Poos Law Library at the Saint Louis University School of Law.
Read AALL’s New Monthly e-Newsletter

On September 20, AALL debuted the new and improved “From the Desk of Ann Fessenden”—AALL’s monthly e-newsletter. The third Thursday of every month the e-newsletter sends you the latest Association news and events, educational opportunities, advocacy efforts, and anything else related to law librarians. The e-newsletter also includes quick links to more news and resources found on AALLNET.

If you’re not receiving “From the Desk of Ann Fessenden,” please contact AALL Membership Services Coordinator Hannah Phelps at 312/939-4764, extension 210, or hphelps@aall.org. Also be sure to designate @aall.org as a safe address in your e-mail system.

If you’d rather not receive “From the Desk of Ann Fessenden,” you can manage your e-mail subscriptions through the AALL Members Only Section on AALLNET. Log in at www.aallnet.org/members and click on “Mail Options” to change your e-mail subscriptions, as well as a number of other mail settings.

You can view past issues of “From the Desk of Ann Fessenden” in the e-newsletter archive on AALLNET at www.aallnet.org/press/archives_current.asp.

Current Events

Expand your mind and connect with colleagues at these select AALL events. Visit www.aallnet.org/calendar for more information and offerings.

November 1
Mid-America Association of Law Libraries
Lincoln, Nebraska

November 1
Virginia Association of Law Libraries
Fall Meeting
Hot Springs, Virginia

December 1
IALL 2007: 26th Course on International Law Librarianship: “Global Challenges and the Indian Legal System”
Mumbai, India

February 23
Colorado Association of Law Librarians’ Spotlight On …
Denver

March 26
SEAALL/LLSDC Joint Annual Meeting
Old Town Alexandria, Virginia

Get the News When You Want It


The type of news remains the same, but the new format allows you to get more news that is delivered faster. You will be able to sort the news by type, date, and keyword, and you will be able to submit items easily to the news editors.

Visit AALLNET regularly to see the latest AALL news: www.aallnet.org/news.

Ad Index

Advanced Productivity Software ..........................................................3
BNA ........................................................................................................5
Chemical Abstracts............................................................................inside back cover
LexisNexis .....................................................................................inside front cover
Want ..................................................................................................33
West .................................................................................................back cover

AALL Wants You to Vote Online This Month

November 1-December 1
AALL members can vote for the Association’s next officers and Executive Board members, including vice president/president-elect and secretary. Visit https://secure.aallnet.org/vote/index.asp to view candidate statements and biographies and to submit your ballot.
Selling Back to Vendors
The first reaction to vendors is generally one of disdain and contempt, which is somewhat understandable. That never gets anyone anywhere because a law firm requires a list of services from a list of providers.

There is also the issue of learning what new products and applications are available in the marketplace. New products frequently dictate an advantage to the firm. As opposed to the lack of negotiating tactics, some effective techniques to use in negotiations or discourse are the following.

“If the vendor is credible, there will be a negotiation and an effort to bring a resolution favorable to both sides of the table.”

If you are not interested in a product or service, tell the individual, “no thank you,” at the onset. There is no point in wasting your time or the vendor’s time.

If you are interested in a product or service, use the same selling methods the sales person is using. One of the biggest complaints from librarians is that the vendors are a nuisance. Be direct with them about what you are looking for.

If this is not communicated effectively, you will not get what you want.

If there is a specific issue, like price, terms in the contract, etc., be clear and precise about those. Otherwise you will continue to get phone calls every week. Everything you get or don’t get is up to you and your ability to communicate the issue or request.

Be specific and direct with what is best for the firm and your department. If the vendor is credible, there will be a negotiation and an effort to bring a resolution favorable to both sides of the table. All of these techniques are applicable to many situations. Selling is a highly developed skill that takes years to develop. Use these to your advantage and see the environment change around you as you become the new star within your firm. Shine brightly!

Kristine L. Collins (kcollins@kristinecollinsconsulting.com) is president of the Collins Consulting Group in Tustin, California, and the author of Salesmanship for Attorneys: Building Your Practice using Successful Sales Strategies from Corporate America.

Statement of Ownership

If the vendor is credible, there will be a negotiation and an effort to bring a resolution favorable to both sides of the table.
Awards Committee Calls for Nominees for AALL Awards

Law Librarians are on the forefront when it comes to assuring access to legal information. The AALL Awards Committee recognizes the accomplishments of its members and others who excel in that endeavor. The Awards Committee will consider candidates for the awards described below. Additional information for all awards, including application forms and previous recipients, is listed on AALLNET at www.aallnet.org/about/awards.asp. Recipients will be recognized at the AALL Annual Meeting in Portland. All nominations must be postmarked by February 1, 2008, unless otherwise noted.

The AALL/Thomson West Excellence in Marketing Award honors outstanding achievement in public relations activities by an individual, group of individuals, library, chapter, special interest section, consortium, caucus, or any other group affiliated with AALL. Awards may be given in five categories: Best Brochure, Best Campaign, Best Newsletter, Best PR Toolkit, and Best Use of Technology. Please submit four copies of the entry, e.g., brochure, newsletter, handbook, bookmark, PR tool kit, or map. In the case of a campaign or home page, please submit four hard copies of all supporting documentation: a campaign notebook or printout of at least the main page and introductory material of a home page. Entries must be signed and dated, and the submission itself must have been used or implemented during 2007. Additional guidelines and the application form can be found on AALLNET at www.aallnet.org/committee/pr. Please send entries to Lucinda MacDonald, Marketing Specialist, Thomson West Librarian Relations, 610 Opperman Drive, D5-N193, Eagan, MN 55123; lucinda.macdonald@thomson.com.

The Chapter Professional Development Award recognizes significant achievements in designing outstanding professional development programs by AALL chapters. Two awards are given: one for a single program or workshop of one-half day or more and the other for a more comprehensive professional development program up to one year in length. Send five copies of the application and documentation to Chapter Professional Development Award Subcommittee Chair Mary D. Mahoney, Library Manager, Peterson, Johnson & Murray SC, 733 N. Van Buren Street, Milwaukee, WI 53202-4700; 414/278-8800; fax: 414/278-0920; mmahoney@pjmlaw.com.

The Joseph L. Andrews Bibliographical Award is presented to honor a significant contribution to legal bibliographical literature. To be eligible, a work must be “a compilation of titles, published in any format, organized to serve as a reference tool or finding aid for such publications. Each nominated work will be measured primarily by its creative, evaluative elements, and the extent to which judgment was a factor in its formation.” The works must have been published during 2007 to be considered. Send the nomination, including a complete description and five review copies, to Joseph L. Andrews Bibliographical Award Subcommittee Chair Mark P. Bernstein, Director and Assistant Professor of Law, Saint Louis University, Omer Poos Law Library, 3700 Lindell Boulevard, St. Louis, MO 63108; 314/977-3393; fax: 314/977-3966; bernstsm2@slu.edu.

The Law Library Journal and AALL Spectrum Article of the Year Awards honor outstanding writing in each of those publications. Recipients will be chosen from articles published in the Law Library Journal and the AALL Spectrum during 2007. Nominees will be determined by the LLJ/AALL Spectrum Editorial Board and forwarded to the Awards Committee for final decision.

The Law Library Publications Award recognizes achievement in creating outstanding in-house library materials. There are two categories for the award: print and non-print. Recipients of the award may be any individual or group affiliated with AALL. Entries are judged according to the quality of the materials, creativity, and usefulness to the target audience. Send five copies of the application and supporting documents to: Law Library Publications Award Subcommittee Chair Carol N. Rogers, Manager of Information Resources-Libraries, Latham & Watkins LLP, 555 W. Fifth Street, Suite 800, Los Angeles, CA 90013-1010; 213/891-7174; fax: 213/891-7123; carol.rogers@lw.com.

The Marian Gould Gallagher Distinguished Service Award is presented to an individual nearing or following completion of an active professional career and recognized extended and sustained distinguished service to law librarianship and AALL. Honorees may be recognized for achievement in a particular area of law librarianship, for service to the Association, or for outstanding contributions to the professional literature. The individual must be or have been a member of AALL. The award may be given posthumously. Nomination applications should include either additional supporting letters or the names of the other persons to contact for further information concerning the nominee. Each candidate shall be considered individually and confidentially and will be judged according to the criteria listed above. Petitions and letter writing campaigns (beyond those letters included with the application) are discouraged and will not be considered in the evaluation process nor will they influence the committee. The Awards Committee shall forward its recommendations for this award to the AALL Executive Board by March 1 for discussion at the spring Executive Board meeting. The Executive Board will select the recipient after considering the recommendations of the Awards Committee. No more than one award will be made in any given year except at the discretion of the AALL Executive Board. Unless a qualified candidate is put forward, the award will not be given. To submit a nomination, complete the application form available on the Awards Committee Web site (www.aallnet.org/about/award_mgg.asp) and send the nomination packet, including supporting documents, to Marian Gould Gallagher Award Subcommittee Chair Ruth J. Hill, Director of Library Services and Associate Professor of Law, Oliver B. Spellman Law Library, Southern University Law Center, P.O. Box 9294, Baton Rouge, LA 70813; 225/771-2139; fax: 225/771-6254; RhiII@sulc.edu.

The CRIV New Product Award honors a new commercial legal information product that has been in the library marketplace for no more than two years. The product must be commercial, enhance or improve existing law library services or procedures, and be an innovative product that improves access to legal information, the legal research process, or procedures for technical processing of library materials. Products that have been re-introduced in a new format or with substantial changes are eligible. CRIV’s New Product Award Subcommittee screens nominations and makes recommendations to the AALL Awards Committee. To submit a nomination, complete the form available...
on AALLNET at www.aallnet.org/committee/criv/news/newproductform.pdf and send eight copies by January 14, 2008, to CRIV New Product Award Subcommittee Chair Joseph P. Hinger, Associate Director for Technical Services, St. John’s University, Rittenberg Law Library, 8000 Utopia Parkway, Jamaica, NY 11439; 718/990-1582; fax: 718/990-6649; hinger@stjohns.edu.

The Public Access to Government Information (PAGI) Award honors significant contributions by persons or organizations involved in the protection and promotion of greater public access to government information. Recipients need not be law librarians or members of AALL and may not be members of AALL’s Government Affairs Office. Criteria for selection include: (1) a contribution that significantly improves public access to government information, thereby increasing the public’s knowledge about the workings of government; (2) the extent to which the individual or organization has had a positive impact on protecting and promoting public access to government information; and (3) the extent to which the effort advances the AALL mission and Government Relations Policy. The award is jointly administered by the Government Relations and Awards Committees. All nominations are considered on an individual basis, with complete confidentiality, and according to the criteria listed above. Nominations (one copy, preferably in electronic format) must be sent to Government Relations Committee Chair Scott Matheson, Head of Public Services, University of Colorado Law Library, 402 UCB, Wolf Law Building, Room 223A, 2450 Kittredge Loop Drive, Boulder, CO 80309-0402; 303/492-2504; fax: 303/492-2707; scott.matheson@colorado.edu.

AALL Elections this Month
2007 AALL election schedule and candidates

November 1, 2007
Ballots distributed electronically to all voting members.

December 1, 2007
Deadline for receipt of electronic ballots at AALL. Ballots tabulated at AALL, and results of elections announced immediately.

2007 Candidates
The AALL Nominations Committee nominated the following individuals for office in AALL. Full candidate profiles and platforms are available on AALLNET at https://secure.aallnet.org/vote/bios.asp and will be published in a future issue of Law Library Journal.

Vice President/President-Elect

Catherine Lemann, State Law Librarian, Alaska State Court Law Library, Anchorage, Alaska

Maryruth Storer, Law Library Director, Orange County Public Law Library, Santa Ana, California

Treasurer

Ruth J. Hill, Director of Library Services and Associate Professor of Law, Southern University Law Library, Baton Rouge, Louisiana

Richard M. Jost, Assistant Librarian for Technical Services, M.G. Gallagher Law Library, University of Washington, Seattle, Washington

Executive Board

Carol Brede Meyer, Assistant Director for Faculty Services, Chase College of Law Library, Northern Kentucky University, Highland Heights, Kentucky

Christine L. Graesser, Legal Information Specialist, Brown Rudnick Berlack Israels LLP, Hartford, Connecticut

Larry Meyer, Law Library Director, Law Library for San Bernardino County, San Bernardino, California

Holly M. Riccio, Library Manager, O’Melveny & Myers LLP, San Francisco, California

Your Nations Courts Series

Your Nation’s Courts Series provides comprehensive directory listings of the nation’s federal and state courts, including judges, clerks of court, links to court websites, biographical information and much more. 2008 Editions now available. Published by CQ Press (www.courts.cqpress.com).

Case Filings Alert

Case Filings Alert, an online service, reports on new cases as they are filed in courts around the country, alerting you to important new litigation that you may have missed. Learning of new cases soon after they are filed allows you to follow the cases as they work their way through the litigation process and obtain pleadings and other documents filed. Annual subscription: $95.00 for individual user; $195 for office network (single office); $350 for office network (multiple offices). Send us an email (Litigation@NationsCourts.com) requesting 30-day free trial. Include User ID and Password for online access.

Mattel Litigation Reporter

Mattel, the world’s largest toy company, is likely to face a barrage of lawsuits resulting from its series of recalls involving millions of toys. Mattel Litigation Reporter, an online service, covers news and legal developments in the Mattel recalls and in the toy industry in general. Annual subscription: $95.00 for individual user; $195 for office network (single office); $350 for office network (multiple offices). Send us an email (Litigation@NationsCourts.com) requesting 30-day free trial. Include User ID and Password for online access.
What do you do in your life outside the library?

"My life outside the library includes owning a martial arts school, which improves my librarianship skills. It is an extension of my desire to learn and improve many leadership, management, and information professional skills. Best of all, I was recently inducted into the U.S.A. Martial Arts Hall of Fame.

“One of my virtual passions is a Web site titled Butt Kicking Librarians (http://hokkien.uuft.org/librarian.html). It was inspired by various works that address librarian stereotypes. In addition to fighting stereotypes, the Web site’s goal is to encourage librarians to become physically active."

— Andrew Pulau Evans, head of reference and adjunct professor of law at Washburn University of Topeka School of Law Library

“I do volunteer transport of dogs and cats being moved from one part of the country to another. Typically, the pets have been pulled from a kill shelter and are going to a no-kill rescue or an adoptive family hundreds or thousands of miles away. The animals are driven by relay teams of volunteers, all put in contact and organized via Internet message boards and discussion forums. In the past month I’ve helped Maggie, a deaf Australian Shepherd, go from a foster home in Kentucky to an adoptive home in North Carolina; Dale and Peanut, two beagle puppies, go from kill shelters in Tennessee to a beagle rescue group in Pennsylvania, and Logan, a Catahoula Leopard Dog, go from a kill shelter in Georgia to a no-kill rescue in Pennsylvania. I also recently moved 14 Yorkies on their way from a closed-down puppy mill in Arkansas to a Yorkie rescue group in the Northeast. I’ve met lots of great people doing this, and it’s an easy and quick way to help homeless animals."

— Sibyl Marshall, reference librarian at the University of Tennessee Joel A. Katz Law Library

“Hold vigils, attend hearings, and meet with Congress members. We are very vocal, and our pink clothing, banners, and signs make for great photo opportunities.

“In August we fasted for two weeks and camped outside the homes of House Speaker Nancy Pelosi and Senator Diane Feinstein in San Francisco to ask them to meet with their constituents about ending the war and impeachment. Pelosi hasn’t held a town hall meeting since January 2006. We practice non-violent civil disobedience. I was arrested at a sit-in in D.C. in May, along with 33 others. I have also been interviewed on radio programs and by newspapers representing the views of CodePink on impeachment."

— Cynthia Papermaster, law librarian at Gibson, Dunn & Crutcher, LLP in San Francisco

“Each summer I go to Mount Desert Island, Maine, and climb Beech Mountain, bike around Eagle Lake, and look forward to a lobster dinner at Abel’s at Northeast Harbor. I also delve into my storage of ideas and manage to put out books on Dickens (Bardell v. Pickwick), Shakespeare (Breath of an Unfee’d Lawyer), and anecdotes (Legal Anecdotes, Wit, and Rejoinder). At 84 and in my 15th year of retirement, things get better every year thanks to Suffolk University, their librarians, and my genes."

— Edward Bander, retired law librarian in Brookline, Massachusetts

— Sibyl Marshall

Edward Bander

Andrew Pulau Evans
“I do a weekly show for Alabama Public Radio. It’s on from 6-7 p.m. every Sunday. It’s a show of ‘20s, ‘30s, and ‘40s popular music called, ‘Getting Sentimental Over You: the program of big band memories.’”

— David C. Clark, law librarian at Lightfoot, Franklin, & White, LLC in Birmingham, Alabama (Photo by Porfirio Solorzano; courtesy the Arts Council of Tuscaloosa)

“Carry tiger to the mountain. Fair lady works shuttles. Golden cockerel stands on one leg. Wild stork spreads wings. Symbolic imagery of just a few of the lithe, beautiful moves that I do in Tai Chi. Tai Chi is a moving form of yoga and meditation, combined with roots in the martial arts. I began doing Tai Chi more than a year ago to mend from major surgery, then continued as I found the natural movements helped me heal and grow in many ways. The most glorious part of every week is Saturday mornings when we do the entire Tai Chi form at Stewart Park on the grass along Cayuga Lake in a moving setting that confirms for me why I live in gorgeous Ithaca and why I do Tai Chi.”

— Pat Court, associate law librarian at Cornell University Law Library in Ithaca, New York

Memorials

AALL Spectrum has been advised of the death of Robert L. Oakley.

Mr. Oakley had been serving as AALL Washington affairs representative since 1989 and as director of the law library and professor of law at Georgetown University since 1982. He served two terms on AALL’s Executive Board, from 1991-1994 and 1999-2002, including serving as president in 2000-2001. Mr. Oakley contributed to the Association in countless leadership positions. It is largely through his vision and leadership that AALL has become a leading voice in national and international legal information policy. He will be sorely missed by his many friends and colleagues.

Mr. Oakley died unexpectedly on September 29 of cardiac arrest during treatment of complications following knee surgery in August. He was 61. Look for a full tribute to Mr. Oakley in the December 2007 issue of AALL Spectrum.

AALL Spectrum carries brief announcements of members’ deaths in the “Memorials” column. Traditional memorials should be submitted to Janet Sinder, Law Library Journal, University of Maryland At Baltimore, Thurgood Marshall Law Library, 501 W. Fayette Street, Baltimore, MD 21201-1768; jsinder@law.umaryland.edu.
Do You Have a Captivating View from Your Law Library?

Many law libraries have interesting or dramatic views of cityscapes, mountain ranges, or beautiful vistas. If your law library has a great view, this is your chance to share it with AALL.

In order to be publishable, pictures must be of relatively high quality. While we can work with a print, digital submissions are better. Digital submissions must be high-resolution (300 dpi). When scanning photos, set the scanner at high-resolution/print quality/300 dpi. When taking pictures with a digital camera, make sure that the camera is set to take the largest photo possible.

Depending on the number of submissions received, we will publish one or two photos in each issue of Spectrum and post them on AALLNET at www.aallnet.org/view/view_month.asp. Photos will be published on a first-come, first-served basis. Publication of a submitted photo is not guaranteed. If you have questions, or to submit photos, please contact AALL Director of Publications Julia O’Donnell at jodonnell@aall.org.

View of the annual turkey vultures from the library at the law offices of Morgan, Lewis & Bockius LLP in Miami. They arrive every October and leave in March. Submitted by Sid Kaskey, now research and information services manager for the Florida and Latin American Offices, at Squire, Sanders & Dempsey LLP.

View of the Barrett Memorial Bell Tower from the Sarita Kenedy East Law Library at St. Mary’s University in San Antonio, Texas. Photo by Mike Forrest, reference librarian.
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QUESTION:
Why does Holly take time to meet with her Librarian Relations Manager?

ANSWER:
“I know that Tom uses his knowledge and expertise to look out for my firm’s best interests.”

– Holly Pinto, Director of Library Services, Holland & Hart LLP, pictured at left, and Tom Duggan, Librarian Relations Manager, West

Your day is busy, and you need to make every minute count. You can trust that the time spent with your Librarian Relations Manager will pay off in helpful solutions for you and your firm.

Real people, real partners.
Contents
Editor’s Corner .............................................................................................................2
From the Chair .............................................................................................................2
New Orleans 2007—Educational Program Summaries..............................................3
New Product Award Nominations Sought ..................................................................12

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The CRIV Sheet
The Newsletter of the Committee on Relations with Information Vendors
AALL
Volume 30, No. 1
November 2007
As The CRIV Sheet begins another year of publication, I would like to thank Tracy Thompson, executive director of the New England Law Library Consortium, for her guidance during my year as assistant editor. I am grateful for her help last year and am pleased that she is continuing on as the CRIV chair. Now I know that my questions about The CRIV Sheet will always be answered!

Our new assistant editor is Stephanie Marshall, faculty services librarian at Texas Wesleyan University School of Law. We will both work hard to publish a newsletter that represents the librarian’s voice in the constantly changing legal marketplace.

In this issue we begin with a column from Ms. Thompson, the new CRIV chair. She discusses the CRIV’s evolution as a committee, with a special focus on some of the changes that you may see in the next year. She introduces our members and announces the 2007-2008 CRIV subcommittee assignments.

The first CRIV Sheet of the year traditionally covers programs from the AALL Annual Conference that are relevant to CRIV’s charge. For our first article, our new assistant editor, Ms. Marshall, reviews a program on an issue important to all in our field: A-3: “Legal Information: Globalization, Conglomerates and Competition Monopoly or Free Market?” Next, Joe Hinger, associate director for technical services at St. John’s University, enjoys Cheryl Nyberg’s musical session on digitized government documents, B-2: “Everything Old Is New Again: Finding Government Document Collections Reborn Online.” JoAnn Hounshell, director of bibliographic services at Chicago-Kent College of Law Library, learned all about licensing agreements when she attended E-6: “Understanding Copyright Challenges in Licensing: What to Look for in Your Subscription Agreement.” Mr. Hinger pulled double-duty for The CRIV Sheet and also reviews F-2: “Meeting the Challenges of E-Life Cycle Management—A Town Meeting with the U.S. Government Printing Office and National Archives and Records Administration.” New CRIV member Rob Myers, manager of serials and collection access at Case Western Reserve University, notes the helpful highlights in G-6: “New Challenges Demand New Skills: Negotiation 101 for Librarians.” Lastly, Dina Dreifuerst, budget and acquisitions librarian at Bracewell & Giuliani LLP, gives her unique perspective on this year’s hot topic, H-3: “Legal Publishing in the 21st Century.”

This issue also includes a request for nominations for next year’s New Product Award. This is an important award, and if there is a new product you love, please consider submitting it for recognition.

The CRIV Sheet is nothing without content, and we would love to hear from you. If you would like to write an article, respond to a previous article, or share your thoughts on how we can better work with our vendors, please let us know. You may contact either of us at aeaton@perkinscoie.com or smarshall@law.txwes.edu.

Tracy L. Thompson  

There is a lot of excitement in AALL committees these days, given the work of the Special Committee on Committee Structure. Changes are afoot, and as my oldest son Sam always reminds me, change is growth!

As with many committees, the CRIV may see some growth in 2008-2009. The special committee has proposed a revised charge for the CRIV and an extended term of service for committee members from two years to three. The special committee consulted with last year’s CRIV chair, Nina Platt, and the sitting CRIV had the opportunity to review the proposal and provide feedback. I’m grateful to the members of the CRIV who undertook a careful review of the revised charge and shared thoughtful insight.

The special committee will have completed its final report by the end of October, so as of this writing I’m not sure of the outcome. In any case, I’d like to thank the special committee for its work on behalf of the membership. It’s important for organizations to step back and make sure that “the way we’ve always done it” is still an effective way to do it.

But this year’s CRIV is still operating under the existing charge, and we have some changes of our own planned. One of the CRIV’s goals is to assist members in becoming their own best advocates with respect to their vendor relationships. To that end the CRIV has devised a monthly tool called CRIV Tips. By the time of this publication you may already be familiar with them.

CRIV Publications Subcommittee member Rob Myers has created a series of 10 scenarios that you might encounter in your everyday work life. One of these
hypothetical situations will be set out in AALL’s new monthly e-newsletter, beginning in September and running for 10 months. Following each problem set will be a link to an existing CRIV resource that can assist members in resolving the problem or question at hand. We hope this will help to raise awareness about the resources already available to members through AALL.

Another area we plan to address within the CRIV this year is the practice of vendor site visits. The CRIV performs vendor site visits regularly as part of its ongoing outreach activities. In my tenure on the CRIV (since 2005) I have attended one site visit, hosted by LexisNexis. I was impressed by the level of exchange that occurred in this environment. The CRIV site visit team and the LexisNexis team were each very invested and engaged in the process. Both groups had expertise to share and lessons to learn. Since then I’ve given a great deal of thought to site visits, especially in light of the legitimate concerns of some that these visits are no more than gripe sessions or junkets.

While I take those criticisms very seriously, I believe the site visit, if properly constituted, can be an excellent tool for building positive and respectful relationships with our publishers and vendors. It’s a unique opportunity for participants on each side of the table to gain insight into the needs, expectations, challenges, and expertise of the other.

At present no formal guidelines or procedures exist for site visits. The CRIV’s Site Visits Subcommittee is chaired this year by JoAnn Hounshell. Ms. Hounshell served on the site visit planning committee last year (visiting CCH) and is familiar with the process. She heads up an effort to develop some policy guidelines and procedures for members and vendors alike. This will help all involved parties, and the membership at large, have a better sense of the goals and expectations of vendor site visits and will assist future CRIVs in planning. The CRIV plans to submit a formal procedure to the AALL Executive Board for consideration at its November meeting.

I welcome any CRIV-related ideas, concerns, or questions at tracy.thompson@yale.edu.

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New Orleans 2007—Educational Program Summaries

Editor’s Note: The handouts and recordings for these programs are available for purchase at www.aallnet.org/products/products_educational.asp.

Stephanie Marshall
Texas Wesleyan University School of Law Dee J. Kelly Law Library, Fort Worth

Program A-3: Legal Information: Globalization, Conglomerates and Competition Monopoly or Free Market?

Speakers:
Kendall F. Svengalis
Rhode Island LawPress
David Anthony Szwak
Bodenheimer, Jones & Szwak, LLP

Coordinator and Moderator:
LaJean Humphries
Schwabe Williamson & Wyatt, PC

The focus of this session was to learn how much costs have risen and why and what you, the consumer, can do about it. Note: the PowerPoint presentation is available at http://rilawpress.com on the bottom of the page.

Ken Svengalis, president of Rhode Island LawPress and publisher of the Legal Information Buyer’s Guide and Reference Manual, was the session’s opening speaker. He stated that for 2006 the relative market shares of major legal publishers were Thomson with 41.5 percent, Reed Elsevier with 23 percent, and Wolters Kluwer with 20 percent. He said the “big three” controlled about 85 percent of the market for legal information, and when he compared 2006 operating profit margins, Wolters Kluwer had 17 percent, Reed Elsevier had 24.2 percent, and Thomson West Legal and Regulatory had 31 percent. He further stated these numbers are even more impressive when compared to the 25-year overall corporate average of 8.3 percent and the current corporate average of 10.3 percent.

Mr. Svengalis said there is a legal publishing oligopoly, with Thomson West alone accounting for 41 percent of the market. Since 1979, he stated, the “big three” have effectively “swept the decks clear” of potential sources of competition with new rivals becoming likely candidates for acquisition.

In looking at the average annual increase in new
costs for 1995 to 2007, Mr. Svengalis said that for Aspen, BNA, CCH, LexisNexis Matthew Bender, LexisNexis Michie, and Thomson West, it ranges from 2.5 to 5 percent. However, he said the average annual increase in supplementation costs for 1995 to 2006 is higher than the average new item cost. Mr. Svengalis said supplementation costs were: Aspen at 9 percent; BNA, CCH, and Matthew Bender at 4 to 5 percent; Michie at 8 percent; and Thomson West at a much higher 13.5 percent. He further stated that more than 85 percent of profits are derived from continuing supplementation costs. For Thomson West print publications, the average annual supplementation percentage cost increases for 1995 to 2006 ranges from 11.5 percent for codes and treatises to 22 percent for digests, he said.

Mr. Svengalis then discussed library management agreements (LMA). He stated the encouraged contract is three years, but two-year contracts are allowed. Rates are negotiated, he said, but typically average 7 to 8 percent in the second and third years with sometimes a teaser as low as 2 percent in the first year. He stated many law librarians are skeptical of the agreements for a number of reasons, including (1) failure to agree on the list of subscribing titles; (2) fluctuations in budgets; (3) high pressure sales tactic; and (4) the non-disclosure provisions.

Mr. Svengalis then stated that the AALL Price Index for Legal Publishers history shows the number of titles being indexed from 1973 to the present has significantly decreased. He said Thomson West refused to provide the AALL Price Index Committee with supplementation cost data for the period of 1998 to 2004. Svengalis believes that AALL has been unwilling to confront Thomson West on the issue.

Mr. Svengalis stated that customers have a right to demand transparency in pricing, particularly supplementation cost history, in order to make intelligent product choices and budgetary projections. He also stated that AALL needs to resuscitate the AALL Price Index, with or without Thomson West’s assistance, and tighten Principle 2.3(i) iv of the AALL Guide to Fair Business Practices for Legal Publishers, which should preclude using confidential contractual arrangements as a pretext for refusing to provide generic annual subscriber supplementations costs. He added that “AALL should demand that ‘partnerships’ reflect mutual respect between legal publishers and AALL and the interest of its member libraries.”

According to Mr. Svengalis, some things consumers can do are:

- reduce exposure to publications with high supplementation costs;
- if signing an LMA, cancel all marginal publications prior to doing so;
- discourage the use of the confidentiality clause;
- gain access to accurate data regarding annual costs of supplementation for publications and services;
- use the “Law Library Cost Saving Tips” in Appendix J of his Legal Information Buyer’s Guide and Reference Manual;
- play off the major online services against each other (but you must be prepared to drop one service if the company will not meet your demands); and
- promote Casemaker as a low cost default alternative to the premium online services.

David Szwak, of Bodenheimer, Jones & Szwak, LLP, next spoke about the consumer side of this issue with some suggestions on how to deal with the legal publishing industry in the future. He stated that larger firms no longer supplement their treatises and use electronic sources only. Since paper resources are no longer accessible, Mr. Szwak said he introduced specialized Web sites at the bar association level to assist the smaller firms and pro se litigants with legal research. His firm started myfaircredit.com, myfairdebt.com, and its latest myfairauto.com. These specialized Web sites offer pre-packaged legal information to users who need legal resources.

Mr. Szwak said it is getting harder to get legal information at a fair price, and Thomson West has a monopoly on the market, controlling the mainstream legal materials that lawyers need. He stated that much like the credit reporting industry, West gets its information at a low cost from the courts. They manipulate and enhance it, and they control the market.

Mr. Szwak explained that at the end of June the Supreme Court came down with an opinion making it easier to use vertical price fixing (Leegin Creative Leather Products v. PSKS, Inc., 127 S.Ct. 2705 (2007)). According to Mr. Szwak, this is the first real change in antitrust law in more than 100 years. The court decided not to use the per se illegal standard but a standard of reason. Mr. Szwak argues that this allows companies to fix prices and then come into court and argue to the jury that their reasons are pro-competitor.

Mr. Szwak said law libraries have an antitrust issue to deal with. He likens the legal information industry to the globalization of the credit reporting agencies, which no longer have local affiliate credit bureaus. The credit industry eliminated local affiliates and now the consumer must deal with the national office. He then stated that with the legal information industry, the only middle-man between Thomson West and the consumer is the library.

The session ended with questions from the floor.
Cheryl Rae Nyberg, reference librarian at the University of Washington Gallagher Law Library, intelligently constructed this workshop, complete with music clips that served as an introduction to the next topic she was going to cover.

The program began with music from the ’60s and ’70s that have been remade since their original release. Ms. Nyberg compared these covered songs to government documents: they have been published in the past, some have been reprinted at a later date, and some have, or are being, digitized, bringing these older government documents to the forefront once again. She mentioned several traits of the newer versions of the government documents: sometimes the “remake” is better than the original, sometimes worse; they almost always differ in some way from the original; they may look the same or appear different; and, they may “behave” the same as, or differently from, the original version.

Digitized Government Documents

The difference between government document digitization and music is that government documents do not fall under copyright, and anybody can “rework” these publications in any format. Ms. Nyberg stressed that when older government documents are digitized via optical character recognition (OCR), it is best to proofread the final product to ensure the highest quality. The OCR process is only a mechanized process that scans and indexes the print material, and sometimes the process does not function perfectly, resulting in a product that does not represent the original version.

When reviewing digitized government document collections, Ms. Nyberg suggests following these steps:

1. Locate the collection—Google, University of Michigan, GPO
2. “Habituate” the collection—become familiar with the strengths, weaknesses
3. Evaluate the source—would you recommend this source?
4. Populate the source—create guides, catalog it, advertise it, link it, etc.
5. Imitate “good collections” of government documents—not enough libraries do digitization projects
6. Appreciate those that digitize—send thank-you letters, congratulations, etc.

Ms. Nyberg discussed sites that are free to access. She took the audience on a field trip to at least 50 digitization projects, some complete and some still being constructed and/or updated. When visiting each site, Ms. Nyberg looks for navigability, organization of the site, clunkiness, existence of lists, indexes, tables of contents, and click ability.

During the entire presentation, the speaker gave information about the scanning/OCR process. She specifically emphasized the PDF version when digitizing. There are two methods of digitization that produce a PDF. Simply scanning and posting a document to a site makes it virtually “unsearchable,” even with the Adobe Toolbar. In order for a document to be searchable, once it is scanned, it must go through a process that puts the text behind the image—basically two versions for each scanned page. Adobe Toolbar and most search tools only search the text version that exists transparently behind the PDF image.

Historical Issues

The challenge of historical sites was the next topic of discussion. Of great importance is the use of archaic language. The language used in the 1800s has changed, and in some instances words now have completely different meanings. When using sources that contain very old documents, it is best to use historical dictionaries to figure out what the terms were during the period in which you are searching.

Another historical issue that must be taken into consideration is the way the language was written. For example, in older texts the letter “f” represented what is now the letter “s,” and the letter “v” represented what is now the letter “u.” When scanning documents that use these styles, it is necessary to proofread and fix them in the underlying text to make them searchable by the user who is searching using contemporary spelling. The PDF version will always remain exactly as it appeared on the original piece. Obsolete typefaces must also be taken into account, as they can cause errors in the scanning process.

The Role of Commercial Vendors

At this point in the program, Ms. Nyberg shifted her discussion to the commercial vendors that are digitizing documents. Of great importance is the fact that commercial vendors have better budgets, better coverage, more volumes, more titles, more search tools, the ability for usability testing, Web site design,
and testability. This is a great opportunity for them, as there is no copyright on the publications they are digitizing, and they will produce products that will generate income.

We began a field trip through some of the commercial vendors that are embarking on digitization projects of government documents. Of major focus were HeinOnline, LLMC Digital, and the Readex/LexisNexis serial set digitization “competition.” Lexis and Westlaw were also mentioned, but it was important to note that these two sources do not focus on government documents or scanning. They present documents in the HTML version and do not always offer an exact snapshot of the original documents.

To finish her presentation, Ms. Nyberg talked about all these scattered digitization projects in the online world and mentioned that there is no easy place to go to find a listing or directory of these sites. In order to find them, users must navigate the Internet, create bookmarks in their search engines, and make their own finding aids to the projects that do exist. Emphasis was placed on the need for better access to these digitized collections.

Ms. Nyberg concluded this program by comparing all the government document digitization projects to dots on a map. She noted that nobody is connecting the dots; nobody is indexing or listing all the digitization projects that exist in the world in one place or in one single finding aid. As these government document digitization projects grow in number every year, there is a great need for such a tool to enable researchers to find the collections that exist.

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**E-6: Understanding Copyright Challenges in Licensing:**

**What to Look for in Your Subscription Agreement**

**Speakers:**

K. Matthew Dames  
Seso Group LLP

Stephen K. Garfield  
Copyright Clearance Center

Tracy L. Thompson  

**Moderator:**

Scott Bailey  
Squire, Sanders & Dempsey, LLP

Tracy Thompson, executive director of the New England Law Library Consortium Inc., opened the program by providing an introduction to the main components of licensing agreements and their implications. She reminded the audience that licensing is a verb and that all parties should be active participants in the development of an agreement.

Ms. Thompson recommended that libraries create a standard in-house licensing agreement and be willing to present it to the information provider at the beginning of the negotiations. She also recommended that libraries use the available AALL resources when creating and negotiating license agreements, in particular “Principles for Licensing Electronic Resources” and the AALL Guide to Fair Business Practices for Legal Publishers. Both documents are available on the AALL Web site.

Ms. Thompson recommended that the agreement define any potentially ambiguous terms, such as commercial use. Libraries should also be aware of “click through” language that may make the library’s patron an independent party of a license agreement that has already been negotiated on his or her behalf. The “click through” language can easily be changed from “I read and agree” to “I read and understand.”

Ms. Thompson provided an overview of the anatomy of a license agreement and where the copyright implications might intersect. Authorized users may vary from resource to resource and therefore should be spelled out in each agreement. The license agreement should clearly state what content is being covered, what functionality will be available, and the statement of schedules for new content. Never assume authorized use; the license agreement should clearly state what is authorized and unauthorized use.

The agreement should include a fair use exception within the terms of the agreement. Usage statistics are increasingly important to libraries and should be included in the license agreement, including how they will be delivered. Libraries should be aware of whether the product is COUNTER compliant. The agreement should include privacy language on usage statistics.

The license agreement will include obligation language, which will cover uninterrupted access, indemnify the library against a third party content provider’s rights, set forth provisions for customer support and technical assistance, and provide adequate notices of changes or withdrawal of content.
The licensee’s obligations will be to pay the bill, use reasonable efforts to limit use to authorized users, and manage access methods by password, IP, etc.

The license agreement should also state what terms trigger termination of the agreement. Dispute resolution terms should be included on whether the parties will resolve any disputes through mediation or arbitration. Governing law and venue provisions should also be part of the dispute resolution clause.

Libraries should be sure that all the terms are encapsulated within the agreement—that there are no oral agreements outside the contract, etc. The agreement should also be clear about how modifications will be made, how obligations can be sold, about protections for acts of God, and about severability and waiver.

Ms. Thompson concluded by discussing current developments in licensing, including the National Information Standards Organization Initiative Shared E-Resources Understanding (SERU). SERU is a set of shared understandings that all parties can point to and agree upon. There is a registry that includes publishers, libraries, and consortia. She also recommended Lolly Gassaway’s Get Copyright Right, The Best of Copyright Corner from SLA’s Information Outlook (2006) and Leslie Ellen Harris’s Licensing Digital Content and her Web site, copyrightlaws.com, which includes copyright law online courses.

The panel discussion began with the question of how negotiable are the terms in a license agreement. Matthew Dames, of Seso Group LLP, believes that everything is negotiable—some terms more easily than others. The best way to negotiate effectively is to know what you have by doing a content audit. Stephen Garfield announced that the Copyright Clearance Center has just released a new annual copyright license for academia. This license was developed to provide comprehensive, “check-and-go” permissions to use content from books, scholarly journals, trade magazines, and newspapers.

The panel was asked to give examples of how a library can reasonably meet the obligation of notifying authorized users of terms and conditions and what clauses to be aware of within a license agreement. The library must understand its environment and its patrons as well as copyright. Mr. Dames cautioned librarians on license agreement language that in any way restricts usage of material that is already in the public domain.

Joseph P. Hinger  
St. John’s University, Rittenberg Law Library, Jamaica, New York

F-2: Meeting the Challenges of E-life Cycle Management—A Town Meeting with the U.S. Government Printing Office and National Archives and Records Administration

Speakers:
Richard G. Davis  
U.S. Government Printing Office

Kenneth Thibodeau  
Electronic Records Archives, National Archives and Records Administration

Michael L. Wash  
U.S. Government Printing Office

This meeting was a dialogue with representatives from the U.S. Government Printing Office (GPO) and the National Archives and Records Administration (NARA) on progress that is being made in implementing important new digital initiatives—the Future Digital System (FDSys) and the Electronic Records Archives (ERA). Dr. Kenneth Thibodeau, ERA program director at NARA, explained the process NARA is undertaking to digitize the information to include in ERA. He outlined NARA’s plan to preserve the historical archival records of the U.S. government. Its digitization plan to date has budgeted $130 million for its major activity.

Archives are created by people in the government; documents are used for their created purpose, then they are transferred to NARA for destruction, or preservation and digitization. This decision is made by NARA, in conjunction with the agencies that submit the archival record. Interestingly, only two percent of all archives received are kept and preserved for “afterlife” activities. Once preserved, an appropriate access is given according to the level of access, depending on the confidentiality and security of the record.

The Life of a Record
Dr. Thibodeau discussed the workflow of the records after they enter NARA. Initially the records are received, scheduled into logs, and transferred to storage. NARA has been digitizing documents since 1970, emphasizing presidential documents. Every four to eight years there is a high flow of presidential electronic records due to the change of the presidency. All records and White House photography left behind by the presidents are property of the U.S. archivist.
President George H. W. Bush left approximately 200,000 e-mails. President Clinton left approximately three million e-mails, and it is expected that the number of e-mails and documents being left with the current and future presidents will grow exponentially.

Many presidential documents are highly classified, and NARA must decide their level of access. All presidential documents are immediately indexed and reviewed as to whether they should be retained. All personal documents are returned to the presidents for their keeping, and all political documents are retained.

In 2009, NARA plans to unveil public access to the ERA. This new initiative will take advantage of technology in the preservation of the documents, and it will also enhance all current functions. A pilot phase begins this September, which will last for six months.

The goal of ERA is to develop “one-stop shopping” for all archives, using systematic basics for all the records in the system, and to preserve the electronic records that are in electronic format. NARA collaborates with many agencies to determine authenticity. NARA cannot edit, change, or commercialize the documents to make them visibly pleasing.

**Digital Government Documents**

Richard G. Davis, acting superintendent of documents at GPO, said that GPO has been dealing with digital documents since GPO Access was released in 1994. He stated that currently 92 percent of all government documents are also issued in an online format. The biggest issue GPO encounters is the acquisition of the content from the specific agencies, and it is very difficult to identify all the fugitive documents. Partnerships with the federal agencies are extremely important, and much time is spent on forming them. These partnerships are informing the role of GPO and the depository program.

Davis stated that it is very important to reach out and educate users and make them aware of where the information is coming from, to ensure that the information is authentic, and to ensure that users are receiving the correct information that they set out to find. He discussed the issue of “official v. authentic” information.

GPO is currently authenticating public and private laws. In order to ensure the authenticity of the records, it must track the electronic documents from the point that they are released from the agency up until the moment that they are actually digitized by GPO.

FDSys will employ intuitive search mechanisms and will not use Wide Area Information Servers (WAIS).

FDSys will be interoperable between all GPO databases, and the same protocol will be used between them, making it easier for the end user. Also, the end user will not have to back out of documents to perform another search.

GPO is working heavily on “version” control. Much focus is given to access to the metadata and on creating bibliographic records for the electronic documents. GPO abides by Section 509 in the *Americans with Disabilities Act*, ensuring access to the information for the broadest audience. A final area where GPO is giving concentration is on creating opportunities to interact with GPO personnel, hopefully creating a virtual reference function.

Michael L. Wash, chief technical officer at GPO, discussed the challenges in receiving the information from the agencies and the chain of custody in order to provide authentic information. FDSys is quickly becoming reality. FDSys will be able to verify and track all versions of documents, thus giving permanent access to them. The workflow consists of structuring the data, preserving the data, and giving permanent access to the data. Wash talked about how the system must be adaptable to policy changes and that GPO ensured this when selecting a vendor for the new system.

A very interesting comment by Wash was that GPO is *not* trying to displace print publications because he believes print will be alive for a long time. He mentioned that FDSys has the capability to maintain and work with GPO print products. It is necessary to improve the search ability of the system to ensure that users receive the proper documents they need.

GPO works very closely with NARA, the Library of Congress, and many other agencies to ensure that everything in FDSys is searchable. The initial contract included a list of 3,000 requirements that must ensure that the system functions properly. Wash outlined the three releases planned for FDSys.

Davis ended the program by stating that one of the other challenges GPO faces is that there are not enough humans for the process. Automation helps tremendously for the access of the information, but it never replaces humans. Humans are always needed for policy issues that arise all the time. An example that Davis gave was, “At what level do they authenticate the documents? Is it on a document level, on a page level, or on a paragraph level? Or perhaps a more granular level?” This is where humans must step in to resolve issues that automation could never do.

The town meeting ended with questions and answers from the audience.
G-6: New Challenges Demand New Skills: Negotiation 101 for Librarians

Speaker:
Lorraine Busby
University of Western Ontario

Through the years I’ve attended a number of AALL Annual Meetings and have learned that if I take away two really valuable ideas from each program, I’ve gotten my employer’s money’s worth. As a former law firm library director and now manager of serials at a law school, I’ve negotiated my share of subscription agreements. Thus my hopes of learning something new as I signed up for “New Challenges Demand New Skills: Negotiation 101 for Librarians” were relatively low. Wow, was I wrong!

The program, coordinated by Tracy Thompson, executive director of the New England Law Library Consortium Inc., provided a wealth of information for negotiating with information vendors. Lorraine Busby teaches a class on vendor relations at the Library and Information Science program at the University of Western Ontario. Her well-honed negotiation skills are useful as the associate university librarian for information resources at the university.

Ms. Busby began her talk by suggesting that librarians feel that because “they are dealing with for-profit vendors, the vendors possess greater skill and experience in the negotiation process than librarians.” The goal, according to Ms. Busby, is to be equal partners in acquiring information resources for our libraries.

She views negotiation as a way of doing business—akin to a game. Negotiation is neither good nor bad but rather a way of achieving a desired outcome. It should not be seen as a form of persuasion. The goal is an outcome agreeable to both parties. According to Busby, the comparable game is Monopoly. The goal is to win, but both parties need to believe it is possible to win. The players are your friends, and you shouldn’t label them as good or bad. Strategy and technique are important, and there are rules to the game.

Negotiation differs from Monopoly; with Monopoly, the game comes to an end when one player wins. With negotiation, both parties want to continue after completing the particular transaction at hand (win-win). Librarians need and want to be able to negotiate with the vendor again.

Key Issues of Negotiation
Ms. Busby identified several key issues to beginning the negotiation process. First, you must know exactly what you want. You shouldn’t negotiate unless you have decided you want a particular product. It doesn’t matter how inexpensive the price—if you don’t want the product, don’t negotiate for it. Second, you must acquire the information you need to make decisions. Third, you need to have a plan and know what you are trying to achieve. Lastly, you should listen and learn. Even if you don’t reach the desired result, you should walk away feeling you have learned something.

Things that can be negotiated include cost, service, licensing terms and conditions, payment terms, length of the agreement, the type of access that is needed, and how quickly access is needed. Ms. Busby observes that librarians often focus on the cost of the product as the most important thing to be negotiated, but she feels these other items may be just as or more important. As a negotiator, you must decide what is most important to your institution.

Money is often what drives the decision and tends to be what people are most interested in, but Ms. Busby negotiates the monetary issue last after getting everything else in place. This is because her institution frequently places a higher priority on training, service, and support than cost. According to Ms. Busby, it isn’t worth the time and effort trying to negotiate a discount on lower priced products because the return on your investment is not significant.

Discounts vary depending on whether you work in an academic, court, or law firm environment. Discounts generally range between 10 and 15 percent but can go as high as 20 percent in the academic environment. You must figure out the standard discount in your type of environment.

Licensing Agreements
Ms. Busby’s view is that there are three philosophical approaches to licensing agreements. The first is to sign the agreement as presented because there is no history of vendors suing customers over license agreements for breach of contract. This is a position of strength only available to the largest, most prestigious institutions that have the resources to fend off a potential law suit.

The second is to sign the agreement, and if problems arise, be prepared to walk away. This approach can only be taken when you are sure there won’t be serious negative consequences from terminating the agreement.

The third and safest approach is to refuse to sign the agreement until all terms and conditions are acceptable; this also educates the vendor of the institution’s needs. While this is the best approach, it may become necessary to fall back on the second approach if the vendor will not agree to your terms and conditions.
Ms. Busby feels strongly that the more information you have, the stronger your negotiation position. She suggests taking advantage of meetings with new sales representatives to fish for information and to educate the representative about your needs. You want to establish a process that is legal, ethical, and businesslike.

It is best to start this process from the very beginning so that it is in place when it comes time to negotiate with this person down the road. Ask questions, disclose information you feel the vendor needs, and describe your institution’s priorities and why you want the particular product or service.

Ms. Busby suggests librarians need a basic understanding of the information economy and its pricing structure. Vendors, especially jobbers, generally offer volume discounts for books, charge various handling fees for serials, and offer customized pricing for electronic information (Ms. Busby has been told there are more than 100 different pricing models for electronic information—meaning it is a highly negotiable area).

Prior to beginning any negotiation for a particular product, you need four pieces of information. First is the list price of the product; this will be the highest amount you may have to pay for the product. Second is the vendor’s fiscal year, which helps in identifying when the vendor may be willing to offer the lowest prices due to year-end sales quotas. Third is understanding the relative importance of the product in the vendor’s suite of products. If it is a new product or not a bigger seller, the vendor may be willing to negotiate. Lastly, know how much business your library does with the vendor; the more business you give them, the more they may be willing to deal.

Ms. Busby stresses that librarians need to create a plan that is more specific than simply getting the best price possible. We should assume that everything is negotiable. Payment terms could be split between fiscal years, or you can ask to pre-pay if you are flush with money before your fiscal close. You may be able to delay payment until the next fiscal year if you need the product now but don’t have it in your budget. You can negotiate for a percentage cap on renewal price increases, training support, customized service, catalog records, and local loads of content.

Ms. Busby warns that your first price commitment should be low because you can’t go back in subsequent years and get a lower price.

**Negotiation Tactics**

When it comes to negotiation tactics, Ms. Busby feels strongly that you should use only tactics that you are comfortable with and that suit your personality. Possible tactics include keeping control of the conversation and using silence to your advantage. She suggests that you have delay tactics ready in advance, such as “I need to clear this with my boss” or “Let me think about that.” She stresses that you need good communication skills along with taking and maintaining notes.

Often it is hard to know whether you’ve gotten a good deal due to confidentiality agreements and the difficulty in comparing different terms between different-sized libraries. The real question, according to Ms. Busby, is “Did you get what you want?” If you got what you wanted, then the deal was good.

Ms. Busby ended with some parting words of advice. Find the approach and style that work for you. When a vendor offers you a price, don’t be afraid to ask for a better one. Ms. Busby was surprised to learn from a vendor that many librarians never ask for a discount. She said, negotiation is only possible if you ask, otherwise you are simply agreeing to whatever you are offered. Looking back on some of my own negotiations, I have to wonder, did I negotiate or did I simply agree?

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**Dina Dreifuerst**

Bracewell & Giuliani LLP, Houston

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**H3: Hot Topic: Legal Publishing in the 21st Century**

Note: Before I begin my review of this program, I must issue a disclaimer or two. When I sat down in the meeting room to hear what the speakers and moderators had to say, I did so as the librarian relations manager for Jones McClure Publishing, an independent legal publisher. When I wrote this review, a little more than one month later, I was back in a firm law library, tasked with the responsibility of managing the library budget and our vendor relationships. I have strong opinions about the legal publishing industry and its relationship with the law library community. I hope that my unique perspective will give you a deeper understanding of the issues discussed during this program.

**Speakers:**

**MaryKatherine Callaway**

LSU Press

**Stacey Caywood**

Wolters Kluwer Law and Business

**Scott Livingston**

LexisNexis U.S. Legal Market, Research Solutions

**Andrew Martens**

Thomson West, Senior Vice President for New Product Development
Dick Spinelli  
William S. Hein, Senior Vice President

Paul Wojcik  
BNA, Chairman and CEO

Co-Moderators:  
James S. Heller  
College of William and Mary, Wolf Library

Sarah K. Want  
Washington and Lee University School of Law Library

As I looked up at the stage with its impressive array of industry insiders, I confess to wondering why any independent, but traditional, legal publishers were not at the table. The “big three and a half” were well-represented, of course, and clearly an effort had been made to include other voices, but both Hein and LSU Press are self-described “niche publishers.” Where was James, Knowles, CEB, or even Jones McClure? This question is not intended as a criticism of the tireless efforts of the program organizers; I simply feel that including full-bore, for-profit competitors in panels such as this one could lead to a more spirited debate with fewer pat answers to probing questions.

That said, the participating companies made a genuine effort to send suitably high-ranking speakers. I was particularly impressed to see BNA’s CEO on deck and felt that, of the four larger entities, his responses to the moderators’ questions were the most genuine. I was struck by his prompt and precise answer to the audience question regarding profit margins. Clearly, it is something he ponders often, as the head of a for-profit corporation.

Stacey Caywood from Wolters Kluwer (WK) reported an 18 percent profit margin, “lower than Thomson and Reed Elsevier…and I’m always getting pressure about that,” she said. The Lexis and West representatives referred the audience to their financials, due to be announced in a few weeks.

The format of this program was straightforward. Prior to the conference, the moderators solicited topics from the law library community via the law-lib discussion list and other channels. Most of the questions were for the entire panel; others were directed at just a few of the participants. In addition, the audience was invited to submit questions to the moderators, who then presented a few to the panel. The following is a brief summary of some of the discussion.

The first question pertained to each vendor’s primary market, and the process for pricing materials. BNA, Lexis, West, and WK all serve the broad legal market, while Hein and LSU focus on smaller segments. Most talked about the different roles of content creators and content aggregators. With respect to pricing strategies, all cited the same factors: production costs, competition, and something along the lines of “what the market will bear.”

Interestingly, in response to a later question regarding the possibility that decreased competition has led to increased pricing, no one was willing to concede that correlation. In fact, both Lexis and West posited that mergers allow economies of scale to actually lower costs for customers. Personally, I have yet to see that theory evidenced in the invoices and subscription notices that come across my desk.

When quizzed about the future of small legal publishers, BNA and Hein were both very upbeat. I agree with Hein’s statement that it’s “very bright for publishers that can remain independent.” In response to a later question about major challenges for their companies, both alluded to staking out a place in the market and “fighting for your piece of the pie.”

LSU added that university presses exist to further the mission of the university that supports them. While there has been some consolidation, they are niche publishers serving a unique market. In response to another question, MaryKatherine Callaway, of LSU Press, acknowledged that a typical first printing has dropped from more than 2,000 copies to about 750. And LSU looks for other revenue opportunities, like e-books or foreign translations.

All of the participants were asked to respond to a multi-part question dealing with how consolidation has affected the total number of print titles and whether we are at risk of losing divergent views. The general consensus was that the numbers did drop in the 1990s in the wake of the merger frenzy, but that print is viewed as a viable medium; most publishers are “reinvigorating” their print product lines. And the number of divergent views appears to be a non-issue in the Internet Age.

Not surprisingly, concerns about pricing practices were raised repeatedly. BNA, Lexis, West, and WK all laid the blame for double-digit increases on a broad range of factors, including expensive editors and authors, technology updates and innovations, and the profitability expectations placed on a publicly traded company. West’s response was brutally honest, if a bit chilling. If the pricing “is in line with the value provided, then despite the pain, it’ll be worth paying,” said Andrew Martens.

When asked to justify the use of their products in place of free or low-cost state and federal databases, Lexis called aggregation “the original value-add,” a position echoed by Hein’s reference to “one-stop shopping” for legal research. Others chimed in on the merits of editorial content, authority, organization, and taxonomy. BNA’s approach is to ask “how can we make this free information more valuable to the user?”

Speaking of organization of online resources, another question addressed the lack of indices and tables of...
contents. The larger publishers all acknowledged that their companies stumbled on their first forays into the world of electronic research and assumed that indices and tables of contents had been rendered obsolete by the fabulous and faultless search engine.

In all, I found this program informative, both for that which was said and that which was left unsaid. The somewhat glib responses from what Lexis’ Scott Livingston referred to as “the large players” spoke volumes about how the law library community is perceived by decision-makers within their organizations. I think the moderators did an admirable job of asking probing questions and pressing for genuine answers, and they did have some success. Hopefully audience members came away from this program with a clearer understanding of today’s legal publishing industry and what drives decisions made by the major players…and I hope that you, the reader, feel equally edified!

New Product Award Nominations Sought

Have you discovered any great new library products this past year? If so, let us know! It is time to nominate these products for AALL’s New Product Award.

The New Product Award honors a new and innovative commercial legal information product that enhances or improves existing law library services and/or procedures. New products may include, but are not limited to, printed material, computer hardware and/or software, or other products or devices that aid or improve access to legal information, the legal research process, or procedures for technical processing of library materials. Any product that has been re-introduced in a new format or with substantial changes is also available. A new product is one that has been in the library-related marketplace for two years or less.

All AALL members are encouraged to think about the exciting new information products being used in their libraries and to send us their nominations for this award. Recipients of the New Product Award need not hold membership in AALL. Nominations for this award may be made by any AALL member and by vendors nominating their own products.

To Submit a Nomination for the 2008 Award:
Please visit the CRIVPage (www.aallnet.org/committee/criv/news/newprod.htm) for a copy of the submission form. Deadline for receipt of submissions is January 14, 2008.

If you are a librarian nominating a product, please give as much information about the product as possible. The New Product Awards Subcommittee will contact the publisher of the product for any further information required.

If you are a vendor or publisher nominating a hardcopy product, please submit the form along with a sample product, if available. If you are nominating a Web-based or online product, please submit the form with all necessary contact information, including URL(s) and temporary login and password information.

For hardcopy products, brochures, and/or any other materials, we recommend that you send eight copies for the New Product Award Subcommittee and the AALL Awards Committee.

Please send completed forms and documents to:
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