AALL Spectrum
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Vision: We Go Where We Look

by Mark E. Estes, mark.estes@hro.com

Most days I ride my bicycle to work. It burns calories and saves on parking or bus or light rail fares so that I can consume calories cautiously. One bright, sunny wintry morning, snow and ice covered parts of the bicycle path. I sped along enjoying the sun, thinking that the snow and ice had melted on the path. It had...except on a little bridge over a stream. Crossing the bridge faster than I should have, I feared making the left-hand turn at the other side, and I looked at the concrete retaining wall along the far side of the path instead of the path itself.

By looking at the wall, I really was looking for a place to crash—and I did—a scraping, sliding sideways inside the wall, propelling myself onto the grass above the wall. The damage: a scraped fork, torn tights, a scraped ankle and knee, and a bruised ego. I knew I had caused my own crash. First, by going faster than I should. Second, and more importantly, because I looked at the wall instead of looking where I wanted to go—on the clear bicycle path.

Humans, especially when we’re on bicycles or motorcycles, tend to go where we look. So, when a cyclist sees a pothole, instead of looking at the hole, she looks at the smooth pavement and avoids the hole. If we focus on the hole, we almost certainly will hit the hole. If instead we scan quickly for the safe route, then our body follows our eyes and we safely pass the hole.

Law librarians tend to go where they focus too. We often have to re-focus many times throughout the workday because of interruptions. Some interruptions seem unavoidable—a key user, client, customer, or staff member contacts us directly seeking help on an urgent matter. Our long-term success depends on refocusing on our vision of where we personally and professionally want to go and where our employer wants to go strategically.

Further, many of the key people who make financial decisions related to our work try to frame financial decisions within the strategic vision of the organization. When we, as law librarians, keep that strategic vision in mind, we tend to act in accordance with it. For example, we should invest time in important activities like measuring how our users employ our services instead of immediate and non-urgent activities.

How do we find and keep our vision? A key component of a law librarian’s vision should be the mission and vision of AALL and Ranganathan’s rules. That requires tracking the ever-changing needs of our users and customers. If key customers aren’t using us, ask why they aren’t. Did they change and we didn’t pay attention? What can we do to make their lives easier?

Helping us focus and sustain our vision, the authors in this issue of AALL Spectrum explore our evolving roles—from an energizing discovery in a special collection (page 10) to an exploration of access and ownership of digital content (page 30). From PR campaigns that piggy-back on the American Library Association @ your library® campaign (page 14) and the Social Law Library’s outreach efforts (page 16) to the personal PR of a librarian’s choice to list his or her educational degrees on business cards (page 26). From finding and shaping the vision of key decision makers in your organization (page 24) to a brief history of the Joint Study Institute (page 21).
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from the president
by Ann T. Fessenden, ann_fessenden@ca8.uscourts.gov

Educating All Our Members

President Theodore Roosevelt once said, “Whenever you are asked if you can do a job, tell ’em, ’Certainly I can!’ Then get busy and find out how to do it.”

Does that sound familiar? Sometimes it seems like we must learn something new every day in order to do our jobs. That’s where AALL’s educational program can help. During the development of AALL’s Strategic Directions, the Executive Board identified “lifelong learning and intellectual growth” as one of AALL’s core values. Much of our Association’s focus is on assisting law librarians with education through our Annual Meeting programs, publications, and continuing education programs.

As I mentioned in my November column, AALL is at the midpoint of its Strategic Directions, 2005-2010, so I am examining our progress on each direction. In that column, I looked at leadership. This month’s focus is on education. Our Strategic Directions goal states: “Law librarians will have the education and training they need to meet and leverage the challenges of the changing information environment.”

Objectives:

• Expand the scope of educational offerings to meet the ever-changing needs of members
• Develop partnerships to increase the range of educational offerings
• Use a wide range of delivery means and opportunities to provide education beyond the Annual Meeting
• Increase the number of library school programs for law librarianship and increase awareness of law librarianship as a profession
• Increase the number and amount of grants and scholarships.

We have been making excellent progress in addressing these objectives, though there is more to be done.

Competencies of Law Librarianship and Professional Education Policy

The competencies, which were approved in 2001, and the Professional Education Policy, which was revised in 2007, form the framework for all of AALL’s educational activities. Each program must identify and demonstrate how it will help further one of the 16 core competencies recommended for all law librarians or the specialized competencies in management; reference, research, and client services; information technology; collection care and management; or teaching.

Annual Meeting

The most visible and comprehensive educational event for AALL members is the Annual Meeting. Typically, close to 2,000 members gather to participate in several days filled with a wide range of offerings. Recent Annual Meetings have featured more than 60 individual workshops and programs selected by the Annual Meeting Program Committee.

In addition, since 2006, special interest sections (SISs) have had an expanded ability to simultaneously offer more specialized programs geared to the needs of their members. At the same time, vendors offer Exhibit Hall programs and demonstrations to update attendees on their latest products, and many members gather in small groups for roundtable discussions, leadership training, and other specialized programs. This dizzying array of choices covers all of the Competencies of Law Librarianship.

Education in Addition to the Annual Meeting

AALL’s continuing education program is experiencing a renaissance, thanks largely to a comprehensive review that has taken place during the last few years. This review culminated with the 2005 Education Summit, at which AALL Executive Board members and representatives of SISs and chapters worked with a facilitator to develop new directions for the program.

Several tangible results that are already in effect include the hiring of Education Manager Celeste Smith at AALL Headquarters and the development of a grants program, which encourages “grassroots” development of educational programming.

The highly successful AALL/BNA Continuing Education Grants Program has awarded 26 grants since October 2006, resulting in a wide range of creative programs developed by chapters, SISs, and individuals. Other focuses of the program include the use of technology to make programs available to a wider audience. Currently 44 audio and video programs are available in the “Members Only” section of AALLNET.

Another emphasis is on sharing of information, which has resulted in the development of the Calendar of Events and Speakers Directory on AALLNET.

Publications

Our two primary publications, AALL Spectrum and Law Library Journal, also provide education, through both practice-oriented and scholarly articles. Recently much of the Association news and reports have been transferred from these publications to AALLNET, making even more room for substantive articles. Much excellent educational material also originates with SISs and through research grants, the Call for Papers program, and the AALL Publications Series.

Library School Programs and Recruitment to the Profession

One of my major priorities as president is to ensure that AALL develops a comprehensive, long-term strategy for recruitment and development of law librarians. The Special Committee on Developing Law Librarians for the Future is focusing on this goal and working with other related committees, especially Recruitment, Mentoring, Membership, Placement, Scholarships, Grants, Diversity, and the Leadership Development Special Committee, to develop creative approaches to achieve this goal.

To encourage student attendance at our Annual Meeting, the Executive Board approved a reduction to $100 for student Annual Meeting registration, effective with the 2006 conference. As part of its review of the Strategic Directions, the Executive Board decided at its fall 2007 meeting to ask the Scholarships and Grants Committees to ask their need for funding. Once that information is received, the Board Finance and Budget Committee will look into funding sources and strategy.

What’s Next?

Just as our need for information and new skills is constantly changing, AALL must constantly update and expand our educational offerings. Our Continuing Professional Education Committee, Annual Meeting Program Committee, and various publication-related committees are constantly looking for innovative ways to meet the educational needs of our members. I think it is particularly vital that we develop ways to use technology to bring

(continued on page 20)
“BNA is the standard for legal newsletters in our firm. No other services are as consistent in quality.”

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“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
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2007 Advocacy Successes

President Ann Fessenden testified on behalf of AALL at an October 24 oversight hearing held by the House Administration Committee on the operations of the Library of Congress (LC). Fessenden was invited to join a panel on the Law Library of Congress that included Tedson J. Meyers, chair of the American Bar Association Standing Committee on the Law Library of Congress, and former congressman William Orton. All three witnesses asked that the law library be given a separate line item in LC’s annual budget.

Fessenden explained to the committee the crucial role of the law library. With the largest and most comprehensive collection of legal materials in the world, the library needs monetary support to ensure free access to its collections and to support its many digitization projects. In addition, she pointed out that the law library must have the necessary funds to maintain its journal subscriptions and purchase new treatises, to complete the K reclassification project for legal materials, and to microfilm the backlog of national official gazettes.

A separate line item in LC’s annual budget would put the law library on par with the Congressional Research Service and the Copyright Office. It would also provide the law librarian with much greater control over the law library’s annual budget and how the funds are spent.

First Session of the 110th Congress Comes to a Close

The first session of the 110th Congress offered opportunities for many items on our legislative agenda, and several major bills advanced. The first is the OPEN Government Act (S. 849/H.R.1309), which would amend the Freedom of Information Act (FOIA). The legislation aims to strengthen the FOIA by clarifying the response time to requests and establishing reliable methods for checking the status of pending requests.

The legislation passed the Senate in August, but concerns from the House about payment of attorneys and processing fees (“pay-go” issues) stalled the House’s consideration of the Senate legislation. Co-sponsors of the Senate bill, Sen. John Cornyn (R-Texas) and Sen. Patrick Leahy (D-Vt.), introduced revised legislation in early December to address the pay-go issues. However, with the end of the session approaching, it is uncertain whether the legislation will pass before the winter break.

Another piece of legislation we’ve been watching is a bill to restore the Presidential Records Act. Legislation currently held up in the Senate would restore standards for the timely release of presidential records and nullify the executive order President Bush issued, which gave current and former presidents and vice presidents broad authority to withhold presidential records.

The Presidential Records Act Amendments of 2007 (H.R. 1255; S. 866) would reverse the Bush executive order by establishing a deadline for the review of records, limiting the authority of former presidents to withhold records, requiring the president to make privilege claims personally, and eliminating the ability of vice presidents to assert executive privilege claims over vice presidential records.

On March 14, 2007, by a veto proof vote of 333-93, the House approved H.R. 1255. Similar legislation cleared the Senate Homeland Security and Government Affairs Committee this summer but is currently being held up by Sen. Jim Bunning (R-Ky.). You can read more about the Presidential Records Act in our issue brief: www.aallnet.org/aallwash/ib032007a.pdf.

AALL Applauds the New PACER Pilot Project

On April 1, 2006, the AALL Executive Board endorsed a Resolution on No-Fee FDLP Access to Public Access to Court Electronic Records (PACER) that was submitted by the AALL Government Relations Committee (GRC). The resolution requested that the Government Printing Office (GPO) work with the Administrative Office of the U.S. Courts (AOUSC) to allow users of federal depository libraries to access PACER at no-fee. The Judicial Conference met in September and approved the establishment of a joint pilot project with GPO to provide free public access to federal court records at 16 depository libraries in 14 states.

AALL applauds this new collaboration between GPO and the AOUSC, and we are especially pleased that 10 law libraries were selected for the pilot. GRC member Larry Meyer, director of the law library for San Bernardino County in California, deserves special recognition for his tireless advocacy for many years to bring PACER into the Federal Depository Library Program.

New on Washington Office Online

In addition to signing up to join the AALL Advocacy online discussion list, you can also keep abreast of our activities by visiting the Washington Affairs Office Web site. Recent additions reflect the broad scope of our policy work during the months of November and December and include the:

- Letter to the Honorable Harry Reid, Senate majority leader, in support of the Presidential Records Act Amendments of 2007 (H.R. 1255; S. 866)
- Letter to members of the U.S. Senate in opposition to Sec. 193 of the Fiscal Year 2008 Transportation Appropriations Act Conference Report
- Letter to members of the U.S. Senate in opposition to the non-disclosure provisions (Sec. 10305 of the Livestock Title) in the 2007 Farm Bill
- Comments on privacy and security implications of public access to certain electronic criminal case file documents to the Judicial Conference of the U.S. Committee on Court Administration and Case Management.

Check out these resources and much more at www.aallnet.org/aallwash.

New Staff Member in WAO

AALL recently welcomed Emily Feldman as the new advocacy communications assistant.
JUSTICE DENIED
What America Must Do to Protect its Children
Marci A. Hamilton

CAUSE LAWYERS IN CONTEMPORARY CULTURE
Austin Sarat and Stuart Scheingold
$95.00: Hb: 978-0-521-88448-8: 416 pp.

GENDER AND THE CONSTITUTION
Equity and Agency in Comparative Constitutional Design
Helen Irving

PATRIARCHAL RELIGION, SEXUALITY, AND GENDER
A Critique of New Natural Law
Nicholas Bamforth and David A. J. Richards
$95.00: Hb: 978-0-521-86863-1: 416 pp.

NON-STATE ACTORS AND TERRORISM
Applying the Law of State Responsibility and the Due Diligence Principle
Robert P. Barnidge, Jr.

THE CLASSICAL FOUNDATIONS OF THE AMERICAN CONSTITUTION
Prevailing Wisdom
David J. Bederman

THE 2005 HAGUE CONVENTION ON CHOICE OF COURTS AGREEMENTS
Commentary and Documents
Ronald A. Brand and Paul M. Herrup

NATIONAL LAW IN WTO LAW
Effectiveness and Good Governance in the World Trading System
Sharif Bhuian
Cambridge Studies in International and Comparative Law

Netherlands Yearbook of International Law
Volume 37: 2006
D. M. Curtin and P. A. Nollkaemper
$160.00: Hb: 978-9-067-04257-4

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Legal and Policy Challenges of Climate Change
Wybe Th. Douma, Leonardo Massai and Massimiliano Montini

HUMANITARIAN OCCUPATION
Gregory J. Fox
Cambridge Studies in International and Comparative Law
$120.00: Hb: 978-0-521-85600-3: 300 pp.

THE CODEX ALIMENTARIUS COMMISSION AND ITS STANDARDS
Marielle D. Masson-Matthee
$120.00: Hb: 978-9-067-04256-7: 370 pp.

STATUTORY LIMITATIONS IN INTERNATIONAL CRIMINAL LAW
Ruth A. Kob

THE 2005 HAGUE CONVENTION ON CHOICE OF COURTS AGREEMENTS
Commentary and Documents
Ronald A. Brand and Paul M. Herrup

COMPLEMENT OF INTERNATIONAL MIGRATION LAW INSTRUMENTS
Edited by Richard Perruchoud and Katarina Tomolova

PRICES SUBJECT TO CHANGE.
Working Together as a Board, Vendor Relations Issues, and New Committee Structure Highlight Fall Board Meeting

As I begin this column, I am flying to Chicago for the fall Executive Board meeting. I always feel a sense of excitement and anticipation with the start of a new board year—new members bring new ideas and fresh points of view. We will soon learn to work together as a board and swiftly take on the new issues and projects before us.

On a sadder note, I flew yesterday to Washington, D.C., for the memorial service for Bob Oakley, our much beloved colleague and Washington affairs representative. The upcoming board meeting will have an empty seat where he would have sat—he will be sorely missed.

I am beginning my last year as your secretary. I thank you for the opportunity to serve you as a member of the AALL Executive Board.

Attendance
The board met for its fall meeting on November 8-10, 2007, in Oak Brook, Illinois. The fall meeting is regularly held at the McDonalds Corporation training facility—The Lodge—fondly referred to as “Hamburger University.” It is located on a beautiful campus with ponds, geese, and walking paths. Unfortunately, we spend most of our time watching the view from inside, as our meetings take up the bulk of the daylight hours.

The board meeting was preceded on Wednesday afternoon by a board Finance and Budget Committee meeting. Since the Executive Board no longer meets the day after the end of the Annual Meeting in July, the fall meeting is now the first time that the newly elected board meets together. Thus, Thursday morning was devoted to an orientation for the new board members: Vice President James Duggan, Treasurer David Mao, and board members Jean Wenger and Sally Wise. Council of Chapter Presidents Chair Mary Lu Linnane and SIS Council Chair Catherine Lemann were also invited to participate in this orientation.

The orientation included an introduction to AALL finances by Paula Davidson, AALL director of finance and administration; a discussion of the Continuing Professional Education Program by Celeste Smith, AALL education manager; a summary of Washington Affairs Office projects by Mary Alice Baish, acting Washington affairs representative; and an introduction to legal and fiduciary duties of board members by Lisa Stegink, AALL attorney.

Following the orientation, and for the remainder of the meeting, the board was joined by Baish; Kate Hagan, AALL executive director; Davidson; and Kim Rundle, AALL executive assistant. Pam Reisinger, AALL director of meetings, was also present for a portion of the meeting.

Retreat Discussions
As has been the case for several years, the fall board meeting included time specifically devoted to a retreat. Thursday afternoon and Friday morning were set aside to orient the new board towards working together. Maureen Sullivan, a library consultant and former facilitator for the Association of Research Libraries, who has previously worked with AALL, was the facilitator for the retreat discussions.

The discussions focused on how the board members can work together and what are the individual roles of board members. Sullivan asked board members to think about what they would contribute as individuals, what they needed from others, and what legacy they hoped to leave behind. In addition, a portion of the retreat was devoted to developing a strategy for dealing with recent and ongoing concerns by AALL members regarding vendor relations and AALL. The retreat engendered active participation from all members of the board.

Formal Board Meeting—Committee of the Whole Discussions
As has been the practice, part of the board meeting was devoted to a “committee of the whole” discussion. In this type of discussion, parliamentary procedure rules are waived so that the discussion can be free flowing. This procedure is accomplished by making the whole board one large committee, i.e., committee of the whole.

Two separate committee of the whole discussions were held. The first concerned the future of the Washington Affairs Office, which was also held in Executive Session. As part of this discussion, Mary Alice Baish was named acting Washington affairs representative.

The second topic discussed was vendor relations and AALL. This discussion led to the creation of a vendor relations site on AALLNET and an e-mail from President Ann Fessenden to the membership regarding vendor relations. A Vendor Strategies Working Group, made up of board members, was also created as a result of this discussion.

Actions
The meeting agenda included many action items. Action items are agenda items for which a vote of the board is required. The first action item was for the board to approve recommendations for expenditures by the Finance and Budget Committee. Those recommendations included the reduction of dues for up to one year for unemployed AALL members and two committee requests for funds (Public Relations and Recruitment to Law Librarianship Committees).

Additional action items included approving an action plan for the board for 2007-2008 to implement the AALL Strategic Directions, returning responsibility for selecting the Gallagher Award winners from the board to the Awards Committee, approval of a “CRIV Site Visit Statement of Purpose,” approval of a registration fee waiver for non-AALL member speakers of special interest section (SIS) programs (at the Annual Meeting), and the co-sponsorship of the China-U.S. Conference on Legal Information and Law Libraries (Beijing, May 2009).

Finally, the board approved the final report and recommendations of the Special Committee on AALL Committee Structure. This very extensive and lengthy report provides for an entirely new committee structure for AALL, which designates committees as one of three types—process, policy, or special. Committee terms will vary from one to three years. The new structure calls for the addition of vice chairs to all continuing committees to facilitate the ongoing work of the committee and provide for continuity. The report also provides, for each committee, a two- or three-year transition plan into its new format. Some committees will change names and/or cease to exist.

Consent Items
Four consent items were on the agenda. Consent items are considered agreed to simply by their submission and presence on the agenda. The consent items were voted
He also conducted a chapter visit to the University Law Center just prior to the service for Oakley held at Georgetown in honor of Bob Oakley at the memorial to the Oakley family a framed resolution from the Library of Congress.

Further, Fessenden testified before the House Oversight Committee on House Administration concerning funding for the Pro Bono Partnerships Special Committee. In the AALL Washington Affairs Office (WAO), Feldman previously worked for OpenTheGovernment.org, a broad-based coalition of organizations, including AALL, that are committed to making government more open to achieve accountability, security, and safety. Since joining the WAO in November, she has assumed responsibility for our open government issues, as well as improving our communications and advocacy work.

One of her first priorities is to expand the AALL Advocacy online discussion list. If you’re not already a subscriber to the list, now is the time to join. You’ll receive alerts, our e-bulletin, and more information about our issues. Sign up online at www.aallnet.org/aallwash/aalladvocsubscribe.html.

Mary Alice Baish continued the tradition begun by Bob Oakley of reporting in depth on some of the recent activities (since July 2007) of the Washington Affairs Office (WAO). Initially, Baish educated the board about three developments in the copyright arena. First, the Library Copyright Alliance (LCA) submitted a second amicus brief to the 11th Circuit in Greenberg v. National Geographic Society in October. This case involves the digitization of 100 years of National Geographic magazine as a set of CD-ROMs. Greenberg is a photographer who alleges copyright infringement.

Second, the American Library Association Washington Office of Information Technology Policy created a new pilot project with the goal of building expertise and broadening the ability of the LCA to be represented at the international level. It selected three new “international copyright advocates,” including AALL’s Jonathan Franklin.

Third, last spring the Section 108 Study Committee, of which Oakley was a member, began to write its report and recommendations.

Finally, Baish announced that she hired Emily Feldman as the new advocacy communications assistant for the WAO. Feldman is the former staff associate at OpenTheGovernment.org. If you have any questions about any of these matters, please feel free to contact me or any member of the Executive Board.

### Reports

President Fessenden and Vice President Duggan reported on their activities since the July board meeting. In addition to spending time in Chicago to “come up to speed” as the new AALL president, Fessenden represented AALL at the American Bar Association Council of the Section of Legal Education and Admission to the Bar meeting held in San Francisco and at the Northeast Regional Law Libraries Meeting in Toronto. She also conducted chapter visits to the Mid-America Association of Law Libraries (MAALL) and San Diego Area Law Libraries. She has also been busy appointing new AALL representatives to fill the newly created representative positions recommended by the Task Force on AALL Representatives to Other Organizations, which was passed by the board in July 2007. Further, Fessenden testified before the House Oversight Committee on House Administration concerning funding for the Library of Congress.

Finally, Fessenden read and delivered the Oakley family a framed resolution in honor of Bob Oakley at the memorial service for Oakley held at Georgetown University Law Center just prior to the board meeting.

Duggan has selected his Annual Meeting Program and Local Advisory Committee chairs for the 2009 conference in Washington, D.C. He had previously selected new members and a chair for the Nominations Committee and has begun his orientation to become president in 2007. He also conducted a chapter visit to the Western Pacific Chapter of the American Association of Law Libraries and sent out a request for volunteers for AALL committees.

Hagan and Reisinger also reported to the board. Hagan reported on her October meeting with Baish and Fessenden to discuss the Washington Affairs Office’s short- and long-term needs. She also traveled to the MAALL chapter meeting.

In addition, she discussed the publication of the AALL Biennial Salary Survey, the AALL membership survey, and her newly implemented monthly reports to the board.

Reisinger gave a final report on the 2007 Annual Meeting in New Orleans and reported on plans for the 2008 meeting in Portland. The chairs of the Council of Chapter Presidents (Linnane) and Council of SIS Chairs (Lemann) also delivered short reports on their activities so far during the year.

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Baish then noted that the WAO has kept up with its full workload since Oakley’s departure from work in late July and subsequent death. That work includes supporting the OPEN Government Act, passed by the Senate in early August; access to federally funded research at the National Institutes of Health; and the appointment of the new public printer, Robert C. Tapella.
It looked cramped and forgotten, as if put there by someone who hadn't known what to do with it and didn't spend a lot of time thinking about it. It was an overstuffed manila envelope, locked in a cabinet in our library's small special collection of South Carolina legal history. Easily sidetracked by enigmatic, forlorn-looking envelopes, I yielded to my curiosity and opened it.

A cursory glance showed that I had found some papers and memorabilia of James Byrnes, a South Carolina politician. I didn't know all that much about Byrnes, except that he was a “favorite son” of the state with an impressive biography—state governor, U.S. senator, U.S. Supreme Court justice, wartime assistant to President Franklin Roosevelt, and secretary of state for President Harry Truman.

I was casually sifting through the usual photos, letters, and speeches when I came across a small piece of faded blue paper. It was a typewritten note on White House stationery, dated June 21, 1949. Addressed, “Dear Jim,” and signed by Harry Truman, it was a routine note responding to a recent letter. But on the bottom of the page was a handwritten postscript by Truman: “Since your Washington and Lee speech I'm sure I know how Caesar felt when he said 'Et tu Brute.'”

Ouch.

I didn't know what Byrnes had said in that speech but whatever it was had certainly hurt Truman's feelings. I flipped through the rest of the materials hoping to find more and got lucky. There was Byrnes' carbon copy of his typed, one-page reply to Truman, dated July 9, 1949, and addressed, “Dear Mr. President.” Expressing his disappointment and regret at Truman's postscript, he ends the letter with his own Roman reference: “I hope you are not going to think of me as a Brutus, because I am no Brutus. I hope you are not going to think of yourself as a Caesar, because you are no Caesar.”

Double ouch.

This was obviously going to require further investigation, but there seemed to be no doubt that I held in my hands the primary evidence of a falling out between two major political figures. Until five minutes earlier this evidence had been lost to the world in our library's little special collection. I've worked off and on with the collection for two years but had never opened this particular cabinet. In a perfect moment of library serendipity I had stumbled across a hidden treasure.

Lost Treasures—Seek (or Stumble upon) and Ye Shall Find

Managing a special collection that is only one small part of a library is replete with challenges. The most problematic of these is that usually no one person can be devoted to the collection on a full-time basis. Overseeing the collection will probably be just one of a librarian's many responsibilities; even if he or she has a genuine interest in it, there will almost certainly be a lack of time necessary to maintain it properly.

There are other factors that exacerbate this situation of isolation. For example, the small special collection will most likely not be located in the main part of the library but will be somewhere out of the normal flow of traffic—out of sight and, just as likely, out of mind.

As soon as a library allows any part of its collection to become unused it runs the risk of “losing” materials. The items are not really lost, since they're on the shelves for all to see. It's when people stop seeing them that awareness of the materials begins to fade, sometimes to the point where there simply is no awareness left. So stumbling across an important historical artifact like I did is probably not so strange after all.
A serendipitous discovery of lost letters details a Caesar and Brutus relationship, circa 1949

Luckily, though, if ever there were a group of people apt to find lost treasures, it’s librarians. Part of our nature simply can’t resist organizing information and resources. Give us a roomful of books and enough time and we’ll find some way to inventory it because we know that libraries are of no use if they’re not used.

Librarians are also blessed with another special, perhaps even more important trait—we are keenly aware of the serendipitous nature of library stacks. We still have that beginning reader living inside us, the one who knows we will come across something wonderful in the shelves, especially when we aren’t looking for it.

Realistically, of course, there will never be time for full-scale search parties. So when it comes to thinking about hidden treasures among your stacks, it’s best just to assume that the treasures will find you, if you let them. Try to always keep in mind the notion that probably there are “lost” items in your stacks; that way your treasure radar will constantly be alert to possibilities.

Next, do whatever is feasible possible with your special collection, given all the confines that you normally face. For instance, try to engage in small episodes of purposeful finding, if you can, even if this can only be done infrequently or in connection with related work with the collection. If you can engage in even infrequent episodes of active looking, while always remaining open to serendipity, then sooner or later you are bound to unearth interesting things that nobody remembered were in the collection.

**Found Treasures—Preserving and Informing**

Although relying on serendipity is a wonderfully whimsical approach to life, in truth it is not a good way to run a special collection. Library collections are designed with end users in mind. Even a special collection, which might require limitations and restrictions about usage, generally has the goal of being used. Thus, the first step one should take once a lost treasure is found is to make sure it is never lost again. The following are practical ideas for responding to a lost treasure.

**Catalog It.** Make sure the item is catalogued. Things often become lost because people don’t know how to find them. If someone is researching a subject and searches the catalog but does not come across the item because it is not in the catalog, then it is, for all intents and purposes, lost to that researcher because she doesn’t know the library has it.

When catalogued, there should be effective use of the note fields. Even if the item itself is properly catalogued, if the aspect of the item that makes it especially interesting is not noted, then again, it’s lost. If you have things that are unusual to you, such as letters or photographs, take a cue from archivists and figure out how to catalog the items. For instance, you might catalog them individually (e.g., Truman Letter to Byrnes, June 21, 1949), as a subject grouping (e.g., James Byrnes Correspondence), or even one big entity (e.g., James Byrnes Collection). But whatever you do, make sure the items are in the catalog.

**Display It.** Another way to make sure that a found treasure is never lost again is to make sure it is a prominent part of the collection. This opens up a wide range of possibilities and allows you to do whatever fits within the goals and resources of the library.
5 Tips for Finding and Preserving Lost Treasure

1. Be open to serendipity. Try to always keep in mind the notion that probably there are “lost” items in your stacks; that way your treasure radar will constantly be alert to possibilities.

2. Engage in small episodes of purposeful finding whenever you can. Even infrequent episodes of active looking are bound to unearth interesting things that nobody remembered were in the collection.

3. Catalog the item(s). Things often become lost because people don’t know how to find them. When cataloged, you should effectively use the note field to point out what makes the material interesting.

4. Display the material. Make sure it is a prominent part of the collection. Place the item in a display case or glassed-in bookcase with other relevant items.

5. Publicize it. Get the word out about your find whenever and however you can, such as in a bibliography for the special collection, on the library’s Web site, or in an article for the library or institution newsletter.

For instance, you might want to highlight the item in a very visible manner, such as putting it in a display case. This display case does not necessarily need to be within the library itself, but could be anywhere in the law school, firm, or institution. As long as there are identifying notes, then it will be known as being a part of the library’s collection.

If you want to keep the item inside the special collections area, you might keep it with other special items in a glassed-in bookcase. You don’t have to decide immediately whether to keep it under lock and key or not. The point is to put it in a special place so that people are aware of it.

Publicize it. Another way of keeping something found is to make it part of the institutional memory with as many people as possible. Get the word out whenever and however you can.

There are myriad little ways to publicize your newly found treasure. For instance, if you have a bibliography for the special collection, add the item to it; also make sure the bibliography is posted on the library’s Web site as well as available via print copies in the library. You might do nothing more extravagant than create a simple inventory or list of the special items. The key is just to make sure the list is easily available so that people can learn about the items.

Along the way, you can think about bigger ways to publicize the newly found item. You should consider writing an article about the find in the library or institution’s newsletter, or at least send out a mass e-mail to the faculty, staff, students, attorneys, judges, etc.

If the item is of real interest and you have the resources available, plan an exhibit around it. The local paper might also be interested in doing a story on the item and its background, with or without an exhibit. The point is to get the new discovery into your community’s awareness and memories.

The lost Byrnes letters that we found in special collections; there are always going to be other institutions that will share a historical interest in the item and perhaps even have a more logical claim.

The lost Byrnes letters that we discovered are a perfect example of this situation, as I can think of several other institutions that might possibly want them. So what we need to do now is engage in a truly honest assessment of the item and where it belongs. For instance, if one sums up Byrnes’ total career, it is overwhelmingly political and not legal; even the letters themselves do not revolve around legal issues. Are we justified, then, in keeping the letters in our legal history collection?

On the other hand, provenance should also be taken into account, i.e., how did the library acquire the items in the first place? For our story, there is some indication that the materials were given to the law school by Mrs. Byrnes (after Byrnes died). Naturally, this episode would need to be verified, but still it brings up another facet of consideration—it is right to give away gifts that were specifically given to your library!

These are just some of the issues you’ll be faced with when you evaluate the item, and the process of deciding will not be an easy one. However, for the good of the larger research community, you must have the courage to ask yourself the hard questions—where does it really belong, where would it do the most good, and where would it best fit? And after asking those questions, you must be prepared to face the answers.

Evaluating the Special Collection. A more complicated issue is whether finding the lost item is a sign that the library needs to re-evaluate the special collection itself. After all, perhaps the treasure remained lost for so long because no one uses the special collection anymore. And if no one is using it anymore, is it because no one knows about it (which is easily fixed) or because no one cares about it (which is much harder to fix). These are all questions that should be examined closely.

The easiest situation would be to find that the collection is not being used because people don’t know it exists. This state of affairs, while discouraging, can probably be rectified quite easily with an awareness-building campaign. The much more difficult situation is to find that no one uses the special collection anymore because they no longer care about it. The thing to remember here is that this does not necessarily mean that the library has done a poor job of maintaining the collection. Perhaps it is simply a case of the special collection no longer fitting within the
mission of the library or larger institution. There is certainly no shame in this. The goals of libraries, like the goals of any other entity, change with the times and bend with new interests.

Thus, the found treasure, as exciting as it may initially be, might actually be a sign that an honest analysis of the special collection needs to be done. Snap judgments should be avoided, of course, but you would do the library a disservice if you did not take this opportunity for re-evaluation. It may be time to consider disbanding this particular special collection in order to focus your energies on another type of special collection, one that would have the interest and support of the institution and its patrons.

Evaluating the Collection Development Policy. When a lost treasure is found, it almost can’t help but have a positive effect on the special collection. Anyone who is interested in the find, whether librarians or patrons, will seek to learn more about it and thus, by natural extension, will also learn about the collection it comes from. Once they start to “see” the special collection again, they will understand why it is a worthwhile and exciting part of the library. It’s just a short step from that to a revitalization of ideas and energy.

One way to take advantage of this renewed spirit among the library staff is to examine the collection development policy for the special collection. If there isn’t a policy, then this is an opportunity to create one, whether it is a stand-alone document or a section of the library’s overall collection development plan. If a policy is already in place for the special collection, this is the perfect time to evaluate it.

Studying the collection development policy, whether new or existing, is a wonderful way to get back in touch with the special collection. It will make you examine in detail the unique and sometimes problematic spin that special collections put on such standard collection development issues as nature and scope, intended user groups, subject focus areas, methods of acquisition, funding and budgets, and weeding projects. And don’t forget to include a section on the event that spurred this particular reinvestigation—how to handle a collection’s special treasures.

Evaluating the collection development policy is just one of many possible outcomes of finding a lost treasure. The trick is to look upon the discovery as presenting not problems but opportunities for growth. It doesn’t really matter what you do with the new find, as long as you apply your new interest and energy to moving the special collection forward.

Caesar and Brutus, circa 1949—The Conclusion

Although James Byrnes resigned as Harry Truman’s secretary of state in 1947, they remained friends and political allies. But then, in 1949, they very suddenly and dramatically split, ending a relationship that had begun in the mid-1930s when they were both U.S. senators. The split turned out to be irrevocable, and they both died in 1972 without ever seeing or communicating with each other again (Truman did make one small overture in 1952 to which Byrnes didn’t respond). The turning point seems to have been the speech Byrnes gave at the bicentennial celebration of Washington and Lee University on June 18, 1949. At this point his political philosophy was beginning to change, and he took the occasion of the speech to criticize Truman’s domestic policies, which ended up being widely reported in the press. Truman, hurt by Byrnes’ speech, scrawled his Brutus postscript on June 21. Byrnes, hurt by Truman’s postscript, dashed off his “you’re no Caesar” letter on July 9. And the friendship was no more.

Of course, the end of any type of relationship is always complex, especially if politics are involved. We would be ridiculously simplifying the story if we put the rift down to one speech, a postscript, and a reply letter. However, it is also undeniable that the “Brutus and Caesar” communications are obvious high-water markers in the break between Byrnes and Truman and are direct and primary evidence of what occurred.

Astoundingly, and much to our delight, that evidence is contained in the South Carolina Legal History Collection—although maybe not for much longer, as the general thought seems to be that the letters probably belong somewhere else. If they do go, we’ll miss them. But we’ll also always be grateful for the serendipitous discovery that breathed fresh life into our special collection.

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Leading Landlords to the Law Library

How to use ALA’s @ your library® campaign as an outreach tool to local communities

by Marcia L. Dority Baker
The Situation:  
In Lincoln, Nebraska, tenants of rental-housing units often visit the University of Nebraska (UNL) College of Law's Schmid Law Library for information and help in dealing with landlord and/or rental issues. Landlords, on the other hand, rarely use the law library, which lends material to all Nebraska residents over the age of 18. Even non-residents or minors may access and use the law library's collection within the building.

Lincoln landlords are missing out on the law library's resources for assistance with tenant issues, renting concerns, housing discrimination questions, deadbeat tenants, small business needs, and other landlord concerns. According to the Selected Housing Characteristics: 2005 from the U.S. Census FactFinder (http://factfinder.census.gov) Web site, 40 percent of Lincoln housing units are rentals.

Thus, the law library has a large public constituent base with potential landlord-tenant information needs yet untapped.

The Solution:  
The American Library Association's (ALA) @ your library® campaign. ALA started @ your library® in 2001 to promote awareness and support for libraries, as well as to educate communities about the value and significance of libraries. Although the campaign has been successful and creative in public and academic libraries, it appears law libraries do not utilize it.

Traditionally law libraries serve local constituents not routinely targeted by the @ your library® campaign: law college faculty and students, members of law firms, or prisoners as part of pre se arrangements. Nevertheless, many county, state, and university law libraries receive a variety of public visitors. All law libraries (academic, government, law firm, or a mix of the above) can apply the @ your library® campaign in their local communities.

Why Have Public Outreach?  
The primary reason law libraries should use the @ your library® campaign for public outreach is library promotion. At the Schmid Law Library, we realize a law library is not the general public's first choice of library to visit. Law students come either to study or review material put on reserve by instructors. Local attorneys visit the law library to research client legal problems, and individuals unable to afford a lawyer visit the law library for reference help with legal issues. But we do not offer popular public programming, such as story time, family events, or summer reading programs.

Despite this, law libraries are unique, providing relevant and useful services to our communities.

Historically, promotion of the Schmid Law Library has not been pursued and is currently needed. The collection is not only intended to help the college of law faculty and students and area attorneys, but also the public. Public outreach has the potential to attract a new constituency, thus Schmid Law Library needs to emphasize its public outreach. It should be noted that public patrons do visit the library after involving themselves in a legal issue. However, the library staff would like the patrons to visit prior to the legal issue.

Law libraries must start relationships with the public before the patrons even need help. It is easier to be on good terms and offer informational assistance than to provide guidance after a stressful situation occurs.

Target Audience  
Determining your target audience is the first step in implementing a successful @ your library® campaign. What special collection is your law library known for or do you want to promote? What group of people would you like to see using the resources available at the law library? What is happening in your local community that the law library could help with, for example, Volunteer Income Tax Assistance or estate planning seminars for retirement communities?

The audience for a particular program can be large and diverse or small and focused in a specific area. When planning for the program, be sure to consider what your law library staff and building can handle the first time around. Estimate the additional time and effort it will take for your staff to start a fresh program. Determine the facilities that will be used (how many people a room can hold) and consider parking issues that may arise.

When libraries know the background of what type of information a customer has accessed, library staff can then refer the customer to other relevant library material.

The primary target audience for the Schmid Law Library program is both Lincoln city landlords and property managers. This agency owns rental property and can include an individual renting one duplex for extra income or a full-time property manager whose income is derived from multiple rental units.

In addition, Schmid also targets the Real Estate Owners and Managers Association (REOMA) of Lincoln. This organization has been active in Lincoln for 30 years, and many of its 150-plus members own rental property and rent more than 7,000 units in the city, according to the REOMA Web site.

Do not be afraid to use Google—many of your customers use it. It is important to know what type of information is available online because then library staff can interact with customers from the same starting point. When libraries know the background of what type of information a customer has accessed, library staff can then refer the customer to other relevant library material.

Finally, make it obvious who you want to attract to your law library's program by downloading the appropriate ALA @ your library® logo from ALA's Web site (www.ala.org/ala/pio/campaign/campaign americas.htm). This is a trademarked logo and should be used as intended. The site includes detailed use instructions, as well as information about any modifications to the logo. Schmid Law Library, for example, titled its program, Lincoln landlords @ your library®.

Remember: it is highly likely law library customers who also use the local public or academic libraries have already seen the logo in use for quite awhile. We do not need to reinvent the wheel. ALA has provided all the campaign information needed for any type of library to use.

Build It and They Will Come  
How does a library attract an audience that has yet to visit the library? The simple answer is not always easy—go to them. Libraries spend an exorbitant amount of time creating brochures and flyers that never make it outside the front doors of the library. Consider moving promotional material from the library to where your target audience is located or visits.

Put together a list of places or addresses where your target audience may see the program flyers or posters. But before posting anything, always verify that a program flyer or poster can be displayed. It is also important to discuss what you are posting with the local staff. They may know of interested customers or have suggestions for other locations to post information.

(continued on page 22)
I recall my predecessor, Edgar J. Bellefontaine, relating to me that Oliver Wendell Holmes, Jr., spent his first day of practice in the Social Law Library and was an avid patron for the rest of his long, distinguished career as a lawyer and judge in Boston. During daylight hours Holmes settled in to do work-related research, only to return in the evenings to advance his personal intellectual pursuits, one of which was to pen The Common Law. But for Holmes, the Social Law Library was more than just a place for solitary study. It was also a social center—a place to discuss cases, gossip about the goings-on in the legal community, and form lifelong friendships. According to his biographer, it was to one of his friends at the library that Holmes confided his early dream of becoming a justice of the U.S. Supreme Court.

Edgar Bellefontaine believed that Social Law should always strive to be for other lawyers what it was for Holmes. To fulfill its true potential, it needed to be much more than a vendor of practice-oriented legal information at the margins of the profession. It had to be, to use Holmes’ famous phrase, a “marketplace of ideas” that would attract lawyers to a rich selection of educational and cultural goods and services in an open professional forum.

However, when I came to the Social Law Library as executive director in 1998, it was losing its cherished place as a cultural institution at the center of Boston’s legal community. The digital world was changing the way that lawyers did their work. Busy attorneys researched from their office desktops, had books delivered by messengers, and sought reference advice via e-mail and phone or, in big firms, channeled through trusted, professional in-house librarians. But for Holmes, the Social Law Library was more than just a place for solitary study. It was also a social center—a place to discuss cases, gossip about the goings-on in the legal community, and form lifelong friendships. According to his biographer, it was to one of his friends at the library that Holmes confided his early dream of becoming a justice of the U.S. Supreme Court.

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Legal Research Programs
Law libraries frequently offer training in legal research, and, in an effort to bring in more people, Social Law decided to expand its training programs to include legal research courses in topics such as immigration law, intellectual property, securities law, and the like. I naively expected sold-out classes, attended by both new and seasoned lawyers. Legal research, I reasoned, is the foundation of practice, so the need to improve research skills would certainly be high. “After all,” as Bob Berring recently asked at the Thomson West forum on Research Skills for Lawyers and Law Students, held at the 2007 AALL Annual Meeting, “How can one work with the law if one cannot find it?” Disappointingly, however, the library’s workshops are sparsely attended. Even when the hands-on sessions are limited to the 12 workstations in our computer training center, they are rarely filled to capacity. Single-digit registrations are not unusual. We’ve learned that legal research programs don’t attract large numbers of lawyers, especially those beyond their first years of practice.

Why don’t lawyers attend legal-research workshops in large numbers? Felix Frankfurter defined research as “the systematic indulgence of one’s curiosity.” If Frankfurter was right, then perhaps lawyers are simply not very curious. There may be some truth to this prosaic notion. At the aforementioned AALL forum on research skills, Billie Joe Kaufman, associate dean of American University’s Washington College of Law, pointed out that law students in today’s “Google generation” think they know enough about conducting legal research after completing their basic research and writing courses. Apparently, experienced members of the bar aren’t too inquisitive either. The American Bar Association’s (ABA) 2006 Legal Technology Resource Survey Report, which surveyed 32,709 attorneys, reported that only 14 percent of the respondents regularly used their firm libraries, and a mere 5 percent used offsite libraries. Interestingly, 90 percent of respondents in the 2007 survey said that they continue to rely on print materials, 52 percent regularly.)
Members wanted high-quality, low-cost programs that were practice oriented and featured respected lawyers and judges as faculty.

It seems there is nothing new about mainstream lawyers' lack of in-depth research. Morris Cohen's 1969 article, "Research Habits of Lawyers" pointed out that even in those print-dominated days, a negligible 5 percent of the lawyers who used libraries even bothered to check the card catalog. "The picture one gets," Cohen deadpanned, "is of a more or less satisfied group of lawyers doing routine research, usually in primary sources."

His article added, "The longer a person is in practice, the fewer the hours [s/he] devotes to legal research." Corroborating Professor Cohen, the 2006 ABA survey found that, by the time lawyers become partners, 70 percent don't do any regular research whatsoever.

Regrettably, it seems safe to say that legal research programs, while they will always be an important part of a law library's core competency, are unlikely to attract lawyers in large numbers.

Continuing Legal Education

If law libraries simply cannot attract a large cross section of the bar to legal research classes, what about Continuing Legal Education (CLE)? Lawyers enroll in CLE programs to expand their knowledge within their areas of practice, to develop new specialties, to improve professional and office-management skills, and, more fundamentally, because there is a professional obligation to remain competent. According to the ABA Center for Continuing Legal Education, at least 43 states require lawyers to take mandatory or minimum continuing legal education courses. The 2007 ABA survey found that 97 percent (yes—97 percent!) of lawyers enroll in CLE courses.

The formalization of CLE began in 1958 with the first of three so-called "Arden House Conferences," convened by the ABA and the American Law Institute to spark a national movement to institutionalize CLE in every state. Prior to that, lawyers (like Holmes) had looked to law libraries for self-study and professional improvement (in addition to the "on the job" training they received at the office and in court).

After 1958, bar associations quickly became the dominant providers of CLE, followed gradually by other segments of the legal community, but apparently not law libraries in any discernable numbers. Today, the membership ranks of the Association of Continuing Legal Educators are populated by professionals from bar associations, law schools, law firms, and even legal publishers. But there are evidently few, if any, members that identify themselves as librarians or list law libraries as their employers.

Why have law libraries not positioned themselves more prominently as front-line providers of CLE, especially given the obvious synergies between their educational mission and the goals of continuing legal education? When the Social Law Library's 2006 User Survey queried its members, 70 percent of the respondents indicated that they would attend CLE programs at the library.

"If the library buys books for members," one patron asked, "shouldn't it also help them understand and apply the law in those very same books?" Other written comments suggested that members wanted high-quality, low-cost programs that were practice oriented and featured respected lawyers and judges as faculty.

Prompted by this positive response, Social Law tested the idea with the following series of CLE programs, broadly defined, between October 2006 and June 2007. The price of the programs, each of which was about three hours, was $50 for members and $100 for non-members.

• Writing for the Superior Court: Winning Written Advocacy in Civil Cases
• Residential Summary Process Evictions
• Advanced Evidence in the Probate and Family Court
• Evidence Series Featuring Federal District Court Judge William G. Young (four monthly lectures)
• Marketing Boot Camp for Small Firms
• Writing for the Supreme Judicial Court and the Appeals Court
• Motor Vehicle Stops: Workshop for Prosecutors and Defense Counsel
• Profitability Boot Camp for Small Firms

These 11 programs exceeded our expectations. They attracted more than 900 registrants from every segment of the legal community, including new associates and senior partners from small, medium, and large firms, as well as attorneys from government and legal services agencies. Remarkably, almost 30 percent traveled to the library from outside the city. Some sessions were sold out, exceeding our classroom limit of 100 people. The per-program average of 83 registrants for the CLE sessions eclipsed by almost five-fold the numbers enrolled for the largest "how to" research workshop offered during the same period.

Planning and implementation were not difficult or time-consuming. Judges and lawyers enthusiastically agreed to serve as faculty. The program chair, ordinarily a judge, provided "quality control" of substance and subject matter. The
curriculum for each program was usually hammered out in a single meeting or teleconference, with refinements by e-mail. Panel members were not expected to prepare written materials, although many happily did. Only a few helpful articles for practitioners were included in hand-outs. Instead, staff prepared extensive bibliographies, which had the benefit of marketing the utility of the Social Law Library's practice-oriented collection.

Library staff provided A-to-Z administrative support. Although Massachusetts does not have mandatory CLE, the library quickly learned how to secure course certification for Massachusetts lawyers who were also admitted to practice in other major states with continuing education requirements.

Most of the programs were professionally recorded, burned onto CDs, and sold as part of a joint promotional agreement with the series’ co-sponsor, Massachusetts Lawyers Weekly. The CDs will also be given away as “early-bird” incentives to register for future programs. For instance, a select number of free CDs for the program, “Writing for the Supreme Judicial Court and the Appeals Court,” will be an inducement to register early to its sequel on “Appellate Oral Advocacy.” Getting hundreds of the CDs into circulation has not only created a modest income stream but, more importantly, is spreading the library’s reputation as a center of quality CLE.

With respect to co-sponsorship, the library partnered with the statewide newspaper, Massachusetts Lawyers Weekly. In return for paying a percentage of backend profits in lieu of up-front advertising fees, the publisher provided prominent advertising for each program in every weekly paper, on its Web site, and in Daily Alert—its e-mail service that “blasts” continual updates of law-related news to its statewide readers.

This partnership was a win-win. Lawyers Weekly would not have realized any revenue from the CLE series without the co-sponsorship, because commercial advertising is prohibitively expensive for the library. However, the co-sponsorship offered the paper a new income stream, and profit motive prompted it to advertise aggressively to increase lucrative head counts. Social Law benefited because the “free” mass advertising by the state’s most prestigious and widely-read legal publisher brands the library’s reputation as a sophisticated new entrant in Boston’s competitive CLE marketplace. Of course, the library also split the net profits, which, with more than 900 attorneys paying registration fees of either $50 or $100, proved rewarding enough to continue as a CLE provider.

Offering CLE courses created unexpected rewards in the area of membership recruitment. Nearly 20 percent of program attendees had not been members of the library, yet a surprising number joined to take advantage of the lower membership pricing. Similarly, the fact that the library has begun offering added-value CLE courses provides a persuasive inducement for current members to renew.

The real reward, however, is that the newly popular CLE programs are establishing the library as an educational center and a meeting place for busy practitioners at every stage of their careers and from every segment of the legal community.

Cultural Offerings

While training workshops and CLE programs put the library in the middle of professional legal education, a variety of cultural offerings solidify the library’s identity as a cultural and civic center. Such broader programming— including talks by authors, bench-bar seminars, debates, documentaries, and conferences—gives members of the legal community much-needed perspective and escape from stifling billable hours and the narrow focus of modern practice on productivity. It draws together a wide range of people, including judges and senior lawyers who haven’t been to the library in years, to share ideas and explore “big picture” topics in a relaxed, collegial setting.

Such cultural offerings also generate the kind of patron loyalty that motivates philanthropic support. One appreciative lawyer arranged an unsolicited gift of $100,000 for an endowment; another donated $40,000 over four years. In December, a local foundation awarded $70,000 to increase programming in history and public policy.

In the last several months, the library’s free Authors Series featured Dr. Kenneth C. Edelin (Broken Justice: A True Story of Race, Sex and Revenge in a Boston Courthouse), Eve LaPlante (The Salem Witch Judge: The Life and Repentance of Samuel Sewall), and Washington Post reporter Kevin Merida (co-author of Supreme Discomfort: The Divided Soul of Clarence Thomas). Authors usually take the podium at 5:30 p.m., speak and answer questions for about an hour, then adjourn to a reception to sign books and mingle with the audience. It is not unusual to attract 75 to 100 people to these soirees. Larger crowds gather to hear nationally famous authors, such as Alan Dershowitz (Preemptive: A Knife That Cuts Both Ways) or Cass Sunstein (Radicals in Robes: Why Extreme Right-Wing Courts Are Wrong for America and Are Judges Political?: An Empirical Analysis of the Federal Judiciary).

Some authors prefer a more intimate setting and opt to lead small seminars in which approximately 20 lawyers and judges read a selected book in advance. In January, Jack Goldsmith participated in an in-depth discussion of his new book, The Terror Presidency: Law and Judgment Inside the Bush Administration. The library has had similar sessions with Charles M. Hart (Mastering Boston Harbor: Courts, Dolphins, and Imperiled Waters), Andrew L. Kaufman (Cardozo), and R. Kent Newmyer (John Marshall and the Heroic Age of the Supreme Court). Typically held between 5 and 7:30 p.m., these sessions begin with an informal buffet dinner. Although there is a fee to cover the cost of the books and dinner, the roundtable discussions have always been sold out.

Debates have proven to be stimulating and at times fiery. Sparks flew last March...

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5 Reasons Why Your Law Library Should Host CLE

Lawyers enroll in Continuing Legal Education (CLE) programs to expand their knowledge within their areas of practice, to develop new specialties, to improve professional and office-management skills, and, more fundamentally, because there is a professional obligation to remain competent. Law libraries can become strategic partners in CLE by offering these much sought-after courses. Here's why:

1. According to the ABA Center for Continuing Legal Education, at least 43 states require lawyers to take CLE courses.

2. The 2007 ABA survey found that 97 percent of lawyers enroll in CLE courses.

3. The Social Law Library’s 2006 User Survey found that 70 percent of the respondents would attend CLE programs at the library.

4. The Social Law Library’s 11 CLE programs in 2006-07 attracted more than 900 registrants from every segment of the legal community. Remarkably, almost 30 percent traveled to the library from outside Boston.

5. CLE programs establish your library as an educational center and a meeting place for busy practitioners at every stage of their careers and from every segment of the legal community.

Documentaries with legal themes have proven to be especially popular, even without the popcorn. Social Law screened three films this past fall: a chilling documentary about youth gun violence in Boston, *Shot in the Hood,* a recent film on *Sacco and Vanzetti* by filmmaker Peter Miller; and *Total Denial: Doe vs. UNOCAL.* Winner of the 2006 Vaclav Havel Human Rights award, *Total Denial* chronicles the groundbreaking human rights lawsuit by EarthRights International on behalf of Burmese villagers against oil giant UNOCAL.

Available on DVD, such films are easy to find on Google and inexpensive to license. They can be gut-wrenchingly serious or induce belly laughs. The library will show *A Lawyer Walks in to a Bar,* an irreverent look at the legal profession as seen through the experiences of six lawyer wannabes studying for the bar, with comedic cameos by Sen. John Corny, Alan Dershowitz, Nancy Grace, and Scott Turow, among others. We think this would be an excellent film to show the library's new crop of fall associates.

Anniversaries often provide good reasons to convene conferences. In December 2005, so many people gathered to hear panelists, such as Yale Law Professor Akhil Reed Amar and Pulitzer Prize winner Gordon Wood, engaged in “A Scholarly Discussion of the 225th Anniversary of the Massachusetts Constitution of 1780” that the proceedings had to be remotely broadcast to an adjoining room. A year later, the library hosted a conference on the 100th anniversary of Roscoe Pound’s timeless 1906 speech, “The Causes of Popular Dissatisfaction with the Administration of Justice.” Panel members from the courts, the bar, and the public grappled with the difficult question, “What Would Pound Say Today?”

What Would Holmes Say Today?

There is little doubt that the Social Law Library’s collection and information services are as important as ever, albeit adapted to the digital age. But the question that prompted this article is broader and more subjective: If he were alive today, would Oliver Wendell Holmes, Jr., still look to the Social Law Library as a center of educational, civic, and cultural life? Thanks to the library’s outreach in legal research seminars, continuing legal education courses, and a wide variety of cultural offerings, I suggest that the answer is, to use a legal term, a matter of “judicial notice.”

Robert J. Brink, Esq. (rbrink@socialaw.com) is executive director of the Social Law Library in Boston.

picture captions

pg. 16 (upper left) Harvard Law School Professor and former U.S. Solicitor General Charles Fried enjoys a moment as moderator of a spirited discussion about “Modern Liberty and the Limits of Government” at the Social Law Library. U.S. District Court Judge Patti B. Saris is in the background.

pg. 16 (lower right) There’s a “social” aspect to the Social Law Library’s programs. Massachusetts Superior Court Judge Hiller B. Zobel and Harvard Law School Librarian Harry S. Martin share a convivial moment.

pg. 17 (upper right) The Social Law Library’s three-hour CLE programs attract an average of 83 registrants from every segment of the bar.

pg. 17 (lower left) Sold by Massachusetts Lawyers Weekly, the CDs of Federal District Court Judge William G. Young’s four evidence lectures at the Social Law Library have been best sellers.

pg. 19 (upper left) Lectures by authors, debates, conferences, and other cultural offerings attract large audiences of lawyers and judges who haven’t been in the Social Law Library for years.

pg. 19 (lower right) Entertaining and educational, a wealth of documentaries shown at the Social Law Library covers the entire spectrum of law-related subjects. They are generally easy to find and inexpensive to license.

our programs to all our members, not just to those who can attend the Annual Meeting.

We may also need to partner with other organizations to meet the challenge of providing both the depth and breadth of training that is needed to keep pace with our rapidly changing, complex work environments.

Is AALL providing the educational opportunities that you need? What additional areas do we need to cover, and what delivery methods should we use? Please send your ideas to me, Education Manager Celeste Smith (csmith@aalll.org), or the Continuing Professional Education Committee. Let’s “get busy and find out how to do it!”
AALL Hosts the 2008 Joint Study Institute in June

What is the JSI, and why should you care?

AALL will host the Sixth Joint Study Institute this June 25-28 in Washington, D.C. What is the Joint Study Institute (JSI), and why should a U.S. law librarian should care about it?

The Inspiration for JSI

In 1995, the presidents and chairs of the British and Irish Association of Law Librarians (BIALL), Canadian Association of Law Libreries/Association Canadienne des Bibliotheques de Droit (CALL/ACBD), and AALL enjoyed attending one another’s association annual conferences so much that they discussed ways for the three associations to cooperate. Their idea was to create a series of joint meetings focusing on the legal research techniques and laws of their respective legal systems. The aim of the JSI was to feature programming by experts about the host country’s legal heritage and traditions.

BIALL organized the first JSI, held in 1998 at the University of Cambridge in England. Subsequent JSIs were hosted by AALL (2000) and CALL /ACBD (2002). The addition of the Australian Law Librarians Group brought the JSI to Sydney in 2004 as the final institute in the first cycle. The New Zealand Law Library Association (NZLLA) joined as a sponsor group in Sydney, and the respective association leaders agreed that the JSI was a valuable experience and should continue. The second cycle of institutes began in 2006 at Oxford University, hosted by BIALL.

The initial institute cycle focused on the intricacies and legal research of each country’s administrative, judicial, and legislative systems, as well as legal publishing, terrorism, and the impact of politics on the development of a country’s law, among many others. For the second cycle of institutes, the focus shifted a bit, and the programming broadened.

The 2008 JSI theme is “Harmonization and Confrontation: Integrating Foreign and International Law into the American Legal System.” The programs will focus on the historical use of international law in U.S. Supreme Court jurisprudence and the appropriateness of using international rules and norms in U.S. judicial decision-making, as well as issues dealing with federalism, researching foreign and international law, the Web 2.0, and other related topics.

An Intense Learning Experience

The JSI provides a small and intense learning experience. Attendance is generally 70 or fewer. With no concurrent programs, every delegate attends every program. Most meals are included in the registration fee and are group affairs. These arrangements encourage camaraderie and create the opportunity for in-depth discussions among the delegates about the topics at hand or those at home. “Our shared heritage and contrasting divergences unfold throughout the period we are together and become the foundation for helpful and stimulating discussion,” says Margaret Greville, law librarian at the University of Canterbury in Christchurch, New Zealand.

The size facilitates meeting and networking with law librarians and other legal professionals from around the world. Catherine Bowl, of TraversSmith in London, says, “I am still in contact with some of the delegates I met in Cambridge and Sydney.”

The JSI concept clearly offers a unique experience and atmosphere. The combination of challenging programs and networking possibilities provides a truly exceptional experience. The opportunity to gain a better sense of the ramifications of research in the law of the Anglo-American countries, a deeper understanding of the issues facing colleagues around the globe, an appreciation that there are more similarities than differences among law libraries of various type and location, and the chance to develop personal contacts with law librarians across the globe should not be missed.

Loyita Worley, senior manager of EME Operations for Reed Smith Richard Butler LLP in London, summarizes nicely why AALL members should care about the JSI. “At a JSI, everybody talks to everybody, and within a very short space of time, people build relationships with librarians from around the world,” she says. “These are not the same faces that you might see at the national conventions, but new faces having different perspectives and different backgrounds.”

Worley continues, “So much of my job these days is management, rather than research, and even the researchers at my firm here are doing more business research than law because of the delivery to the desktop of the legal resources. Therefore, I find it energizing to go back to looking at the law again and the influence it has on our society and how that applies to each of our jurisdictions.”

Additional information on the arrangements and programming for the 2008 Joint Study Institute can be found on the JSI Web site at www.aallnet.org/committee/jsi.

Hazel L. Johnson (hjohnson@mcguirewoods.com) is Richmond library supervisor at McGuireWoods LLP in Richmond, Virginia, and a member of the Planning Committee for the 2008 JSI.
For the Lincoln landlords (@ your library® program, Schmid Law Library will provide posters, flyers, and brochures to local real estate offices and the REOMA office. This includes the large agencies as well as the smaller real estate companies. The law library staff will also spend time explaining the program to the real estate and REOMA office personnel. They should be aware of the program details to help promote it.

After the initial legwork is completed, the law library will have a good base of contacts. In the future when the law library hosts this program again, it can provide information to the correct contact person, and valuable time will be saved. Do not forget to double the time, manpower, and cost to complete the first program. As with any new venture, the exact expenditures are not known.

Consider posting an announcement in local business magazines. When discussing advertising with the business magazine publisher, it is important to check on sales tax and ad costs. Academic and public libraries may not have to pay the sales tax on some promotional spending. It is also pertinent to ask about reduced rates for academic or publicly funded institutions. Some publications may have two price scales, one for local museums, libraries, and arts institutions and another for retail businesses.

The Schmid Law Library Web site provides access to an enormous amount of information and is an excellent venue to promote the Lincoln landlords (@ your library® event. Most likely the REOMA Web site and the real estate businesses' Web sites will post the program information as well. A useful tool for any program planning is a "to find out" list. Be sure to include marketing and program promotion on a university Web site to that list. Due to the information policies of universities and colleges, some promotional content may need to be approved before posting.

E-mail can also be a useful promotion tool when used appropriately. If e-mail is used to contact another agency's members, provide the information to the agency. Then the agency can send out the e-mail when promoting its other events. For the Lincoln landlords (@ your library® program, Schmid Law Library will ask REOMA to generate e-mails to their members. There are two reasons for REOMA to send the program promotional e-mails: (1) online discussion list and e-mail privacy issues, and (2) more importantly, the recipients will recognize the REOMA address, whereas the UNL address may be sent to junk mail.

Do not be too concerned about promoting program information to each person in the target audience. Libraries cannot plan for every possibility or give program information to every business and person in the area. The best course of action is to start with a strong plan, then modify it as new opportunities arise. Schmid Law Library realizes that many area landlords don't belong to REOMA, don't use the local real estate offices, and don't read the Lincoln business magazine. Due to time and staff constraints, the law library staff will do its best to prepare an excellent program.

Can You Hear Me?
A provocative ad or interesting program promoted online or in a local publication does not always motivate you to attend an event. What really brings people in the door? Word of mouth promotion. Find the biggest talkers and socializers to spread the program information.

Discussing the program with friends and acquaintances in the rental market will help determine where Lincoln landlords spend their time. Also, be sure to clearly explain the program to library staff, office personnel, and interested customers. Word of mouth spreads news (good or bad) quickly, which makes it an affordable way to promote the law library's program. However, make sure your program information is online, easy to find, and correct. The date, time, place, and contact information are the most relevant parts to the program.

Another way to advertise your program is with radio and local TV. As an academic library affiliated with a university, Schmid Law Library potentially could have airtime on the local stations. The college radio station in particular could be a good fit, as well as the city of Lincoln public access TV station. By using various media, such as the Internet, print, word of mouth, radio, and TV, the law library expects to attract a sizable landlord crowd.

"By using various media, such as the Internet, print, word of mouth, radio, and TV, the law library expects to attract a sizable landlord crowd."

Limited list of landlord-tenant information available in the Schmid Law Library collection:

Nebraska Resources:
Lincoln Municipal Code (print and online version access)
Nebraska Municipal Codes (online access)
Omaha Municipal Code (print and online version access)
Nebraska Resources: Limited list of landlord-tenant information available in the Schmid Law Library collection:

Real estate offices, and don’t read the Lincoln newspaper. Consider posting an announcement in local business magazines. When discussing advertising with the business magazine publisher, it is important to check on sales tax and ad costs. Academic and public libraries may not have to pay the sales tax on some promotional spending. It is also pertinent to ask about reduced rates for academic or publicly funded institutions. Some publications may have two price scales, one for local museums, libraries, and arts institutions and another for retail businesses.

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Evaluation and Feedback
Library programs in general are time intensive and hard work. It is imperative...
with a first-time program to determine not only if it was successful but also relevant as an annual program. The best way to determine this is with numbers and feedback, so good evaluation is necessary.

The first mark of a good program is attendance. This is a double-edged sword, even with great marketing. Attendance can be poor due to the weather, a Husker football game, or parking issues. The library staff must determine prior to the program how many people in attendance are needed to offset the staff time and output.

The second mark of most good programs is the evaluation form. A simple evaluation should include feedback on topics such as whether the information was relevant to the attendees, how they heard about the program, what other topics they are interested in, and if they would suggest this program to friends.

As discussed in the promotion section, word of mouth is important. Therefore, if audience members find this program useful, they will pass the information on to others in their group (the power of association). One way to track this is by documenting the phone calls received about missing the program or asking when the next program is. Communicating with the program partners for their feedback would also provide another source of evaluation.

For the Lincoln landlords @ your library® program, the law library will call the REOMA office for its reaction to the event. In addition, the library staff would call the radio and TV stations to determine the amount of feedback from the airtime advertising.

Two evaluations the Schmid Law Library can track are the circulation rates of the NOLO books in its collection and landlord-tenant reference questions (see “Landlord Information and Reference Bibliography” on page 22 for a list of NOLO books). The circulation supervisor will record the statistics of the NOLO books prior to the program to compare to the same statistics after the program on predetermined dates. The reference librarians at the law library keep detailed statistics on reference transactions (including patron type) and can also mark questions that come from the landlord program.

Evaluation is necessary for all libraries. Our resources are tight due to budget and staffing constraints, so documentation of how our time and efforts are used is critical. Libraries must use this same process when promoting library programs to attract other audiences. As a public institution, the law library must know the outcome of its programming and if it is relevant. Law libraries also need to reach out to the community for awareness and to meet our mission of helping people find legal information. The ALA’s @ your library® campaign is one such way to accomplish this goal.

Marcia L. Dority Baker (mdority bakers@unl.edu) is the circulation supervisor at the University of Nebraska College of Law Schmid Law Library in Lincoln.

@ your library

How to use ALA’s @ Your Library®

1. Determine your target audience. What special collection is your law library known for or do you want to promote? What group of people would you like to see using the resources available at your law library? What is happening in your local community that the law library could help with?

2. Customize the @ your library® logo for your program. Make it obvious who you want to attract to your law library’s program by downloading the appropriate ALA @ your library® logo from ALA’s Web site (www.ala.org/ala/pio/campaign/campaign americas.htm). This is a trademarked logo and should be used as intended, so pay attention to the instructions.

3. Promote your program where your target audience is located. Move promotional material from the library to where your target audience works, lives, and visits. Consider partnering with an organization that your target audience associates with.

4. Don’t overlook the power of word of mouth promotion. Gossip spreads news (good or bad) quickly, which makes it an affordable way to promote the law library’s program. Find the biggest talkers and socializers to spread your program information. However, make sure your program information is online, easy to find, and correct.

5. Finally, evaluate the program. A simple evaluation should include feedback on topics such as whether the information was relevant to the attendees, how they heard about the program, what other topics they are interested in, and if they would suggest this program to friends.

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Getting to Know the “C” People

How to connect with the go-to people and increase your library’s influence in the organization

by Holly M. Riccio
You find yourself in an elevator with a key player in your organization and have nothing prepared to say. You put a new library initiative into your budget or annual goals, but you don’t seem to make it come to fruition. You feel disconnected about things going on in your organization (outside the library) that directly affect your department.

If any (or all) of these situations sound familiar, don’t worry—you’re not alone. Librarians are not often the best at marketing their services or communicating their value in their organizations. Numerous articles have been written on how law librarians can better market themselves and their libraries, but the real answer isn’t to become better at marketing. Rather, the real solution is to be better at creating opportunities by cultivating relationships with the leaders—the “C” people, key players, or go-to people—within your organization.

Sounds easy enough, right? But how do you take that first step? The very first thing you need to do is to make sure you know who the go-to people are. The go-to people are the ones you rely upon to make the key decisions in organizations. They are the people who you need to get in front of and close to so you can get what you want—to leverage the assets of the organization to achieve your library’s goals.

The next step, before you get to know these go-to people, is to make sure that you get to know and understand yourself. Self-knowledge is essential to creating lasting and effective relationships with others. When you understand your own style, you are more aware of the styles of other people, and this allows you to work more effectively with them.

Who are the Go-To People?

How do you start to get to know the go-to people within your organization? The first step is to find out who they are. Chances are you already know many of them, but if you don’t, make it a priority to do so.

Look at resources such as phone lists, organizational charts, internal documents or information (perhaps by searching on your organization’s intranet), annual reports, or just start asking around. Think about which departments within your organization might have key individuals in them. These departments could include, but are not limited to, billing/accounting, information technology, marketing and management, or library committees.

Once you have a roster of the go-to people in your organization, how can you keep up with the changes in staff or leadership roles? If you are involved in orientation for new hires within your organization, use that opportunity to start cultivating relationships with new key people. For go-to people who are physically in other locations, try to keep up with new hires in other offices to see if there are people with whom you should get acquainted.

One of the biggest barriers to developing relationships with the go-to people these days is physical location. Many law firms are becoming global and hiring the best talent wherever it exists, so more and more the go-to people may be in other offices.

Another barrier is that today people are on the go more than ever. So even if they are in your office, they may be out of the office more than they are in it. Think about how you can interact with the go-to people regularly. Can you or do you have regular meetings, phone calls, or one-on-one sessions with them? If not, start thinking about how to interact with them and begin to build those relationships. Again, this is often tricky, so think creatively.

The next thing to consider is what relationships the go-to people have with others. This is the “Six Degrees of Separation” concept in action. Your relationship with one key decision maker may lead you to get your latest idea or initiative pushed through because of a connection that the key decision maker has with someone else.

This concept, although by no means novel, has really developed and morphed into something very different than it used to be. As social networking sites, such as Facebook, MySpace, and LinkedIn, become more and more popular, they are changing the way we network and are taking the concept to a whole new level.

When identifying the go-to people, don’t just focus on those in leadership roles in your organization. Cultivating relationships with staff members who work closely with or who directly support leaders in the organization can often be just as beneficial to you, since they are often the people who hear about things before anyone else. Although they are probably not the ones who will get you what you want in the end, they can certainly help you get your foot in the door or get you that opportunity to have a seat at the bargaining table.

What Should You Do?

What is the best way to connect with the go-to people? Have face-to-face contact whenever possible—this may be the most crucial element of connecting with go-to people. Walk around your office and get to know people. It can be difficult to determine how we can contribute meaningfully to our colleagues’ working lives if we don’t know them as people.

We must work on the relationships we want to have—yes, it is work. (It may come easier to some than to others, but it is still work.) One big advantage of face-to-face contact is that it demands an immediate response and, along with that, often comes with instant gratification.

To maximize the amount of potential face-to-face time you can have with go-to people, utilize organization or office events to your advantage. Go to every function that you possibly can. This puts you and the library out there and increases visibility. It is also an opportunity to get to know the (continued on page 33)
CREDENTIALS AND CREDIBILITY

A survey and candid discussion of whether or not law librarians should show off their educational degrees

by Christine L. Sellers
Doctors list MD and board certifications in their signatures. Attorneys use Esq. Some law librarians include MLS and/or JD. Most, however, do not.

How law librarians think about the degrees they have or do not have reveals a lot about how they think about their positions. It also reveals how they choose to represent themselves to the outside world and the profession.

In law librarianship there is no set course of education or degree attainment to become a law librarian. Therefore, there is also no set way that we deal with revealing or not revealing our degrees and/or training. As a new librarian working for a law firm, I was curious as to whether other law librarians listed their degrees (whatever they may be) or not. My experience had been largely limited to academic law librarians, and I had formed the general impression that degrees were usually listed. However, in my new job at a law firm, it seemed the typical practice was to not list degrees, with some concern about the impression of practicing law (caveat: I have my law degree, so the concern about the impression of practicing law was justified).

I conducted a brief survey of law firm librarians on the lawlib online discussion forum, which only made me more curious about what broader opinion might be. After having no luck finding articles about the subject, I decided to conduct my own survey of the law librarian community.

Ultimately, the majority of law librarians who completed the survey do not list their degrees. However, there were some who did list their degrees or could see the need for others to do so. Oddly enough, the underlying reasoning for these competing results were similar. Or perhaps that’s not so odd after all. Running underneath all of the reasons for listing or not listing degrees include instinct, observation, experience, personal decisions, and office politics.

**Methodology**

I posted the survey on the lawlib discussion list, with a reminder after one week. The first three questions were mandatory, asking about participants’ degrees, organizations for which they worked, and if degrees were ever listed after their names. The next questions were divided into two different tracks: one for those who listed their degrees somewhere and one for those who did not. The last five questions of the survey were the same for all respondents. Three of them ask for feedback regarding why the respondents listed their degrees or why they did not, and the last two questions solicited any research or background information obtained and any additional comments.

For those who listed their degrees, there were a total of 12 possible questions, including three mandatory and the last two. The questions specific to those listing degrees were about placement of the degrees in e-mail signatures, business cards, and letterhead.

Those who did not list their degrees were not asked these questions, but skipped from the mandatory three to the last five.

**Results**

A total of 328 people responded to the survey. All 328 respondents answered all three of the mandatory questions. The number of responses then varied for the remaining questions.

Among the survey respondents, 308 (93.9 percent) held master’s degrees related to the field of library and information science; 41 (12.5 percent) had master’s degrees unrelated to the field of library science; 142 (43.3 percent) had JDs; 2 (6 percent) held a PhD; and 11 (3.4 percent) listed their degree as other.

Most of the respondents worked for a law firm library (137 or 41.8 percent). Second to that were respondents who worked in an academic library (106 or 32.3 percent). Other respondents worked in a state, court, or county law library (57 or 17.4 percent); 4 (1.2 percent) worked for a vendor; and 24 (7.3 percent) worked under the other category. Employers listed under this include a prison library, the federal government, a corporation, and independent contractors, among others.

Of the 328 respondents, 238 (72.6 percent) never list their degrees after their names. Only 90 respondents (27.4 percent) list their degrees sometimes or all the time. All responses were given anonymously. Therefore, there were no names or personal characteristics associated with the feedback.

**Why Degrees Not Listed**

As seen above, the overwhelming majority of law librarians who responded to the survey do not list their degrees in any way. The responses varied as to why degrees were not listed but fall into four major categories.

- **Not Standard Format or Policy.** Some respondents stressed the importance of listing their positions rather than their degrees. “My card reads ‘Law Librarian,’ which is more to the point of what I DO,” says one respondent. “What I do is more relevant (to the business card target) than where I came from or what degrees I have collected.”
- **Not Practicing Law.** Others stressed more practical reasons for not listing their degrees. “I worry that by listing my degrees I will be approached for legal advice,” says one respondent, “and I am not admitted to practice law in the state I am currently working in.”
- **Unnecessary, Irrelevant, and Tacky.** Some did not find it necessary or relevant to list degrees. Need or necessity is mentioned at least 56 times in the 203 comments as to why degrees were not listed. Pretentious is mentioned 32 times, and relevance mentioned four times. For example, “I figure that nobody outside the library world is too familiar with an MLS degree,” says one participant. “At my previous job in a public library, it was seen as pretentious.”

The sentiment is echoed by the comment that “[m]ost people don’t even know what a law librarian is—so putting the degrees would make no sense.”

An academic law reference librarian says: “Mentioning that I have a JD more opens the question whether I do than not listing one…” As for the MLS, it’s a degree that gets so little respect in this context, that mentioning it would be like referring to where I went to high school…There’s a presumption that we belong here and listing our credentials only encourages others to speculate as to why we need to prove it.” Some respondents were not in favor of ever listing degrees. “I guess I just feel I didn’t have to justify my professional skills by listing my degrees or posting copies of them in my office,” says one law librarian.

In the same vein, two respondents added that “[t]hey will learn my background if necessary” and “[d]egree titles are not an issue outside of academia.”

- **Position or Service Record More Important than Degree.** Some respondents stressed the importance of listing their positions rather than their degrees. “My card reads ‘Law Librarian,’ which is more to the point of what I DO,” says one respondent. “What I do is more relevant (to the business card target) than where I came from or what degrees I have collected.”
Another says, “I believe that my job title is more relevant as an identifier than my degree.” Some survey participants agree with the following sentiment that “[m]y job title is more relevant as an identifier than my degree.”

The following sentiment that “[m]y job title is more relevant as an identifier than my degree,” says one law librarian. One respondent says that “[t]he best librarians I’ve ever worked with were those who put their emphasis on high quality service rather than on titles or/and educational degrees.”

Another agreed, relying “[a] wise uncle of mine once told me his clients weren’t interested in his pedigree, only in the quality of his work.”

Survey Results At-a-Glance

328 respondents

Educational Background*
- 93.9 percent hold master’s degrees related to the field of library and information science.
- 12.5 percent hold master’s degrees unrelated to the field of library science.
- 43.3 percent hold JDs.
- 6 percent hold a PhD.
- 3.4 percent list their degree as “other.”

Library Type
- 41.8 percent work for a law firm library.
- 32.3 percent work in an academic library.
- 17.4 percent work in a state, court, or county law library.
- 7.3 percent work under the other category.
- 1.2 percent work for a vendor.

Do You List Your Degree?
- 72.6 percent never list their degrees after their names.
- 27.4 percent list their degrees sometimes or all the time.

Where Do You List Your Degree?*
- 61.5 percent list their degrees on their organizations’ Web site.
- 60 percent list their degrees on their business cards.
- 53.9 percent list their degrees in presentation material.
- 41.1 percent list their degrees in their e-mail signature block all of the time.
- 10 percent only list their degrees outside of the organization.
- 5.6 percent have letterhead that reflects their degrees.

*Total results equal more than 100 percent because respondents could choose more than one option.

It makes me more legitimate, it makes the advice I give more legitimate, and it increases the respect I get from both faculty and students.

A total of 65 of the 90 respondents who designate their degrees indicated that they list their degrees somewhere else. Most (40 or 61.5 percent) had their degrees listed on their organizations’ Web site. Some (35 or 53.9 percent) listed their degrees in presentation material. Keep in mind that more than one answer could be chosen on this question. Thirteen respondents (20 percent) indicated various other reasons: more respect, publications, newsletters, orientation handout, client projects, library brochures, resume, and commencement program.

Why Degrees Are Listed

The reasons that people always or sometimes list their degrees also fall into broader categories.

Complexities of Law Librarianship

Some respondents stressed the importance of communicating the complexities of law librarianship. “Often, people comment on the MLIS designation, which opens a dialogue about the behind the scenes work librarians really do in terms of not only librarianship, but administration, such as budgeting, personnel, contract negotiations, product licensing issues, etc., etc., etc.” says one respondent.

This is in direct contrast to a comment from one who doesn’t list his or her degree(s). “The average person—he be attorney, judge, lay-person, etc.—doesn’t understand the credentials or abbreviations, and I don’t have the time to explain that MLS or MSL does NOT refer to the multiple listing service.”

Some of the comments were for listing degrees, no matter what the situation. “I am in favor of anything that enhances the appearance of the professionalism of librarians and librarianship to the public,” one participant says.

Another example is an answer to the question, “Is it pretentious or displaying low self-esteem to include degrees in the signature? No…Librarianship is not even a profession—there is no uniform test of qualifications or knowledge, required certification, nor even uniform experience—but the degrees show an educational baseline.”
Legitimacy and Credibility.
Respondents say that legitimacy and credibility were reasons that they listed their degrees. For example, one person says, “It makes me more legitimate, it makes the advice I give more legitimate, and it increases the respect I get from both faculty and students.”

Echoing that sentiment, another respondent says that “[s]ince I work with judges and attorneys, I feel it is important that they know that I am also an attorney. I find it lends credibility to my position.”

These motivations seemed to focus on the qualifications of the law librarian. “I want to convey to my clients that a law librarian is a professional and that I am qualified to address all issues concerning legal and business research, as well as law library management issues,” one person says.

Another says listing degrees also “helps to remind people of what is required in this field.”

All of that can be summed up in the comment from one respondent who listed the degree “[b]ecause I have found that people listen more carefully to what I have to say.”

The majority of these pro-degree comments suggested there were multiple sides to the issue, as shown by this example: “Ultimately, the possible down side of listing my degree (the perception I may be pretentious or else insecure) outweighs the down side of not listing them (ignored because I lack credibility).”

Another example posits that “I do believe it is a personal choice and that there are probably librarians who, unfortunately, work in situations where it would be helpful to display their educational background.”

Marketing Yourself. Marketing oneself as a law librarian is very similar to proving legitimacy and credibility with degrees. Law librarians who are part of an organization where they need to be recognized or utilized more advocate this tactic. Even law librarians who do not feel the need to use the tactic advocate it for others who do. “I think some people who list them feel insecure, however, I believe many people who list them need to because their organizations don’t recognize them as much as they should,” says one respondent.

Some law librarians mention their degrees within the first sets of communication, but discontinue it after a while. “In communicating with a client for the first time, I may mention my JD to provide some comfort level with my search expertise and understanding of the law,” says one participant.

Another says, “Generally, I try to get that information to those who have not met me or heard of me before. Otherwise, I don’t feel a need to continuously reiterate to those familiar with me.” A lot of people list their degrees for works of scholarship: authoring articles or presentations. “I feel that listing the degrees on letterhead or business cards is not necessary, since they are used merely as a source of contact information,” says one law librarian. “However, when I put my name to a piece of written work, I want my credentials to speak to add to its authoritativeit." Others use their degrees “in formal situations.” For example, on business cards, but not in an e-mail signature. Based on the relative informality of e-mail, I don’t use my degrees, but for more formal contexts, such as business cards and Web sites I do,” says one respondent.

On the opposite end of the spectrum, some care more about informal situations. “I have added the degrees whenever I am allowed to add them, which is primarily for internal documents,” says one participant. “That’s okay with me because the JD is much more important to the attorneys I serve than to other librarians.”

Some of the comments approached the issue with more complex feelings, sounding as if they would like to never see a need to list degrees, but in the end realized its possible necessity. “I guess I support folks including the degree—it might make the general public recognize that librarians really do have a lot of education, which might change some of the stereotypes,” says one law librarian.

Another respondent says that “I feel the need to assert my education and capacity. Professors’ tendency to underestimate people who are women, and therefore, because of the gendered nature of the profession, to underestimate librarians may be unintentional, but it is nevertheless very real. I’ll use any tool I can use in order to gain their respect—no matter how silly it seems to me. Listing the degrees would seem quite silly to me, were it not for their serious purpose.”

Observations
For me, these are better and more reasoned responses than “it’s tacky.” As much as I love Miss Manners and etiquette, I think that’s a reason without any underlying strength. Perhaps that’s because I’ve been in situations where the title of research librarian does not adequately indicate my degrees. On the other hand, saying “it’s tacky” does give one pause to wonder that there are people out there who can be obnoxious with their degrees. Just because we have them or don’t, doesn’t make us better or worse librarians.

In regards to the survey, I do wish I had included a question regarding the respondents age. After reading the responses and comments, I wondered if there was some sort of generational divide that the survey had failed to address.

In the end, I ultimately decided to leave off my degrees entirely for e-mails outside the firm. My degrees are not included on my business cards, but that is more firm policy than a personal decision. However, I do sometimes include my degrees in my e-mail signature line in internal e-mails, depending on the recipient. I also list my degrees in scholarship and presentation materials.

All of these decisions echo the reasons stated by others. I try to market myself when needed, but at the same time try not to include them when it might not be appropriate. It’s a fine line to walk, and in the future I can only try to be understanding while others try to do the same.

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The Ownership Delusion

When law libraries “buy” electronic documents, are they getting more, or simply paying more?

by Simon Canick
N ot long ago I received an offer for the LexisNexis Congressional Hearings Digital Collections. The retrospective content—nearly 120,000 hearings published between 1824 and 2003, fully searchable and downloadable in PDF format—was quite tempting. Without question it would improve our collection and provide something at once useful and powerful for our students and faculty.

The “discount” price, however, made me cringe: $200,000 plus “a modest fee” of $3,000 per year for use of the LexisNexis interface. Prospective coverage costs an astonishing $33,000 a year, plus another $1,500 for access. I wondered how our budget could accommodate a hit that large. What would we cancel to make it work?

**Purchase plus Access**

For years librarians have worried about the transition from ownership of physical materials to rental of digital information. Because patrons demand electronic access, we continue to move in that direction. But we feel anxious about the implications for our collections. Ideally we would have the best of both worlds: real ownership and control of digital content.

Now law publishers have seemingly called our bluff. In recent years, a new model has emerged, which I’ll call purchase plus access. Libraries pay a lump sum (usually enormous) up-front in order to “buy” the electronic documents, along with a “nominal” charge for continued access and search capability through the vendor’s own interface. Primary examples include Gale’s *Making of Modern Law* (MOML), LexisNexis and Readex versions of the *Serial Set*, LexisNexis *Hearings and CRS modules*, and Hein’s *Foreign and International Law Research Database* (FILRD).

These offers got me thinking about what “ownership” of digital information really means. So last fall, during a LexisNexis presentation of the hearings and CRS modules, I asked, “What happens if we stop paying the access fee?”

The presenters were stumped. “Nobody’s asked that before,” they said. Evidently they hadn’t considered the issue, probably because they assume libraries will never use the files independent of the LexisNexis interface.

For all that money you deserve a better answer, so let’s take a closer look. It turns out that it depends on the license. For some databases, when you stop paying the access fee, you’re entitled to DVDs or tapes full of image files. In other cases, however, you only get the data if the vendor goes out of business. If you’ve already bought MOML or one of the others, you should re-read the license and see what you really own. If you’re considering such a purchase, make sure you carefully review and understand the contract.

Let’s say you buy one of these expensive packages and the access fee rises gradually from $2,500 to $10,000 per year. Eventually you may reassess and decide that the increase isn’t justifiable. Under the “Only if the vendor’s gone out of business” clause, you’re forced to continue paying the higher charge or you lose access. In this scenario, you paid the up-front cost for nothing. Even if you get DVDs, you’re still in a precarious position.

**AALL’s Principles for Licensing Electronic Resources**, number 24, states that “[w]hen permanent use of a resource has been licensed, licensor should provide a usable archival copy of the licensed content, including any necessary interface” (emphasis added). Unfortunately, it appears that vendors have gone their own way.

From one purchase agreement, for instance, we learn that “to utilize the Collection(s)…on Customer’s server(s) and/or system, Customer will obtain at its cost, all telecommunications and other equipment and software together with all relevant software licenses necessary.” Further, the vendor “shall not provide Customer with further support and maintenance necessary to assume the on-going support of the Collection(s).” How many libraries can mount vast quantities of data on a local server, develop a search interface from scratch, and provide satisfactory access to their patrons? Forget about developing a controlled vocabulary in order to provide subject access.

The process is daunting enough to push most of us right back to the vendors. We could shake our fists in frustration, but in the end, we’d pay the $10,000. If we can’t use the data, then we haven’t bought anything at all.

**Who Benefits?**

In fact, this looks like a windfall for the vendors. These deals usually include no alternative plan for ordinary rental; instead, if we want the content, we have to pay the lump sum and annual access fees. Let’s say the database costs $100,000 (payable in four annual installments of $25,000) plus $2,500 per year for access to the interface. In this scenario, the charge is $27,500 for years one through four. Imagine that in years five through 10 the maintenance fee increases by $500 each year, so year five costs $3,000, year six costs $3,500, and so on. The total outlay in the first 10 years is $135,500.

Quantifying the windfall is challenging, because we don’t know what the same vendors would have charged for access only. But based on experience with databases like LexisNexis Congressional and HeinOnline, let’s assume $7,500 for the first year and $500 more each year thereafter. Over the same 10-year period we’d pay $97,500. That’s $38,000 less for the vendors. Even if the total outlay over 10 years is an identical $135,500, vendors benefit from “selling” content because so much of the money comes up front.

To be fair, some libraries may benefit from arrangements featuring big lump-sum payments. In fact, one vendor promoting an ownership plus access product told me that it created this pricing plan because libraries asked for it. Here’s the argument: academic libraries sometimes end a fiscal year with a pool of unspent, one-time money. A lump sum payment to buy a large electronic back-file might suit their needs better than starting up a bunch of new, traditional subscriptions because they may not have the money to maintain them next year.

While this may be true for some very large, affluent libraries, it doesn’t completely pass the sniff test. After all, payment plans (“you don’t have to pay the whole $100,000 now—choose our flexible, four-year payment option!”) are common, and the acquisitions librarians with whom I’ve discussed the matter generally see these charges as impossible to accommodate without massive cuts to other parts of their collections.

Surely we can agree, however, that genuine ownership of digital files is worth more than renting access, so paying extra makes sense. But how much extra? In other words, what is ownership of information worth? I’m unaware of any process to help one make such a judgment. Is your gut instinct good enough? Shouldn’t your ability (or lack thereof) to make the files available to patrons without using the vendor’s interface affect your analysis?

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**Because patrons demand electronic access, we continue to move in that direction.**

— Simon Canick
Consider also how, by moving customers to this sort of pricing scheme, vendors create a kind of “sticker shock” effect, whereby our initial horror is replaced gradually by resignation and then acceptance. You might recall when The Police charge $300 for a concert ticket, but next year you’ll hardly notice when Pearl Jam raises its prices from $40 to $60. Similarly the $10,000 database that once seemed vastly overpriced now looks reasonable as you become used to seeing six-figure invoices. The stretching of our expectations to accommodate $100,000+ databases has already begun.

The ABA Likes Ownership!

One benefit of ownership is our ability to report more volumes to the American Bar Association (ABA). In fact, starting with its 2007 questionnaire, the ABA memorialized a distinction between ownership and access with respect to electronic resources.

Questions 3 and 6 make the distinction between ownership and control over an electronic title which the library has purchased or over which it has otherwise assumed responsibility (Question 3) and access to electronic resources which are licensed or linked to by the library but over which the library has no control… (Question 6)

Here the ABA has announced an enhanced status for electronic resources that are “owned” and “controlled,” notwithstanding the fact that the packages in question offer neither of those, at least not in the conventional sense. But the distinction is important because “electronic titles (owned)” are part of academic law libraries’ volume counts, and volume count still represents a portion of the formula used by U.S. News and World Report to produce its law school rankings, according to Theodore P. Seto’s, “Understanding the U.S. News Law School Rankings” (http://ssrn.com/abstract=937017).

So the ABA’s definitional change adds an incentive to academic law libraries that feel pressure from their deans to increase title counts. But will the dean care enough to supplement the library’s budget in order to buy an electronic package? When I suggested as much at a recent NELLCO acquisitions meeting, the reaction was sarcastic laughter. Most of us understand that we need to find the means within our already-tight budgets.

Alternatives and Missed Opportunities

Now consider the potential impact of the new wave of free, Web-based digital libraries, most notably the Google Book Project (http://books.google.com). Others include Microsoft’s Live Search Books (http://books.live.com) and the Open Content Alliance (http://opencontent.alliance.org). We know that five major research libraries (Harvard University, New York Public Library, Stanford University, University of Michigan, and University of Oxford) have partnered with Google to digitize their collections. These libraries hold virtually all of the materials that we’re now rushing to buy from LexisNexis, Thomson Gale, Readex, and Hein. The digitization process continues, but already you can find many of the titles from *Making of Modern Law* on Google Books.

So can we wait for Google to make these ownership plans obsolete? Google’s not telling. Seeking alternatives to the Serial Set versions from Readex and LexisNexis, I e-mailed Google to ask whether we should expect the program to focus more on government documents in the near future. Google’s response: “As you noted, we have partnered with major research libraries that have an extensive collection of U.S. Government documents… As our program expands, we would like to make more government documents publicly available.” That’s not much to go on, but it’s probably safe to assume that this content will continue to trickle into the database in the coming months and years.

As it stands, the ownership trend is dispiriting because it’s a reminder of what we could have done on our own. Take the Serial Set, which many academic libraries hold in paper or microform. Couldn’t we have joined forces to create our own digital collection? Imagine if 100 academic libraries had spent $30,000 each to digitize the series, a fraction of the amount charged by Readex and LexisNexis. Would that $3 million have delivered a usable, searchable version of the Serial Set? I suspect the answer is yes. But with so many libraries already invested in the LexisNexis and Readex versions, it’s probably too late to move forward.

It might be more realistic to push vendors to join Portico (http://portico.org) or to consider a cooperative arrangement like Lots of Copies Keep Stuff Safe (LOCKSS) (http://lockss.org). Portico is an archiving service designed to provide perpetual access to electronic journals in the event that their publishers cease to do so. To date, 46 publishers have agreed to commit more than 6,000 journals to the Portico archive.

LOCKSS has a similar aim, but decentralizes the archival function. Using
this approach, libraries download open-source LOCKSS software and host the electronic data locally. Unfortunately most of the databases I’ve described in this article feature government documents and monographs, so they aren’t covered by those e-journal archiving services. To date, law publishers have not been active in either LOCKSS or Portico.

Any solution to this problem starts with awareness by librarians. We should think harder before jumping at the ownership offers on the table. The premise that they offer something fundamentally different (namely ownership instead of rental of digital information) appears to be a mirage. We remain beholden to the vendors—the essential difference is the astronomical price increase. In exchange, all we have is a receipt and the hope that we’ll never need to use the files we bought.

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getting to know the “e” people— continued from page 25

individuals with whom you want to build relationships.

Practice good communication and, more importantly, good listening skills. Remember that big decisions don’t happen all at once, but rather they happen throughout the year in many small conversations and informal meetings.

Finally, never pass up an opportunity to inform people about the library. Don’t forget about opportunities to use those “elevator speeches” and make sure to always have one prepared in your mind. You might even want to consider creating a uniform “elevator speech” that you can share with your entire staff as well.

Prepare every level of the library staff with the tools and skills to take advantage of any networking opportunities that arise. Regularly provide your staff with relevant and timely information about library initiatives or future projects, so they can all serve as advocates for the library.

In her book, Brag! The Art of Tooting Your Own Horn Without Blowing It, Peggy Klaus coins her own term for elevator speeches and calls them bragologues. She created a 12-question self-evaluation (available for download at www.bragbetter.com) that provides the facts and specific details to use to create bragologues and then edit the bragologues to create shorter versions, which she calls brag bits.

Why Get to Know the Go-To People?

So, why go to all this trouble? Well, in this day and age, it’s no longer an option not to. We need to offer advice, rather than just information, and upgrade our contribution level to our organizations. We have to reach out and redefine our roles—others will not do this for us. We must continually reassert our importance within our organizations.

Networking and building key relationships helps the library get what it needs and go where it needs to go. The library doesn’t exist in a vacuum, and we all need to turn to others for support for our library initiatives and ideas.

In addition, your networking efforts will begin to establish you and the library as stakeholders in your organization. In order to do this, some people may have to learn new behaviors, such as projecting the attitude of “I am a key player in the organization’s success” and backing up the projection with concrete accomplishments. Learning these new behaviors and attitudes are well worth it in the end.

No matter what, it helps to start building relationships that will continue to benefit you and the library. I believe that marketing isn’t our issue—relationships are. If they are done right, marketing takes care of itself.

Building good personal relationships really isn’t that difficult. The stretch for many is putting it at the top of the priority list. Remember to focus on the things that preoccupy the stakeholders in your organization; that will help you focus your efforts on things that will get their attention. Good relationships with the go-to people allow us to be entwined in the business process and know what’s really going on.

How Do You Do It?

The final question is how. How do you do this in your organization? The answer to this question will, no doubt, be different for every organization and for every individual. One thing is true for everyone—if you start with small steps and build on those as you go along, the question of how doesn’t seem as daunting.

Think about one thing that you can start with that will improve your relationships and interactions with the go-to people in your organization. Take a small step in the right direction, and then let the momentum of your initial success carry you forward. Cultivating relationships and consistently reaching out is often the key that opens the door to some of the best and most exciting opportunities.

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Connect with Your Key Players

1. Get to know the go-to people within your organization. Find out who they are. Look at resources such as phone lists, organizational charts, internal documents or information, annual reports, or just start asking around. Look for key individuals in departments such as billing/accounting, information technology, marketing and management, or library committees.

2. Make sure you have a seat at the conference table. Do the managers and administrators in your organization have regular meetings? If so, make sure that you are a part of them and listen to what others report on and focus on how it relates to the library. Take notes and follow up with individuals that could either use the library’s assistance or are doing something that the library should be an integral part of.

3. Have face-to-face contact whenever possible. Walk around your office and get to know people. Practice good communication and, more importantly, good listening skills. Utilize organization or office events to your advantage—go to every function that you possibly can.
Current Events
Expand your mind and connect with colleagues at these select AALL events. Visit www.aallnet.org/calendar for more information and offerings.

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

March 13
36th Annual Southern California Association of Law Libraries Institute
Ventura, California

March 26
Southeastern Chapter of the American Association of Law Librarians/Law Librarians Society of Washington, D.C., Joint Annual Meeting
Old Town Alexandria, Virginia

April 9
102nd American Society of International Law Annual Meeting: “The Politics of International Law”
Washington, D.C.

May 25-28
Canadian Association of Law Libraries Annual General Meeting 2008
Saskatoon, Saskatchewan

Submit Your Photos for Day in the Life Contest
Don’t miss out on the 2008 Day in the Life Photo Contest. This month, AALL members will take a wide range of photographs of law librarians working, meeting, teaching, and doing all that law librarians do in a given day. Winners will be recognized on AALLNET, in the July 2008 issue of AALL Spectrum and during the AALL Annual Meeting in Portland.

Visit www.aallnet.org/dayinlife for contest details, to upload your photo submissions, and to view winners from 2005 and 2007. Submit your photos today!

AALL Reports Now Online
Starting with Volume 99, Issue 4, of Law Library Journal, the reports of AALL chapters, special interest sections, committees, and representatives, previously located in the Fall issue of LLJ, are now available on AALLNET at www.aallnet.org/annualreports. Reports are sorted by year and by group for easy reference.

Find a Speaker, Be a Speaker
You are helping to plan an upcoming program, but you don’t know who to invite as speakers. AALL’s Speakers Directory can help. Visit www.aallnet.org/bureau for an alphabetical list of people interested in speaking at law librarianship programs. The individual listings also include the speaker’s area(s) of expertise.

If you are a speaker yourself, you can post your name and expertise so AALL members know that you're willing to share your services. In addition, the site includes additional resources on finding speakers. Be sure to use this directory in your future program planning.

Memorials
AALL Spectrum has been advised of the death of James R. Jackson.

Mr. Jackson was a retired reference librarian from the University of Arkansas School of Law Young Law Library. He was a member of AALL since 1997, a Matthew Bender Fellow, and a member of the Native American Libraries Association. A kind, thoughtful, loving, and compassionate man with a quiet and reserved manner, Mr. Jackson had deep and wide-ranging intellectual interests; he was a gifted poet, a creative artist, a skilled and hilariously funny story-teller, a talented musician, and an inspired teacher. He died at the age of 65 on November 28, 2007, of ALS at his home in Fayetteville, Arkansas.

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.
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announcements

Lemann, Hill, Bredemeyer, and Graesser Elected to Executive Board

The votes are in. Four members were elected to the AALL Executive Board in this year’s Association elections. Catherine Lemann, state law librarian at the Alaska State Court Law Library in Anchorage, was elected vice president/president-elect for 2008-2009. She will assume the presidency at the conclusion of the 2009 Annual Meeting in Washington, D.C.

Ruth J. Hill, director of library services and associate professor of law at Southern University Law Library in Baton Rouge, Louisiana, was elected secretary to a three-year term.

Carol Bredemeyer, assistant director for faculty services at Northern Kentucky University Salmon P. Chase College of Law Library in Highland Heights, and Christine L. Graesser, legal information specialist at Brown, Rudnick, Berlack, Israels LLP in Hartford, Connecticut, were elected to three-year terms as members of the Executive Board.

AALL Headquarters received 1,597 ballots (33 percent of total dues paying members) by the election deadline of December 1, 2007.

Last Call for Papers

This is your last chance to enter the AALL/LexisNexis Call for Papers Competition. The AALL/LexisNexis Call for Papers Committee is soliciting articles in three categories:

Open Division: for active and retired AALL members with five or more years of experience

New Members Division: for recent graduates and AALL members who have been in the profession for less than five years

Student Division: for students in library, information management, or law school. Participants in this division need not be members of AALL.

The winner in each division receives $750, generously donated by LexisNexis, plus the opportunity to present the winning paper at a program during the AALL Annual Meeting in Portland, Oregon. Winning papers are also considered for publication in the Association’s prestigious Law Library Journal.

For more information, a list of previous winners, and an application, please visit AALLNET at www.aallnet.org/about/award_call_for_papers.asp. Submissions must be postmarked by March 1, so don’t waste any time getting started.

If you have any questions, please contact a member of the AALL/LexisNexis Call for Papers Committee: Chair Joe Gerken, gerken@buffalo.edu; James M. Donovan, jdonovan@uga.edu; or James S. Heller, heller@wm.edu. Good luck!
2008 A Day in the Life Photo Contest Starts Now

On your marks, get set, start shooting!
A Day in the Life of the Law Library Community Photo Contest is going on this month. Don’t miss out in the fun.

What: AALL members will take a wide range of photographs of law librarians working, meeting, teaching, and doing all that law librarians do in a given day. We encourage you to be creative in finding snapshots that capture the essence of law librarianship and are visually attractive.

When: Members will take photos this month—February 2008. Entry forms must be completed online or postmarked by February 29, 2008. We suggest that you capture images at all times of the day and all days of the week—be sure to note the time and date for each picture taken.

Entries will be judged in April, and winners will be recognized on AALLNET, in the July 2008 issue of AALL Spectrum, and during the AALL Annual Meeting in Portland.

Where: Take photos wherever you work, wherever law librarians are: at the circulation desk, working in technical services, drinking coffee at a staff meeting, assisting a patron in the stacks, shelving books, teaching legal research class, participating in local chapter events, or law librarians lobbying on our behalf.

Who: The contest is open to AALL members only.

How: Use whatever photographic equipment you have available—from digital cameras to 35mm. We welcome color and black and white images.


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What are your three favorite publications to read (in print or online) and why?

“My three favorite reads—in no particular order—are: 1) Cigar Aficionado, 2) Wine Spectator, and 3) The Drudge Report.

The first two publications allow me a good cigar and a decent bottle of wine to escape to my ‘Walter Mitty’ life—a life of hedonistic pleasures, including super dining, travel, cars, golf, and assorted other toys. The third gives me ALL the news (fit and unfit), often weeks before MSM. Drudge is how I start my day.”

— Alvin M. Podboy, Jr., director of library services at Baker Hostetler in Cleveland

“1) The Economist - No other magazine has coverage of the world like The Economist does.

“2) Entertainment Weekly - Keeps me on top of what's hot in popular culture. A must for all librarians!

“3) Hemmings Muscle Machines (Car Magazine) - GTOs, 442s, Corvettes— as American as apple pie!”

— Michael Dieter Wainston, librarian

“This question is a bit similar to asking a mother to name her favorite children. Here goes:

“My three favorite magazines to read discuss three of my favorite things to do:

“Conde Nast Traveler – I enjoy the upscale travel features, but Ombudsman is what my husband and I each try to read before the other can get to it.

“Outdoor Photographer – I love taking pictures and am trying to learn more so that I take more than just ‘snapshots.’ This magazine teaches me tricks and techniques besides providing me a large wish list of things I’d love to purchase.

“Sports Illustrated - Not the swimsuit issue, but the baseball coverage. Go White Sox!!!”

— Sheila Corman, San Diego

“Quilting Arts Magazine - overflowing with inspiring quilts and projects requiring different levels of skill. When I want to daydream, this is what I read.

“The Huffington Post, blog - news, politics, and opinion from some of the nation’s most thoughtful writers. Sometimes I disagree, but it’s always interesting.

“Unshelved (www.unshelved.com) - the best laugh of each day arrives through my news aggregator. The adventures of a public library staff and patrons; how do those guys know my library so well?”

— Patricia L. Orr, manager of library services at Dykema, PLLC in Detroit

“1) Ask Ausiello (www.tvguide.com/ask-ausiello) - spoil me, please! I love reading the spoilers on Ask Ausiello. There’s news about upcoming episodes, cast members, and sometimes the demise of a series.

“2) MSN Entertainment (http://entertainment.msn.com) - I will admit that I read celebrity gossip. From musicians to A-listers, MSN has the dish on almost everyone.

“3) SoapOpera Fan.com (www.soapoperafan.com) - NBC axed my favorite soap, ‘Passions,’ but it was picked up by DirectTV. I can’t watch now, but I can read about it.”

— Sheila Corman, San Diego
— Michelle Cosby, reference librarian at the University of Kentucky College of Law Library in Lexington

“Like many of us, I have limited free time. However, there are two publications that I do look forward to receiving in my mailbox, and when they arrive, I make the time to read them cover to cover!

“The first is Invention & Technology Magazine, containing fascinating, well-written articles on the history of technology and inventions in America. They go beyond the facts to tell the story of the items and the people involved.

“The second is Antiques Roadshow Insider, containing articles on the provenance of those antiques not shown on ‘Antiques Roadshow,’ as well as the state of the antiques/collectibles market, which often reveals hidden value in my treasures.

“Both publications are ones I could not live without.”

— Andrea R. Rabbia, technical services librarian, Syracuse University College of Law H. Douglas Barclay Law Library in Syracuse

AALL Members are Reading …

AALL Spectrum
Antiques Roadshow Insider
Ask Ausiello
BBC News
Bookmarks Magazine
Cigar Aficionado
Conde Nast Traveler
Consumer Reports
The Drudge Report
The Economist
Entertainment Weekly
The Funny Times
Golf Digest
Harper’s Magazine
Harvard Business Review
Hemmings Muscle Machines
(The Car Magazine)
The Huffington Post
Invention & Technology Magazine
Law Library Journal
Library Journal
Los Angeles Times Sunday Comics Section
Mad Magazine
MSN Entertainment
New York Times online
The New Yorker
Outdoor Photographer
Quilting Arts Magazine
Runner’s World
San Francisco Chronicle
SoapOperaFan.com
Sports Illustrated
Unshelved
The Week Magazine
Wine Spectator
Wired Online
Zits comic strip

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Cambridge............................................7
LexisNexis ..................inside front cover
Serial Solutions.............................3
Social Law Library.............................35
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West........................................37, back cover

For more responses to this month’s "Member to Member” question, please visit www.aallnet.org/products/pub_sp0802.asp.
views from you

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.
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In this issue of The CRIV Sheet, we start with a note from our chair, Tracy Thompson. Ms. Thompson addresses the complicated issue of the relationship among vendors, AALL, and the CRIV. Her piece is thoughtful, proactive, and a must read for all members of the Association.

Our first article is a reprint by Judge Herbert B. Dixon, of the Superior Court of the District of Columbia. Judge Dixon is also co-chair of the Judicial Division’s Court Technology Committee and is a member of the planning board for the American Bar Association TechShow. Judge Dixon reviews the trustworthiness of online legal information and the current standards in place to ensure that court and government information online are authentic and reliable.

AALL President Ann Fessenden originally mentioned this article in an e-newsletter, and I thought it important enough to reprint in The CRIV Sheet.

Our second article is by Professor Ian Gallacher, from Syracuse University College of Law. Professor Gallacher argues that law schools are in a unique position to develop a Web site of American law, providing free access to legal information. As libraries move from books to online resources, free access to legal information is less available to the general public. Professor Gallacher proposes that law schools work together to locate, develop, and publish access to legal information online.

Rebekah Maxwell, associate director for library operations at the Coleman Karesh Law Library, writes about using blogs as a research tool. Blog authors are often the first to report on breaking news and can provide access for documents that are difficult to obtain. These resources are becoming fundamental parts of the legal research process.

Our last article is a humorous but informational look at negotiating contracts by Sarah Nichols, director of research and information resources at Orrick, Herrington & Sutcliffe. Originally published in The Recorder, Ms. Nichols identifies six rules to follow for a stress-free (or at least reduced-stress) contract negotiation process. She also helps identify the common personality types you will find in your negotiation partner.

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.

The relationship between AALL and our information vendors has been a topic of increased interest among the membership during the last year. Most of the concerns of which I have been directly aware relate ultimately to vendor support for AALL and the impact of that support on our effectiveness and ability to serve as our own best advocates as consumers of legal information. Vendor support for library activities should never lead us to compromise our professional responsibilities, and I don’t believe our vendors expect that kind of quid pro quo. In fact, vendor supporters of AALL recognize the highest return on their investment in our profession when we, as librarians, openly and freely share our expertise and knowledge in honest exchanges.

I came to the conclusion that oversight of the relationships between AALL and information vendors is not within the purview of the CRIV’s current or revised charges, nor is it a role the CRIV has traditionally fulfilled.

The CRIV’s mandate is to serve as a liaison between information vendors and libraries and librarians. There is no existing body within AALL currently charged with managing the Association-vendor relationship. The good news is that as a result of the renewed focus on vendor relations, AALL is now well positioned to give this the careful attention it deserves.

The AALL Executive Board has taken steps to respond to the concerns of the membership. In November, President Ann Fessenden distributed a message on vendor relations in which she shared the outcomes of the Executive Board’s discussions at its November meeting. In her message Ms. Fessenden stated that AALL “do[es] NOT make decisions on the basis of concern for loss of revenue provided by vendors or out of fear of any other adverse reactions from them.”
With the Association making such a clear and public statement on this front, it now falls to the membership to foster a culture that reflects that position. In all of our Association work, whether as board, committee, special interest section, chapter leaders, or members, we need to hold one another accountable to that principle in order for it to become doctrine.

I would urge everyone to read Ms. Fessenden’s informative e-mail in its entirety. It was sent to members on November 21, 2007, with the subject line “AALL and Vendors.” In it she addressed candidly the need for increased communication and transparency between the Association and the membership about vendor relations issues. Ms. Fessenden also noted the creation of a new Web site for exactly this purpose (www.aallnet.org/vendorrelations).

As I write this column it is just the end of November, so I’m not yet sure of the impact of the board’s focus on these issues, but I applaud its efforts as a step in the right direction. As a member of AALL, I look forward to continuing the conversation.

Another outcome of the November Executive Board meeting is the adoption of a set of guidelines for vendor site visits by the CRIV. I am grateful to JoAnn Hounshell for her work developing these, and I think they will be of great value to vendors as well as to future CRIV members.

The guidelines set forth the goals and expectations for a CRIV site visit, address budgetary implications, and create a framework to put future site visit teams and vendors on more equal footing. The guidelines are posted at www.aallnet.org/committee/criv/news/sitevisit/index.htm.

As always, I welcome any contact from members and hope you will e-mail me at tracy.thompson@yale.edu with any comments, concerns, or suggestions you may have for the CRIV.

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Hon. Herbert B. Dixon, Jr.
Superior Court of the District of Columbia

The Lack of Effort to Ensure Integrity and Trustworthiness of Online Legal Information and Documents

As an unabashed promoter of technology in all facets of the business of courts, I was hesitant to write this article concerning a recent study that I had an opportunity to review. However, I am convinced that the time is ripe to make an assessment of how far we have come in the use of technology and the importance of the work left to be done. Therefore, even at the risk of giving aid and comfort to the enemies of technology advancement in the courts, I have chosen to sound the alarm. First, a little background may be helpful to the reader.

As more and more state and federal courts and administrative bodies have permanently moved toward institutional use of electronic filing and maintenance of documents and records, certain unaddressed and lurking issues have advanced to the forefront. The first of the lurking issues concerns whether the document or record received by electronic means is the same as the document or record transmitted. That is, has the submission been corrupted during the process of its uploading to the Web site or during its transmission? Is it possible for one to ask the same question in many different ways? Is the document that the court or agency received the same as the document that the filing party transmitted? Can we ensure that the order filed electronically by the judges is the same order received by the parties? Or is the version of the statute uploaded to the Web site the same as that enacted by the legislature? Until now, this concern has not commanded a significant part of our technical resources because there were relatively few instances, if any, wherein a legal document was intercepted during its transmission and substituted with an altered version of the original document.

The parallel issue of this concern is the long-term integrity of those same electronic documents. To what extent can we guarantee that a document in the official record has not been modified after it was posted online or entered into the database of the respective court or agency? What guarantee do we have that the document has not been altered since the date it was originally filed or posted? Until now, we have not been excessively concerned with fraudulent paper records, even though most of us in the legal profession can point to the occurrence of fraud concerning our trusted paper. Note the fiasco a few years ago about forged or fraudulent papers concerning President Bush’s National Guard Service. And, although we have yet to achieve perfection concerning authentication and integrity issues involving paper documents, there is an accepted belief that we should pay more attention to fraudulent alteration of electronic records than we ever demonstrated about our precious paper.

Courts and administrative agencies are not alone in their move to electronic storage of documents and
records. This movement to electronic record keeping has occurred in nearly every segment of society, including government, private industry, and personal records. The concern about the integrity of electronic documents and records is not limited to courts and administrative agencies; however, the concern takes on special significance with these institutions because they are a primary repository for the storage of legal documents and information.

The American Association of Law Libraries (AALL) recently took up this concern in the form of a very comprehensive study entitled State-by-State Report on Authentication of Online Legal Resources.1 According to the AALL, the study and report are intended to address the question, how trustworthy are state-level primary legal resources on the Web? The study finds that state online resources are not authenticated and do not afford ready authentication by standard methods. Additionally, the AALL reports that only three of the state survey respondents expressed special concerns about authentication.2 According to the study’s conclusion, state online primary legal resources are not sufficiently trustworthy, and the public may reasonably doubt their authority and should approach such resources critically. Whatever the reader’s reaction to these startling conclusions, this writer is satisfied that the study is not a veiled effort to ensure job security of law librarians. The AALL study is a timely wake-up call for work that needs to be done to ensure the integrity and trustworthiness of electronically transmitted and maintained legal documents and information.

Obviously, the trustworthiness of electronically stored documents is fundamental to the trustworthiness of all legal documents, whether the documents are court records, court decisions, statutes, or administrative decisions or regulations. Indeed, the trustworthiness and integrity of resulting research are inherently a matter of great concern to anyone seeking legal information online. As the study describes its own function, it “examines the results of an online state survey that investigated which government-hosted legal resources on the Web are official and capable of being considered authentic.”

The AALL study states a concern with the trustworthiness and reliability of legal information that is obtained from online sources because there is general acknowledgment that, as technology has improved, professional researchers and the public have evolved from reliance on print sources to online sources to access legal documents and information. According to the study, this evolution is a positive development, provided that the online sources are actually trustworthy. Trustworthiness necessarily implicates the twofold determination referenced earlier: first, that the information as uploaded online or as received by the court or administrative agency is an accurate and trustworthy rendition of what was actually submitted and, second, that the legal information electronically maintained online or in the databanks of the court or administrative agency is the same as initially submitted.

The AALL study points out that the trustworthiness of electronically-stored information can be affected by lapses in management and control, corruption, and tampering and argues that, to be considered equivalent to print official legal resources, online legal resources must be authentic; that is, accurate replications of the original legislative acts, municipal regulations, and court or administrative decisions. The study adopts the premise that since print official legal resources have generally served as a touchstone for authoritative and reliable statements of the law, then the designation of an official online resource and assurance of the authenticity of that resource would lead to a general acceptance of the accuracy and integrity of the online information on par with official print sources. The study notes that there are likely circumstances where a government entity might be concerned about the reliability and integrity of unofficial versions; however, the study itself adopts the definition that the term “authentic legal resource” generally pertains to official sources. For purposes of this article, this writer does not distinguish between official and unofficial and is focused strictly on issues related to authenticity, trustworthiness, and integrity of legal documents and information that are accessible online.

The AALL study started with a survey of the 50 states and the District of Columbia. The working definition of the term “official legal resource,” drawn from the latest editions of Black’s Law Dictionary and Fundamentals of Legal Research and adopted as a guide to survey participants, was as follows: An official version of regulatory materials, statutes, session laws, or court opinions is one that has been governmentally mandated or approved by statute or rule. It might be produced by the government, but does not have to be.

After evaluation of the survey responses, the survey borrowed from the definition of terms contained in the Authentication white paper prepared by the U.S. Government Printing Office to outline that agency’s designs for a federal digital system to replace print government documents. That definition of an authentic legal resource reads:
An *authentic* text is one whose content has been verified by a government entity to be complete and unaltered when compared to the version approved or published by the content originator. Typically, an *authentic* text will bear a certificate or mark that conveys information as to its certification, the process associated with ensuring that the text is complete and unaltered when compared with that of the content originator. An *authentic* text is able to be *authenticated*, which means that the particular text in question can be validated, ensuring that it is what it claims to be.

The study concludes that this concept of an authentic legal resource is especially suited to the digital world.

Some survey results were not especially surprising. For example, one of the findings in this category is that states have begun to discontinue print official resources and substitute online official legal sources. Indeed, according to the study, 10 states and the District of Columbia have deemed official one or more of their online primary legal resources, and five of those states have declared the online versions of legal resources a substitute for a print official source. The concern expressed by the study is that not one of the substitute online legal sources is capable of being considered authentic. In one state, New Mexico, the first official administrative code is its online publication, although an unofficial version is commercially published in traditional print form. In another state, Utah, the sole official version of the state’s statutes is on the Web.

Another concern expressed by the study is that the states, in their move to promote unofficial online legal resources, have not recognized the public need for accurate legal information by their extensive use of disclaimers concerning their accuracy and reliability. Indeed, according to the study, some online official legal resources also make such disclaimers and that this prevalent use of disclaimers is contrasted with the very limited use of similar disclaimers for official and unofficial print titles.

Although both government and commercial entities have long recognized that digital materials are vulnerable to lapses in management and control, corruption, and tampering, the study notes that publishers simply have not taken the extra steps needed to put online legal resources on the same footing as print. This is so even for publishers of online official legal resources. According to the study, this failure represents a serious neglect of the needs of citizens and law researchers seeking government information, who obviously seek accurate and reliable information and documents.

The AALL study supports the proposition that the time has arrived to use available technological capabilities to ensure the reliability, integrity, and trustworthiness of information and documents that are electronically transmitted and maintained. This writer agrees. While a few well-known instances of chicanery and fraud can fuel a healthy debate about whether the greater reliability of a paper document compared to an electronic document is more perception than reality, that does not change the fact that society is generally satisfied with the trustworthiness of print sources for legal documents and information as compared to the electronic counterpart.

With the advent of electronic filing and maintenance of legal documents and information, a requirement to use only the most secure forms of electronic transmission and storage of legal documents and information would have stymied the growth and development of the electronic process as an alternative to the old processes for transmitting and storing paper that society deemed reliable. Now, however, society’s infrastructure, the way the public does business on a daily basis, is more accepting of the need to use more secure features for electronic transmission and storage of legal documents and information. According to the AALL study, it is time to change the prevalent approach of “that’s good enough” as related to the transmission and storage of online legal information.

Although the study does not offer specific solutions to the online document integrity issues, the good news is that most concerns about the integrity of electronic documents and information can be addressed effectively and within a reasonable budget. For example, courts and government agencies can maintain the integrity of electronically transmitted and stored documents by complying with Federal Information Processing Standard Publication (FIPS PUBS) 200 or its successor. Federal Information Processing Standards are issued by the National Institute of Standards and Technology (NIST) after approval by the secretary of commerce pursuant to the Federal Information Security Management Act (FISMA) of 2002. FIPS PUBS 200 sets forth the minimum security requirements for federal information and information systems. Federal agencies must meet the minimum security requirements as defined in FIPS PUBS 200 through the use of the security controls in accordance with NIST Special Publication 800-53, Recommended Security Controls for Federal Information Systems, as amended.

In February 2004, the ABA House of Delegates approved Standard 1.65, Court Use of Electronic Filing. The standard included both practical and aspirational provisions. However, with technological advances, as
demonstrated by the AALL study, even the aspirational provisions of that 2004 standard should now be considered as necessary best practices. The standard addresses the issue of integrity and trustworthiness of electronically transmitted and stored information in a way that we should heed today. Electronic transmission and storage systems ...should include robust security features to ensure the integrity, accuracy, and availability of the information contained in them. They should include, at a minimum, document redundancy; virus protection software; firewalls, intrusion detection systems, authentication and authorization features; plans for system archival, contingency, and disaster recovery; and other generally accepted security features to detect and prevent attempts by unauthorized persons to gain access to or modify court records; system audit logs; secured system transmissions; privilege levels restricting the ability of users to create, modify, delete, print, or read documents and data; means to verify that a document purporting to be a court record is in fact identical to the official court record; and reliable and secure archival storage of electronic records in inactive or closed cases.7

The AALL study is convincing that the time is now to implement these steps to ensure the integrity and trustworthiness of online legal information.

Endnotes

1. The American Association of Law Libraries (AALL) was founded in 1906 to promote and enhance the value of law libraries to the legal and public communities. Its Web site is located at www.aallnet.org. The referenced AALL study is available to the public at www.aallnet.org/aallwash/authenreport.html.


3. Alaska, Indiana, Maryland, Michigan, Minnesota, New Mexico, New York, Tennessee, Utah, and Virginia.

4. Alaska, Indiana, New Mexico, Tennessee, and Utah.

5. The State of Delaware implemented the first court electronic filing project on December 9, 1991, using a proprietary system called the Complex Litigation Automated Docket (CLAD).


7. ABA Standard 1.65(a)(xiv).


Free and Open Access to the Law: Time for Law Schools to Get Involved

The Internet revolution is upon us. As lawyers, it has transformed the way we communicate, the way we prepare documents, and perhaps even the way we think. Most importantly, for those of us interested in such things, it has changed the way we store and retrieve legal information. And while the Internet hasn’t done away with law books yet, all present indications suggest they don’t have much of a long-term future.

There are many important consequences of this legal information revolution, but one of the most troubling is what will happen to public access to the law once the books are no longer available. At present, anyone with access to a public library with a collection of reporters and the digests necessary to maneuver through them can conduct legal research or read the most recent opinions from their state and federal courts. We might not be able to say with a completely straight face that any citizen has access to the law that governs conduct in this country, but the claim isn’t a risible one by any means.

But what will happen when libraries can no longer afford to maintain their book-based legal collections? Law books are becoming more expensive to buy, more expensive to house, and less used by law students and lawyers. It’s a bad trend. Sooner than we might imagine, the books that are now so much a part of a life in the law will likely become, at best, the three-dimensional wallpaper in front of which lawyers who want to look like lawyers will be photographed.

When that day comes, lawyers with well-heeled clients will still have access to the law through Westlaw or Lexis, but what of lawyers who represent low-income clients? What of pro se litigants? And
what of average citizens who have paid taxes that go, in part, to support the judiciary? How will we explain to them that the courts are open and they’re therefore free to go and sit in a courtroom and listen to a judge announce an opinion, but that if they want to read some of the cases referred to in that opinion, then they might have to pay a high price to a private corporation to gain access to them?

This isn’t an acceptable future for a nation of laws, a country where ignorance of the law is no excuse for failure to follow its dictates. There has to be a solution that will allow lawyers to avail themselves of the added benefits offered by Westlaw and Lexis and still allow the rest of the population to have free and open access to the law. I believe such a solution exists in the form of an Internet-based Web site on which all American law is made freely available to anyone who wants to read it. And I believe that America’s law schools are perfectly placed to develop and manage such a Web site.

Open and Free Access to the Law Is a Revolutionary Idea

The idea that citizens should have access to the law that regulates their lives is a radical one that has not found much favor until recently. Sir Edward Coke, who famously wrote that “the Lawes of England are the birth-right and the most auncient and best inheritance that the subjects of this realm have” also wrote that statutes should not be translated from legal French into English, “lest the unlearned by bare reading without right understanding might sucke out errors, and trusting to their owne conceit might endamage themselves, and sometimes fall into destruction.” And it’s not a stretch to imagine a contemporary judge making the same point, albeit in slightly more contemporary language.

In fact the language we use as lawyers has always been a device to limit access to our exclusive guild; the non-lawyer’s frustration with legalese isn’t limited to our own time, and writers from Shakespeare to Swift to Jefferson to Bentham have recognized that we speak and write as we do in order to keep outsiders from understanding what we do. Language, after all, is power, and a large part of our power in society is wrapped up in our ability to negotiate the thickets of legalese in order to reach our client’s desired destination, something few non-lawyers could do.

But despite our best efforts, the most democratizing device ever invented—the book—has meant that many citizens in this country have at least had the opportunity in recent times to put their hands on the law. They might not have been able to access the majority of recent federal decisions, nearly 80 percent of which went unpublished in 2000, and those decisions they could find might have been written in strangely opaque language, but those opinions that are available are there in the books to be found and pondered over. It might not be a perfect system, but given the law’s past, it’s a revolutionary one.

The Internet has not yet Improved the Public’s Free and Open Access to the Law

Now that the book’s impressive tenure as the law’s most important information source appears to be coming to an end, though, it’s important to consider how the Internet will perform in its place. And if things go on as they are at present, the unfortunate answer is not very well.

Westlaw and LexisNexis are super achievements—benchmarks for how large, complex databases should operate. But their technological and editorial sophistication comes at a high price, one only the wealthy can afford to pay. Low-cost alternatives abound, but they have incomplete coverage, and, besides, low-cost is still not no-cost; only when the law is completely free can everyone truly be said to have access to it.

There are free legal sites as well, but they also are imperfect. Findlaw, for example, has limited coverage and is, in any case, owned by Thomson, which is unlikely to allow it to become a serious contender to Westlaw. Court Web sites, which are a valuable source of recent opinions, have insufficient historical coverage to make them useful for meaningful legal research. And even if a complete set of each court’s opinions from inception until the present was located on that court’s Web site, a researcher would have to conduct separate research on each Web site in order to gain a true understanding of the state of legal doctrine on a particular issue.

Far from being a step forward, this Balkanized approach to legal research is more like a step back to the time before John West started publishing his regional and national reporters. Put simply, when the books go, they’re going to leave a big hole where open access to the law used to be.

Law Schools Should Fill the Impending Void and Make the Law Freely Available

Of all the candidates to fill that void, law schools might not be everyone’s most obvious choice. But I believe that a law school consortium, with its members banding together to acquire, analyze, and publish the law on the Internet, is not only the most likely to succeed but also the most appropriate group to make the law freely and openly available.

Certainly the courts are not viable contenders for the role of public access provider. They have already failed to provide meaningful access to the full body of their own opinions, and this is perhaps
understandable. Courts have an essentially utilitarian relationship with the law, using precedent as a tool to help them resolve the disputes pending before them. Although they are, or should be, sensitive to the broader significance of their rulings, they are fundamentally consumers of the law, not its curators. And in any case, opening up the law to everyone might lead to an increase in the number of pro se filings, something no court wants to contemplate.

The various state and federal legislatures, taken together, are the other entities that might be expected to act as public legal information providers, yet it seems unlikely that they will assume this responsibility. The political process affects every decision they make and, not to put too fine a point on it, there is very little political advantage to be gained by spending money to make the law publicly available in any meaningful sense. They do, of course, maintain their own Web sites where some fraction of their case and statutory law can be found. It’s possibly unfair, and certainly naive, to expect them to do more.

By contrast, law schools are well-situated to provide free and open access to the law. Of all the institutions that revolve around the law, law schools are the only ones to care about the law for its own sake. Legal academics don’t view the law as a means to an end or as a chip in a political power game. Rather, they study the law as law and have no other agenda to pursue. This can open them up to criticism from practitioners who feel that legal academia has nothing to do with the real world, but one of the advantages of the ivory tower can be the clearer view from its ramparts; the rarified air up there can allow legal scholars to see the problems inherent in a democracy where legal information is only available to those who can pay for it and can also allow them to look around and see ways to solve the problem.

**Conclusion**

A project of this magnitude will undoubtedly be complicated and difficult to complete. A vast amount of material needs to be scanned, processed to remove all copyrighted information, organized into searchable databases, and published. Cases should have neutral citation information added to them, making them identifiable and findable using a citation method that is not reliant on vendor-specific information. And the Web site on which all this information is contained should have both indexed and non-indexed search capability. The Web site should be complete, flexible, reliable, and permanent. And perhaps it should permit some form of mediated community involvement in the way its collection is indexed, analyzed, and retrieved. None of this will be simple, cheap, or unopposed. We will likely face opposition from Thomson and Reed-Elsevier, even though an open access legal information Web site would not compete against Westlaw or LexisNexis in terms of sophistication or editorial enhancement. But we have taken on areas controlled by hegemonies before; both the Association of Legal Writing Directors (ALWD) and AALL have attacked the problem of citation, ALWD by producing its own manual to challenge the Bluebook and AALL by developing a neutral citation format that would come into its own if used to organize cases in an open access database. We can and should win this fight.

We have other advantages in addition to our experience. We have colleagues in other departments who are experts in database development, organization, and design, and a consortium of America’s law schools would carry a lot of weight when it goes looking for funds to support a project so demonstrably calculated to liberate the law and benefit everyone. And we have a reservoir of talented, intelligent, and, I believe, willing law students who would exchange their time and efforts for a chance to work on a project of this magnitude and social significance. For those more motivated by self-interest than philanthropy, there would be no better way to learn how to use a powerful research tool like this than to work on its creation and upkeep. So it’s time for America’s law schools to become directly involved in free and open access to the law. It’s the right thing to do, and no one will do it better. But there’s a lot of work to be done. Let’s get started.
Flash and Substance: Blogs as Alternative Sources of Legal Information

I can’t remember being aware of the existence of blogs until the media began covering Wonkette’s coverage of the Washingtonienne blog. It would not have occurred to me to look for legal content in someone’s online diary.

In a relatively short span of years, blogs have become such a part of our informational consciousness that one rarely has to explain that “blog” means “Web log,” and the blogosphere has become a virtual destination for most of the online community at one time or another. Once viewed as diarists, gossip columnists, and newsletter writers, bloggers are increasingly considered pundits, experts, and, some would argue, journalists.

This evolving focus on “serious” content brings benefits to the seekers of legal information. Not only are more blogs addressing topics of national or worldwide interest, but often they are repositories of PDF scans of useful tidbits of legal information that either are not offered through the conventional legal publishing channels or are offered by the blog at no charge.

Legally-oriented blogs are often called “blawgs.” David Lehmann, my colleague here at the University of South Carolina, has written that the term “blawg” was coined in 1991 by Los Angeles attorney Denise Howell. Blawgs are set up as portals to legal information. The law librarians at Southern Illinois University have created the Law Dawg Blawg, which offers tips and collects search engines for finding blawgs (http://lawdawglib.blogspot.com/2004/10/finding-good-blawgs.html). Other clearinghouse sites include Paul Caron and Joe Hodnicki’s Law Professor Blogs (www.lawprofessorblogs.com) and corporate site ChessLaw (www.chesslaw.com/lawblogs.htm).

As is the case with information found on the Internet in general, some of the most stable and helpful blogs come from government entities. SCOTUS Blog, the blog of the U.S. Supreme Court (www.scotusblog.com/wp), offers transcripts of arguments, PDF scans, and original Word documents for orders, opinions, petitions, and other trial records, in addition to analysis and commentary on matters before the court.

Government officials are blogging as well, especially in federal agencies. A clearinghouse site for U.S. government blogs can be found at www.usa.gov/Topics/Reference_Shelf/News/blog.shtml. Health and Human Services (HHS) Secretary Mike Leavitt blogs about matters on the HHS radar at http://secretarysblog.hhs.gov. While I haven’t found any original documents on this site, the content is a good source for HHS statistics and insight from the secretary.

Officials of the Department of Homeland Security (DHS) contribute to the Leadership Journal, the blog of the DHS. This site offers such items as transcripts from public meetings and hearings, reports from commissions and agencies, press releases, and agency statements.

The Environmental Protection Agency (EPA) blog, Flow of the River (www.epa.gov/flowoftheriver), is conversational and evocative compared to some of the other government blogs, as Deputy Administrator Marcus Peacock muses about issues before the EPA. Various agency documents are offered, including quarterly management reports and EPA analysis of environmental bills proposed in Congress. A value-added component on this site comes from its insight into why things at the EPA happen as they do. The “You Asked” feature is particularly helpful.

One of my favorite legal sites is the Native American Rights Fund’s National Indian Law Library (www.narf.org/nill). It has portals to tribal law and an amazing array of resources. While the site offers publications for sale, the news blog also offers free PDFs for selected items, like the Practical Guide to the Indian Child Welfare Act.

As blogs have incorporated more useful and verifiable content, they have gained increased acceptance as research resources. “Blogs have acquired a certain status, being cited by court decisions, also by law reviews,” said Claire Germain.

In his dissent in U.S. v. Booker, Justice John Paul Stevens cited to Professor Douglas A. Berman’s Sentencing Law and Policy blog (www.sentencing.typepad.com). This site is an awesome resource, by the way, even for those of us who aren’t making law and history. It contains hearing information, transcripts of testimony, trial documents, news stories, Department of Justice correspondence, and links to state and federal resources—just to name a few of the treasures.

The U.S. Supreme Court is not the only court citing blogs; Law X.0, a member of the Law Professor Blogs Network, keeps a list of judicial opinions that have cited legal blogs (http://3lepiphany.typepad.com/3l_epiphany/2006/08/cases_citing_le.html). Included in the list are opinions from federal district courts, federal circuit courts, and several state courts. According to a separate list on Law X.0 (http://3lepiphany.typepad.com/3l_epiphany/2006/08/law_
review_arti.html), since April 19, 2006, at least 489 citations to legal blogs have appeared in law review articles.

It’s true that some of the goodies offered on blogs are offered through conventional subscription services, both online and in print—but free is good! Additionally, many blogs contain interesting and useful items that have no niche in the traditional legal publishing environment. I became a believer in the value of blogs a couple of years ago when one of our faculty members asked me to find the original trial court documents from the Terri Schiavo case. I found them on a blog, by way of a Google search.

I started using SCOTUS Blog in much the same way. Now I routinely suggest to all types of library patrons that they might try the same tactic if they have struck out in searching traditional legal publishing sources. As noted by Professor Stephen Vladeck of the University of Miami School of Law, “contemporaneous current events coverage is often undertaken by the leading experts in the field.”1

Bloggers are the people most interested in the subject matters that they cover; they have the passion, the commitment, and are most likely to have the inside tracks necessary to get originals of the kind of information that researchers covet. With a little luck, optimism, and Internet intuition, anyone can go treasure hunting on blawgs and blogs. Best of all, anyone with an Internet connection can do it. Blogs deserve more than just a passing glance in the search for legal materials.

Endnotes

Nobody who knows me would describe me as a cock-eyed optimist, so when I’ve repeatedly stated that I think the contract negotiation process can be fun, reactions have ranged from smirking disbelief to suggestions regarding the nearest hospital emergency room.

In my role as the director of research for a global law firm, I have responsibility for content expenditures amounting to several million dollars annually, mostly invested in online research platforms and digital delivery. Hardly a month goes by without me being in the thick of contract negotiations, and yes, I actually do have a lot of fun.

What I’d like to share are a few things I’ve learned along the way about how to take out the stress, enjoy the process, and, by the way, get what you want. Here are some “rules” I’ve created from my own experience.

Rule #1: Assume that the process will not be adversarial, and don’t allow it to be. You and your negotiating partner(s) are at the table to find a mutually satisfactory arrangement, and it can be done. Beginning one potentially very difficult negotiation, I responded to the initial “How are you?” by replying “Relentlessly optimistic,” which got a laugh and broke the ice, and I believe it set the tone for a positive meeting.

Rule #2: Be transparent about your overall objectives, and share any must-haves right up front. It’s only fair. If your chief operating officer has established a cost reduction target and you can’t renew a contract at more than a 3.5 percent increase, say so at the outset. Then the conversation becomes focused on how to get there, with all the give and take.

Rule #3: Get to know (and try to understand) your negotiating partner. It’s likely they’ve been trained to assess your type, and it will definitely pay off if you make an effort to do the same. In my experience, sales representatives generally have one of six major styles, as briefly described below. Later, I’ll expand a bit on how I’ve worked with each of these styles, because recognizing them and adapting your own approach is absolutely critical to a satisfactory result.

Relationship manager—“How can we make this work for both of us?”

Sarah L. Nichols
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You Want What? How to Have Fun while Negotiating Contracts
Best friend forever—“My company pays me, but I really work for you.”

Hardball player—“We’re the only game in town; if you won’t come to terms, it’s your loss.”

End runner—“I didn’t hear back from you, so I contacted Mr. Smith and Ms. Jones in your executive offices.”

Novice—“I’m new at this, what do you think the terms should be?”

Rainmaker—“I ink so many contracts that I can pretty much give you whatever you want.”

Rule #4: You probably have something that’s valuable to the content provider besides dollars. For example, we’ve helped refine the initial digital offerings of entities that have historically been in the print space. We’ve given them concrete suggestions on such important things as Web site look and feel, site navigation and functionality, and how to work out IP authentication for intranet-delivered content for the enterprise.

Our attorneys have written testimonials for services they feel are essential to their practice areas. We’ve brainstormed with providers of business and financial information on ways to maneuver into the law firm market. I can say with confidence that we’ve been able to benefit from having given assistance and usually get favorable contract terms in exchange. Along with the occasional bouquet of flowers.

Rule #5: Ask for a few things you’re pretty sure you can’t get, and be persistent. If I can get a negotiating partner to say “You want what?!” and then get on board with the challenge of trying to make it happen, I’m having fun. Also, some seemingly elusive things that have huge positive impacts for you and your organization may actually be easy for the provider to deliver—a lagniappe, if you will. You won’t find out if you don’t ask.

Rule #6: A deadline is never a deadline. Many years ago when I was vacillating about a decision, someone said to me, “When you don’t know what to do, don’t do anything at all.” Very simple, incredibly useful. When negotiating a contract, especially if it’s high dollar, don’t be pressured by an artificial deadline.

If you are working on a renewal, and the content provider is satisfied that you are negotiating in good faith, it will extend your contract by a month or two under the same terms while you work out the details of the renewal. If it’s a new relationship, it might well extend you some trial passwords; you can continue to build a user base for the provider while hammering out the terms. Allow yourself the time you need to feel confident about all the details. Make sure you know what you are doing.

Harking back to Rule #3, following are a few remarks about my experiences with the different sales styles.

Relationship Manager
This person takes a long-term view of the business partnership. He or she is generally invested in understanding your goals and gets great satisfaction from problem solving and possibly cross selling, if working for an entity that has a large product portfolio. Since this person tends to understand the goals and problems of others in your industry or professional services sector, you can generally learn a lot. A successful partnership with a relationship-oriented salesperson depends on give and take, information sharing and integrity, and is mutually consultative in nature.

Best Friend Forever
I actually feel a lot of sympathy for this person, because generally he or she works at a highly bureaucratic organization that does not empower sales representatives. Best friends are therefore expected to play by the rules and have to say no a lot. This results in many references to their employers as “they,” as in “they won’t do that,” rather than “we don’t provide that,” etc., because they feel hamstrung and are frustrated. Their companies become the enemies, they confess that they are really in your camp, and it’s clear you are meant to bond with them in a united front and just get the deal over with, playing by the rules, as they do. However, I still want the best deal for my firm, so that can be sticky. I figure that this person is used to a certain rigidity, so what I do is present my firm’s requirements as being equally rigid, and I don’t give in, no matter how sympathetic I feel. For a mutually satisfactory conclusion, bonding with a best friend over shared pressures often works best, even though the chances of getting absolutely everything you want are slim.

Hardball Player
It’s hard to imagine that anyone can be the only game in town in terms of content anymore, so this tactic doesn’t usually have a lot of teeth. As the purchaser, I will go where I can to get the best price or where I have the most fruitful and enjoyable existing relationship. What people are interested in once the content is available is extra functionality—bells and whistles that amplify ease of use, allow for slick downloading and easy copyright-friendly internal redistribution of information or provide alerts on only the topics they care about. There’s more potential for being the only game in town here. I can only invest in bells and whistles a couple of times a year, though, and I’m more likely to take the plunge if
I’m negotiating with someone who is nice to me. If he or she can help me raise my department’s visibility, or if he or she can help my team members build some skills, while giving our clients what they want, that’s being nice. If he or she can’t or won’t, saying “no thanks” can be a really satisfying experience.

End Runner
Ouch. Definitely not fun. These people are really a type of “hardball players,” but they can make things complicated so they deserve their own category. The good news here is that Mr. Smith and Ms. Jones probably rely on you and me for content purchasing decisions and are at least 90 percent likely to ignore the end runners. You can then have the satisfaction of saying, “Don’t call us, we’ll call you.” Or more sensibly, you can explain that you have responsibility for a large portfolio of content and services and that you can’t always get back to people the same day. I have found it useful to explain my role and confirm that in talking to me, they have arrived at a spot where decisions are made. Once their comfort level is up, you can happily proceed, relying on Rule #1, having negated the false start. I have been introduced to some terrific resources by end runners, I will admit.

Novice
Hmmm. These people are either refreshingly ingenuous, or, well, not. If you are a mentoring sort, negotiating with them can be extremely satisfying, regardless of their motivation, because you will feel as if you have educated them in some way. Be careful not to get carried away by your own imagined brilliance and say too much, though, because that can come back and bite you. If they are genuinely new to the game and are enthusiastic, they will often aid you with Rule #5, taking back your requests for the impossible to their management, because they share your optimism. Help them out by not embarrassing them in front of their colleagues on this last point however. You were a novice too once, right?

Rainmaker
Negotiations with this person are really fun, because you can both be shamelessly ego involved. A rainmaker is bound to be competitive, and he or she has told you up front that he or she has clout within his or her organization—it’s all down to volume, signing you up, and dispensing a bit of largesse. When you tell him or her that you are known for driving a hard bargain, getting the best possible deal, and that you want to look good to your boss as per usual, you’ll be understood and approved of, which is generally a good thing. You can probably get most of your expectations met, including some really good pricing, or a 15-month contract for the price of 12, for example. A rainmaker has earned some latitude within his or her company, and you can reap the benefit if you give him or her something off which to bounce.

Each time I enter into contract negotiations, I have three objectives: to get the best content and pricing that I can get on behalf of my firm, to learn something that makes me better at my job, and to cement a positive relationship with the salesperson so that he or she will feel good about working with me again. I’m grateful to many of the account managers I’ve met in my current role and at previous firms, because they’ve taught me a lot. Recently, I was able to provide a reference for a gentleman who sold me a contract for some key business content and who was making a career move. He’s now working for a competitor to his previous firm and wants to meet with us for a pitch—I think that’s going to be fun.