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from the editor

My phone alarm chirped during my first pre-dawn espresso. Shutting it off, I noticed a voicemail message with a local area code from 11:30 p.m. the night before. Surprised at getting a voicemail at that time of night, I listened to it. It was a county maintenance worker telling me that a truck had run into the law library!

Long story short: the truck had jumped a curb, flown over a narrow grass strip, crossed a three-lane driveway, scattered two parked pickup trucks, and jumped another curb before crashing 10 feet deep into the corner of the building. The collision destroyed two dictation booths and damaged two conference rooms—all far from the reference desk and main reading room. No one was in the library (I never heard about the condition of the truck driver), no books got knocked off shelves (though some tilted), and the crash dislodged no friable asbestos.

Instead of simply rebuilding the existing walls in the same configuration, I persuaded the contractor to combine the two small dictation booths and one conference room into one large conference room, thus creating far more useable space. The truck crashing into the law library was a truly unexpected surprise that actually turned out well.

With the September 2012 Spectrum reader survey, I sought suggestions and expected a few surprises from you, the readers—and I got both.

So that we could compare responses across time, we asked most of the same questions in 2012 that we asked in 2010. 23.26 percent of the AALL membership responded this time, compared with 30 percent in 2010. To read through the 2012 survey results, go to tinyurl.com/d9kyrdg. For the 2011 results, go to tinyurl/d9Kryrd.

Based on responses, the typical 2012 and 2010 respondent is a 50- to 64-year-old reference/research academic law librarian with more than 20 years of experience. That matches what we know about AALL members, so no surprise there. That typical respondent spends 10 to 29 minutes reading portions of every issue, doesn’t read the online-only articles, didn’t know about the Spectrum blog, and finds Spectrum useful.

The biggest surprise came from the question about a preference for a print or online version of the magazine. The 2012 results show a striking drop in the percentage of those who prefer to read Spectrum online—down to 8 percent from 25 percent. Those preferring both print and online also dropped to 18 percent from 29 percent. The preference for only print increased to 74 percent from 48 percent. Continuing the surprise, those proportions held when comparing respondents over the age of 50 with those under 50.

In a related question, we asked whether you would like to read Spectrum on a mobile app. Only 33 percent were at least somewhat likely to use a mobile app, with 67 percent unlikely to use an app. But with this question, a difference appears among the age groups: 42 percent of respondents under 50 are at least somewhat likely to use an app compared with 25 percent of those over 50. There’s a slight difference based on library type: 39 percent of law firm librarians were at least somewhat likely to use a mobile app compared with 30 percent of academic librarians and 29 percent of court librarians.

The response to and comments on this pair of questions suggests that the path is toward greater use of digital formats that requires flexibility—many will want to receive the issue in print for a long time. Even those with digital preferences want the content available in multiple online formats with readily adjustable font sizes, all of the popular e-reader/e-book formats, existing apps, an excellent Spectrum app, and mobile web pages. And as one respondent commented, “I want it digital by phone notification, and that device to work well right now,” much like the hard copies arriving in recipients’ snail mail inboxes.

Whether or not AALL Spectrum ever goes completely and solely online, the survey comments tell us that we need to better market the newer features/functions, like the electronic availability of each and individual articles, the hybrid online-only articles, and the blog. For example, receive a notification of changes to any of the Spectrum pages on AALLNET, visit www.aallnet.org/main-menu/publications/spectrum and click the orange RSS button under “stay connected” at the upper-right-hand corner of the page, or connect through Facebook, Twitter, or Flickr to stay on top of other Spectrum updates.

In the instance of the truck crash surprise, I improved conference room facilities. With the suggestions and surprises from the reader survey, you will see more frequent reminders about opting out of the hard-copy version of the magazine and learning when the next digital issue goes online. You will continue to see articles covering a variety of topics suggested by you, the AALL members.

I look forward to hearing your suggestions for article topics and your proposed articles.

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The Internet: Academic Foe or Friend
Google and federated searches may point the way forward for branding law libraries
By Dana Neacsu, Ph.D.

Creating Shelf Space
Is it time for a reference collection overhaul?
By Carissa Vogel

Read more Spectrum articles online
In the December issue’s Views from You, photographer Philippe Cloutier’s name was spelled incorrectly. We apologize for this oversight.
from the president

AALL and the Legal Profession: Value Advanced

Law librarians are an essential part of the legal profession and partners in the delivery of justice. Our work is unique and exceptional. No other profession is dedicated to the organization, access, and availability of legal information—a requisite to the practice of law. This is true wherever we work: in law schools, law firms, governments, courts, or public law libraries.

Our primary stakeholders will always be the legal professionals within our institutions. However, our work also impacts those members of the legal profession beyond the solid walls and firewalls of our institutions. The core purpose and values of AALL as an association are not tied to one sector of the legal community or to one function such as technology. For example, initiatives of AALL and its members focus on equitable and necessary and those served by it. We need to consider the ways we can interact with practitioners in the broader legal community as we promote our initiatives affecting legal information and research.

Librarians and Practitioners

Practitioners are a varied group ranging from solo, small, medium, and large firm lawyers, to prosecutors and public defenders, as well as corporate counsel. All practitioners have, at some point in their legal careers, interacted with members of our profession. Attorneys encountered academic law librarians in the course of their law school careers, and some continue to use academic collections for their practice. Attorneys enter court and county law libraries to conduct general and specialized research in furtherance of client concerns. Law firm and corporate librarians are an essential part of the success of their firms, providing firm attorneys with specialized research, knowledge management, and business development.

According to the American Bar Association 2011 Lawyer Demographics, in 2010, there were approximately 1.2 million licensed lawyers in the United States. Practitioners nationwide represent all types of clients in large and small cases in administrative, civil, and criminal matters. Although many practitioners work in venues without direct access to law librarians, their need for access to quality legal information will never go away. As the quantity and complexity of legal information grows and delivery platforms evolve, our skills and expertise are of critical importance to the entire legal profession. When attorneys or affiliated organizations, such as bar associations, have questions or concerns regarding any aspect of legal information, AALL and its members are and should be recognized as the acknowledged experts.

Initiatives

Several initiatives are underway that will promote AALL and law librarians not only to our primary stakeholders but also to the wider legal profession, including the practicing bar. In July, the Executive Board approved the Legal Research Principles, Competencies and Standards for Law Student Information Literacy. I recently appointed the Promoting the AALL Legal Research Principles, Competencies and Standards for Law Student Information Literacy Task Force, chaired by Sally Wise, director of the law library and professor of law at the University of Miami School of Law in Coral Gables, Florida. This task force will identify ways to establish the principles and competencies as the “gold standard.” When the legal profession speaks of legal research competency, they will refer to the AALL principles as the model. As I write this column, I am in the process of selecting a task force that will investigate how AALL members can become active in the provision of continuing legal education (CLE) to the bar and other outreach efforts. This topic came up in discussions during the Futures Summit held in November 2011 and was included in the Executive Board Futures Summit Implementation Committee Report approved in July 2012.

Law librarians, working collectively and individually, have reached out to practitioners to contribute their knowledge and skills to advance the practice of law. Teaching legal research skills or other topics to practitioners is one way for law librarians to impart value to the broader legal community. For example, the Colorado Association of Law Libraries holds Bridge the Research and Analysis Gap, an annual CLE program for summer associates and new attorneys. Members of the Virginia Association of Law Libraries are regular contributors to the Virginia Lawyer, the official publication of the Virginia State Bar and the Virginia Lawyers Weekly, a legal newspaper. Additionally, our newly adopted Third Edition of the AALL Guide to Fair Business Practices for Legal Publishers and our Principles for Licensing Electronic Resources are tools that can be useful to firms of all sizes looking to acquire legal information resources.

Seize Opportunities

Are there other ways for AALL and law librarians to connect with the practicing bar and affiliated associations? This question should remain on our horizon as new opportunities to collaborate will emerge as we rethink all aspects of our collections, services, and practices. We cannot reach every practitioner, but we can advance our message in a way that describes our work and its value to their professional lives. Work has begun with AALLs outreach to affiliated associations, such as the International Legal Technology Association, and through chapters with their local bar associations. These connections will also be important as we anticipate changes not only to legal education but to the practice of law in the years ahead. We should not overlook any opportunity to engage members of the broader legal community, as they can become important advocates of law librarians and the work of AALL.

Jean M. Wenger (jean.wenger@cookcountylaw.gov) is president of AALL and government documents/foreign and international law librarian at Cook County Law Library in Chicago.
Fall Executive Board Meeting Highlights

This year’s fall board meeting was once again held at the McDonald’s Corporation Campus in Oakbrook, Illinois, on November 1-3, 2012. In addition to the formal board meeting, other activities included a meeting of the Finance and Budget Committee and the fall board retreat.

Board Retreat
This year’s board retreat consisted of a planning session to continue the development of the 2013-2016 AALL Strategic Directions Plan. Paul D. Meyer, president and co-CEO of Tecker International LLC in Yardley, Pennsylvania, facilitated the retreat. The first part of the discussions in the strategic planning process included operations versus strategy, how to respond to emerging issues, and the role of the strategic directions committee.

The board then focused on the strategic plan, including affirming the plan’s envisioned future and goals, refining the objectives and priorities of the strategic plan, discussing resource implications in implementing the strategic plan, identifying responsibilities of those involved in the implementation of the plan, and identifying metrics.

Board Meeting
President Jean M. Wenger presided over the Executive Board Meeting, welcoming Vice President/President-Elect Steve Anderson; Past President Darcy Kirk; Secretary Deborah Rusin; Treasurer Susan Lewis; and board members Kathleen Brown, Amy Eaton, Lucy Curci-Gonzalez, Greg Lambert, Suzanne Thorpe, and Ron Wheeler. Also in attendance were Council of Chapter Presidents Chair Holly Riccio and Special Interest Section (SIS) Council Chair Margaret (Meg) Butler.

Headquarters staff members in attendance included Kate Hagan, executive director; Paula Davidson, director of finance and administration; Emily Feltren, director of the Government Relations Office; Pam Reisinger, director of meetings; Kim Rundle, executive assistant to the executive director; and Celeste Smith, director of education. Vendor Liaison Margie Maes also attended the meeting.

Action Items
Action items are agenda items for which a vote of the board is required. The following action items were among those approved and adopted by the board during the meeting:

- The minutes of the Executive Board Meeting for July 2012
- The minutes of the October 1, 2012, Executive Board conference call
- Proposal of the Scholarship Committee for a revised single scholarship application form with the addition of the words “official or student copy” after the word “transcript” in the bulleted points and in the application packet checklist.
- The proposed Third Edition of the AALL Guide to Fair Business Practices for Legal Publishers and to provide for its marketing, publication, and distribution and that the term “procurement officer” be inserted in the Brief History, second paragraph, after the word “attorneys” and in the Introduction, item 2, after the word “attorneys”
- Directive to the Finance and Budget Committee to take action to ensure that AALL maintains a stable level of combined funding for research grants in future years, consistent with historical levels, through sponsorships, supplemented if necessary with AALL funds
- The Action Plan of the Strategic Directions Committee.

Two action items failed:
- Creation of the Jewish Law Librarians Caucus as submitted; a second motion was then made: that the Executive Board ask the proposer to clarify language in the purpose statement and resubmit it to the Executive Board for approval
- Consumer Advocacy Caucus Statement of Purpose Revisions.

Consent Items
Consent items are considered agreed to by the board simply by their submission and presence on the agenda. The consent items submitted to the board include:

- Vice President/President-Elect Steve Anderson’s 2013-2014 Executive Board meeting schedule
- Request for an extension, until the Spring 2013 Executive Board Meeting, for the final report of the Library Procurement Process Improvements Task Force
- Request to modify the Diversity Committee charge
- Request to approve a new deadline of March 1 for the Minority Leadership Development Award application.

Reports
Wenger discussed her ongoing activities for the year: outreach and travel visits, chapter visits, and her work to implement changes for the 2013 Annual Meeting, based on recommendations of the Annual Meeting Program Committee.

Wenger also discussed her appointment of Suzanne Graham as the representative to the American Library Association, Association for Library Collections & Technical Services, Cataloging and Classification Section, Subject Analysis Committee, replacing Ellen McGrath, who had to step down as representative. Graham will serve until July 2014.

Based on board recommendations stemming from discussions of the report of the Legal Research Competencies and Standards for Law Student Information Literacy, Wenger appointed a Task Force on Promoting the Information Literacy Standards and Research Competencies.

Reports were also received from the vice president, treasurer, secretary, executive director, director of meetings, director of education, government relations director, SIS council chair, chapter council chair, and vendor liaison discussing their various activities during the past year.

The minutes of the Executive Board meetings are available on AALLNET. If you have any questions about any of these board actions, please contact me or any Executive Board member.

Deborah Rusin (deborah.rusin@kattenlau.com) is director of library and research services at Katten Muchin Rosenman LLP in Chicago.
Coming Up in the 113th

WASHINGTON, D.C., December 3, 2012—Although the 2012 elections preserved the status quo in both chambers, Congress will look a bit different in 2013. In January, the 113th Congress will welcome 95 freshmen, including 12 new senators and 83 new representatives from 34 states. Nearly 40 percent of the new members have their juris doctorates!

The New Congress Convenes . . .

We expect some shake up in committee membership and leadership in the 113th. As this column is written, Speaker John Boehner has announced 20 of the House Committee Chairs. Rep. Bob Goodlatte (R-Va.) will take chairmanship of the House Judiciary Committee, which, due to Election Day losses and resignations, has five open seats. Chairman of the Committee on House Administration Rep. Dan Lungren (R-Calif.) lost his seat in 2012. Rep. Candice Miller (R-Mich.) will replace him. Both Reps. Marcy Kaptur (D-Ohio) and Nita Lowey (D-N.Y.) are rumored to be running to succeed Ranking Member Norm Dicks (D-Wash.) of the House Appropriations Committee, who retired in 2012. On the Senate side, Appropriations Committee Ranking Member Thad Cochran (R-Miss.) is expected to step down due to term limits. Furthermore, the leadership of the Joint Committee on Printing and Joint Committee on the Library will move from the Committee on House Administration to the Senate Rules and Administration Committee in the new Congress.

Though it’s difficult to predict the priorities, personalities, and politics of the 113th, we know the new Congress will soon be at work on issues related to law librarianship—on which you can have an impact.

. . . and Gets to Work

February marks the beginning of the budget process on Capitol Hill. Traditionally, the president submits his budget request to Congress on the first Monday of the month. Created by the Office of Management and Budget, the president’s budget request is an extensive proposal of the administration’s intended spending and revenue plans for the following fiscal year, including funding requests for all federal executive departments and independent agencies. With this request, each department and agency provides additional detail and supporting documentation to Congress meant to persuade lawmakers of the necessity and value of the budget provisions.

Each Congress, AALL works to support the budget requests of those agencies that promote and provide access to government information, including the Government Printing Office (GPO), Library of Congress (LC), National Archives and Records Administration (NARA), and Institute of Museum and Library Services (IMLS), among others. These agencies inform the American public about their government and promote a healthy democracy. However, this mission is often threatened by inadequate funding. As legislative branch agencies, GPO and the LC serve a crucial role in providing support and services to Congress, as well as to the executive branch, the courts, and the public. Through the 200-year-old Federal Depository Library Program (FDLP) and its official system of record, FDsys, GPO provides timely access to official, authentic information in multiple formats from all three branches of government, services the agency could not provide without appropriate funds. The LC, founded in 1800 with a collection of law books, is the nation’s oldest federal cultural institution and the largest library in the world. In its budget requests, the LC accounts for the housing and preservation needs of a unique and growing print and electronic collection. The library’s budget includes funding for the Law Library of Congress, the world’s largest law library with a collection of more than 2.65 million volumes, and the Copyright Office, which provides valuable support to legislative deliberations, including studies on orphan works and mass digitization.

As a grant-making agency whose mission is to “inspire libraries and museums to advance innovation, lifelong learning, and cultural and civic engagement,” the IMLS needs enough funding to sustain local projects and its own research and data collection that help identify best practices. Recent appropriations bills have clearly recognized how libraries and museums contribute to a competitive workforce and engaged citizenry.

Law librarians, historians, and members of the public rely on NARA to preserve and provide access to government information, including court records. The NARA Operating Expenses appropriation provides for the costs of records services, archives-related services, and payments of principal and interest for the financing of the National Archives. Through the Electronic Records Archives (ERA) system, NARA provides electronic records management, preservation, and access activities crucial to the public’s interest in the transparency of these records. AALL has worked with NARA to ensure that the ERA meets its mission to preserve and provide public access to the permanently valuable electronic records of the federal government, advocating for full-text searching capabilities. Proper funding is also crucial to the success of the National Declassification Center, charged with making available to the public 400 million pages of classified records by December 31, 2013, and the National Historical Publications and Records Commission, the only federal agency responsible for promoting the preservation and use of historical records documenting democracy and making them more accessible to the American public.

By early April, the House Committee on the Budget and the Senate Committee on the Budget will finalize their draft budget resolution to submit it to their respective floors for consideration and adoption. Once a resolution is passed by both chambers in conference, budget authority will be given to the Appropriations Committee, which will decide on final program funding levels. As we have done in years past, AALL will submit testimony in support of the appropriations requests of these agencies. Adequate funding is not only necessary for their work to continue, but it is crucial to the improvement and development of programs that promote transparency and accountability in our government.

Get Involved!

As always, the Government Relations Office (GRO) will need your help influencing this new Congress on appropriations and otherwise! If you want to be involved, be sure to subscribe to our Advocacy Listserv, read our Washington Blawg (allwash.word press.com) and monthly E-Bulletin, and visit our Legislative Action Center. You can also join AALL for a Chapter Lobby Day on Capitol Hill on Thursday, April 18, when chapter members will meet with their representatives and
Public Relations

The Art of Making Law Library Videos
Some tips for using video to market your law library

By L. Cindy Dabney

Videos can be an excellent marketing tool for any library. They can entertain your audience, market to them, and educate them. At the 2011 AALL Annual Meeting in Philadelphia, I attended a workshop called Producing Library Videos: A Hands-On Experience. The program, which focused on making good library videos, was given by Todd Shoemaker of Merge Films with Joy Shoemaker, head of research services at University of California, Irvine, and Ellen Augustiniak, web services librarian at University of California, Irvine. As “outreach served librarian,” marketing is something that I’m very interested in—as is education—so videos seemed to fit perfectly into my job.

Life got busy, as it always does, and it wasn’t until May of 2012 that I actually made my first video—an infomercial for the law library, which you can view at tinyurl.com/behyld6. It wasn’t meant to be educational, just something to make students laugh and remind them that the law library is a good option when they aren’t finding what they need easily online. My second video, “Indexes and You,” available at tinyurl.com/abfg23q, was a little more ambitious—I was actually trying to be educational. It was still very tongue in cheek; I tried to capture the feel of a 1950s propaganda film as I talked about how useful indexes can be, even in the modern world. I am now working on my third video, and it is a return to the technique of the first—nothing preachy, just something to make students giggle and come see a reference librarian when they need one.

I am still very much at the beginning of my video-making career, but I would like to share some of the things that I’ve learned along the way. I won’t delve too much into the technical aspect of movie making—just the artistic side. Some educational videos can be made with programs like Camtasia and Adobe Captivate, which capture a computer screen and an audio track, but for the purposes of this article I will look at filming live people and telling a story.

Think About Equipment

To make a movie, you will, of course, need a video camera. I used a Cisco Flip Ultra HD, the same type I used in the video-making workshop. You should also consider some form of lighting—it doesn’t have to actually be a light source, but a reflector of some sort can make a big difference in how a person looks on screen. I purchased two reflectors that had several options, including standard silver, gold reflection for a warmer feel, and just a white screen for softening light.

You will also require some sort of video-editing software. I used the simple Windows Movie Maker, which is available for free online. For the more ambitious, you may want sound equipment or a tripod. I asked the library for a tripod after my first recording, but the logistics were difficult—either I had to pretend he was listening or I had to have a great many camera

Start with Writing a Script

I tend to try to be funny, so my tactic thus far has been to imitate other well-known forms of short movies—an infomercial, an old educational video, a public service announcement. Keep your audience in mind. Chances are that you want more than just talking heads in your video—talking heads or shots of computer screens or books convey a lot of information, but if you are making a video that people will choose to watch rather than having it assigned for a class, you want to make sure that your audience stays engaged.

Also bear in mind your capabilities when writing a script. When I wrote the script for the 1950s propaganda film, I pictured an old newsreel-type film quality . . . but I didn’t have the resources to follow through. I settled for black and white, but the occasional film flaw would have made the video come together in a way that it didn’t in the end. I was also picturing a perfect child actor of exactly the correct age with exactly the correct wardrobe, but this is not easy to come by. I am very fond of the boy who played Young Timmy, but it is unlikely that he will ever be a child star, and you should plan accordingly. When writing your script, you probably will want to keep special effects and guest appearances by Samuel L. Jackson to a minimum.

Next will be Casting

It’s always fun for your audience to see familiar faces, so using law students (or professors, if they are willing) will go over well. And there are your fellow librarians, of course. It’s often a good idea to use people in the roles they naturally serve—don’t cast a student as a librarian, for instance. If you are trying to get people to come talk to librarians, it would be good for them to actually see the person with whom they will be talking. Similarly, students should play students, and professors should play professors. I took part in a student-written musical last year, so I used that list of people to recruit actors for my video. Without a ready-made list of casting options, you might want to simply put out a call on your law student listserv. If you are making a more serious video or one for internal use, it is entirely possible that your library staff will be sufficient.

Choose a Setting

You want to make sure that wherever you end up filming has good light. Sound requirements are also an issue. Most of my infomercial video was done in voice over, so it was fairly simple to film wherever the books were and then separately record the sound and add it in later. For the ‘50s propaganda film, however, I had the narrator interacting with the actor on film. I considered trying to separately record the narrator and add in the recording, but the logistics were difficult—either I had to have Young Timmy sit still for the perfect amount of time and pretend he was listening or I had to have a great many camera
cuts. The latter would have been particularly difficult because I didn’t yet have a tripod, so I would have needed to make sure that the camera was consistent in each shot. I elected instead to have my narrator stand just behind me off screen, with the two talking to one another in real time.

This led to other difficulties, though. I could no longer film in the stacks because I didn’t want loud talking in the quiet areas of the law library. It also meant that the areas I was limited to tended to have lots of students passing through, talking loudly themselves. I ended up moving the set of books I was having Young Timmy show to the reference section of the library—a place where people are allowed to talk but rarely do.

Bear in Mind What Exactly You are Showing on the Screen
I may edit “Indexes and You” in the future because even though there are funny parts, it is still largely a talking head film. When I first wrote it, I made sure that everything talked about in the film made sense—the pages that Timmy flips to in each volume have the information mentioned on them. I had originally planned on zooming in to show each page as he turned it, but the timing and capabilities of my camera just weren’t enough. I may edit it to include some PowerPoint-type slides of the information Timmy is looking at, with the correct parts highlighted at the correct times. Don’t be afraid to mix mediums when it is called for, but know how the two will work together. How easy will it be to use the sound of one video while using the images from another source? Check your equipment to find out!

Look at Other Resources
Finally, though most of this is advice for shooting your own original film, take a look at what is available to you elsewhere.

For the infomercial, I needed a picture of a good-looking bunny rabbit, so I headed over to Creative Commons to see what images would be available for free. Sound bites can be had for free as well, for possible use as background music.

Make Sure the Film Flows
With all the footage, it’s just a question of clipping and matching all the pieces of film you want together. For voiceovers, make sure that you make the video running time match the audio—silence is really noticeable when you have been listening to sound. Similarly, if you are using still shots amid moving ones, make sure you don’t focus too long on a still shot. It’s jarring to see something go still when the rest of the movie is in motion.

Last but Not Least, Disseminate Your Film
Our law library has a Twitter account, Facebook page, and blog, so the video goes up in all those places. Better yet, if you have student actors, see whether you can get them to post the video on their Facebook pages, where a large number of law students will see it and be encouraged to watch it to see their friends. I was lucky enough to have my first two videos picked up by the Law Librarian Blog, so word has spread that way as well.

Try it Out
There are lots of things to consider when making a law library video, but it can be a fun and interesting process. With a little finesse you can entertain, inform, and market to your patrons all at the same time.

L. Cindy Dabney (lcdabney@indiana.edu) is assistant librarian for outreach services at Indiana University Maurer School of Law in Bloomington.

Holly M. Riccio, library/calendar manager for Northern California at O’Melveny & Myers LLP in San Francisco, was elected vice president/president-elect for 2013-2014. She will assume the presidency at the conclusion of the 2014 Annual Meeting in San Antonio.

Gail Warren, state law librarian at Virginia State Law Library in Richmond, was elected treasurer for 2013-2016.

Femi Cadmus, Edward Cornell law librarian and associate dean for library services at Cornell University Law Library in Ithaca, New York, was elected to a three-year term as Executive Board member. She will serve from 2013-2016.

Kenneth J. Hirsh, director of law library and information technology and professor of practice at University of Cincinnati College of Law Robert S. Marx Law Library, was elected to a three-year term as Executive Board member. He will serve from 2013-2016.
NEGOTIATING AND COMPLYING WITH ELECTRONIC DATABASE LICENSE AGREEMENTS

Why understanding your users’ expectations can make all the difference

By Ingrid Mattson and Linda-Jean Schneider

With electronic database licenses, there are terms you want and terms you need, and plenty has been written about both. For example, AALL’s Principles for Licensing Electronic Resources provides exceptional guidance—all incredibly useful for someone learning the ropes. (These principles are currently under revision, with the Library Procurement Process Improvements Task Force paying particular attention to new developments in vendor licensing practices and recommending model language for basic licensing provisions.) Similarly, Duncan Alford’s Negotiating and Analyzing Electronic License Agreements provides useful point-by-point insights into license terms.

But gaining an awareness of licensing concepts and securing access to scores of resources for the cheapest price possible are not necessarily the only end goals. Instead, getting “favorable” license terms (i.e., a great deal) is really only meaningful if your institution is able to comply with the license terms. Evaluating whether you can comply with license terms requires that you understand your patrons’ needs and expectations when using online databases.

Amazingly, the actual “cost” in terms of dollars can be less important than obtaining terms and conditions with which you can comply. Consider, for example, the following:

• You must get reasonable and permissible uses and restrictions into your vendor contracts. If you have a signed contract with unreasonable language, you will not be able to comply.
• Contracts often require that customers (i.e., law firms and law schools) both communicate and comply with permissible uses. Remember, the end user—typically a lawyer or law student—is not necessarily the entity facing a legal risk if he or she violates the terms of the license.

Two programs held at recent AALL Annual Meetings, Getting to Yes for Your Library: Negotiating Vendor Contracts in Your Favor (featuring Clare D’Agostino, Loretta Orndorff, Connie Smith, Scott Schwartz, and Jane Baugh) and Walking the Tightrope: Licensed Data Access and Restrictions (featuring Loretta Orndorff, Linda-Jean Schneider, Regina L. Smith, and Scott Schwartz), tackled specific licensing terms and provided insight into the process of handling electronic database licenses in law firms. Inspired by these programs, the authors incorporate tips and tricks from the programs as part of a broader conversation about understanding your library users so that you can effectively implement license compliance strategies.

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• Contracts usually have clauses that allow vendors to audit the use of the content (e.g., they often inform customers that they will monitor the use of login information through IP addresses), so simply hoping noncompliance will go unnoticed is not a good approach.

In other words, the database license will not exist in a vacuum. It should be a document you can turn to when a patron has a question about why he or she does not have access to certain content or cannot log in to a database remotely. When reading through license terms, ask yourself: “Will this work for my patrons? Will they be able to access and use the resources in the way they expect?”

**Understanding Your Patrons**

Lawyers and law students have different needs and expectations with respect to online legal research; as a result, different license terms may come up as more or less significant when you are negotiating an agreement. At the same time, law students will likely become lawyers one day, so it is important for academic law librarians to also understand a bit about law firm library patrons to encourage good research habits and equip law students with much-in-demand “practice skills.”

Present-day law students are often described as digital natives. Consequently, they expect research resources to be instantaneously available on any device, regardless of whether or not they are on campus. Moreover, a quick and easy solution for research needs is expected, so if accessing a database requires multiple login steps and tricks to get to the resources depending on a variety of factors (e.g., where the student is located or what computer the student is using), the database will not likely be utilized regardless of the quality of the content. Additionally, paywalls (online barriers to access content without a paid subscription) may be a foreign concept when it comes to research because Google, Bing, and the like are often viewed as free online databases rather than search engines. As a result, students may not appreciate use restrictions on what they can do with the content they find through search engines, and thus are not typically considering what they can and cannot do with their research through legal databases.

Attorneys often have similar access expectations. They want to meet their clients’ needs and expectations as quickly and efficiently as possible. For example, attorneys may focus on:

• The flexibility to incorporate as much or as little of the data they retrieve in a search to do their work without the hassle of guessing at what is an “insubstantial” amount
• To store full reports/cases from the vendor’s data on their own document management system for as long as necessary for their litigation or transaction
• To communicate all of the available data to their clients rather than engaging in a lengthy analysis to determine how much data use goes beyond the scope of the license
• To attach entire reports (not limited portions) from vendor information to email and other communications to clients and colleagues.

Director of Library Services Loretta Orndorff of Cozen O’Connor in Philadelphia speaks to a financial concern for law firms: “[There is the argument that] compliance [with license terms] comes down to money. If the restrictions are too onerous and people cannot follow [them], the firm is in peril of a costly suit. If the restrictions are too onerous and the attorneys follow the rules, then the firm is paying for a service and not getting that value. We really need to be able to get the service we need and are paying for.”

Regardless of any practical differences, one thing law students and attorneys share is the need to complete work as efficiently as possible, and they do not want to be bogged down by all of the rules (i.e., license terms the law firm or school has negotiated with a vendor).

**Critical License Terms**

In the not-so-distant past, a print subscription and renewal might only involve a single sheet of paper or even simply a single invoice. For better or worse, the current process to provide access to digital content has evolved into an elaborate, lengthy, seemingly endless negotiation. One could say that it requires not only “nerves of steel” and an inscrutable poker face but the dexterity of a high-wire aerial artist as the librarian/negotiator attempts to balance the requirements of the licensing agreement with the needs of the end user.

The land mines in this landscape end up being the phrases and terminology crafted as part of the initial agreements. Therefore, that language must be drafted to facilitate—not hinder—compliance. As Scott Schwartz, an attorney panelist on a recent AALL program on digital licensing, emphasized, a signed contract is *enforceable*, and contract language should be *commercially reasonable*.

The following examples illustrate key language associated with negotiating a license with which your law firm or academic library can comply:

• **Unhelpful:** Contract language that states that customer/user will *ensure* compliance with the permissible uses. The term “ensure” implies being able to guarantee compliance without exception.

• **Helpful:** Contract language that states that customer/user will use commercially reasonable efforts to ensure compliance with the permissible uses. Requiring commercially reasonable efforts softens your commitment to the vendor.

• **Helpful:** Users *must* protect their login and password information—no sharing is permitted! This restriction can actually help the librarian or other contract manager manage passwords and users. It may also make monitoring (and therefore compliance) easier.

Note that some of the challenge in crafting a contract with which you can comply is sometimes a matter of drafting language that reflects the reality of how your patrons are using the online databases. As difficult as it may be to negotiate favorable terms, it may actually be simpler than attempting to change the behaviors of a senior partner or 1L law student. Here are additional drafting tips:

• **Try to change and soften any absolute and constricting language.** “The licensor has the right to audit licensee’s use and take additional copies if abuse of the license is suspected.” Try adding the sentence, “The parties agree to negotiate any adjustments resulting from such usage in good faith,” to lessen the impact of any penalties you may face for noncompliance. The latter phrase should be standard in almost every agreement as a way to renegotiate and provide the opportunity to review and discuss the specific terms and conditions.

• **Watch for unreasonable time restrictions, such as a 90-day notification window at renewal time.** A statement such as “User must notify the vendor 90 days prior to renewal of the agreement—or amendment—if they do not wish to renew,” or (even worse) an automatic renewal and billing to a credit card can result in unwanted surprises. If some manner of time restriction must be included in the agreement, propose language that allows some breathing room, such as the phrase “in good faith,” or permits the library to adjust the newly imposed obligation in terms of the new contract term.

• **Many obligations imposed by the “license” may be in various other documents incorporated by reference.** It can be difficult to actually identify all of the
documents (which are binding) that may have bearing on your use of the database. These documents include, but are not limited to, the master agreement, all subsequent amendments, pricing schedules (and any correspondence which may refer to annual increases in those schedules), terms and conditions posted on the database website or on a linked website, privacy policies, and any fine print buried in the text of the invoices. Be aware that it may be possible to avoid having those ancillary documents (i.e., those related documents that do not get signed) and their accompanying obligations changed without your knowledge. Orndorff relates, “I have recently [had] some success locking down the ‘related ancillary documents’ to the version in existence at the date of signing.” Librarians at both law firms and law schools should also anticipate patrons encountering “click-through” agreements and website terms of use, which users may ignore at the peril of the library or firm. These agreements may impose hidden and unexpected terms, costs, and deadlines, as well as grant permissions to a vendor. For example, a vendor may assert that changes agreed to in these documents can be implemented automatically after a change constitutes automatic agreement by the user.

Concordant with Section 3.2(b) of the AALL Guide to Fair Business Practices for Legal Publishers and Section 10 of the Principles for Licensing Electronic Resources, insist on including language in the license specifying that written notice must always be sent to the administrator or manager of the account for any proposed changes, and failure to send written notice will render any such terms unenforceable.

Law firms often encounter terms that can be particularly onerous or even impossible from a compliance perspective:

• **Unhelpful**: A full report cannot be shared with other law firm employees. This phrase is unrealistic based on attorney behaviors, and the phrasing is too absolute.

• **Helpful**: Contract language that states that a report can be shared with other firm employees and insubstantial portions of a data record can be shared with third parties, e.g., clients. This language is more flexible and is much more likely to result in compliance.

• **Unhelpful**: Any requirement that all vendor data must be purged from customer's document management system or other online storage service. Try to soften this requirement, as it is practically impossible to know where all possible instances of vendor data may be stored. (See attorneys’ needs and expectations listed at the beginning of this article!)

• **Helpful**: Any excerpt of vendor data the user desires to share must contain specific information crediting the vendor. This is reasonable and is often the major concession a user is asked to make if he or she wishes to use the resource only once or purely for educational or demonstration purposes.

Law schools have their own unique scenarios that require terms that clearly reflect the ways the law library intends to make electronic research resources available. Emily Janoski-Haehlen, associate dean for law library services and assistant professor of law at the Valparaiso Law Library, explains that extending access to those who are not members of the law school community requires careful consideration and planning. If your law school is part of a larger university, Janoski-Haehlen recommends contacting the person who negotiates electronic licenses on behalf of the main campus libraries to ensure that you do not unintentionally purchase access to the same databases. Also, keep in mind that just because the same person in the university system signs all of the libraries’ agreements does not mean that person is managing or monitoring the agreements. As AALL’s Principles for Licensing Electronic Resources puts it, “Most institutions will delegate the authority to sign contracts to a specific officer or officer within the institution . . . . Nevertheless, library staff will often be responsible for initial review and negotiation of the material terms of the license because they have the most knowledge of the user community and of the resource being acquired.”

Collaborating with your campus colleagues will enable you to compare license terms in the event you do have overlapping agreements. To the extent the terms conflict, you may consider not allowing law students access to the main campus database and vice versa at the risk of violating the terms of one or both agreements.

Regardless of the type of library in which you work, do not be afraid to walk away from a negotiation. Though rare, declining to enter an agreement may be essential and the wisest course in some circumstances. For example, if you are an academic librarian and encounter a license drafted by an Australian-based entity accustomed to working with law firms, the license (and perhaps even the database) may simply not be the best fit for your institution. If the license terms are so far from the operating reality of your library, compliance may be practically impossible.

### Complying with Your Licenses

Once the language and terms of your licenses are fully vetted and the licenses are signed, the law firm or library must communicate to patrons the rules for “reasonable compliance” to which they agreed. Compliance measures will depend on the specific law firm or law school culture and the technical capabilities of the library’s systems, but they can include the following:

• **Individual, catchy emails (i.e., ones that attorneys, staff, students, and faculty will read)**. In some instances, the emails can be brief but targeted and catchy or part of a regular firm- or school-wide communication that is recognized as authoritative. In the latter case, it might come from a managing partner, other upper-level management attorney, or library director to carry additional weight.

• **Rules of compliance included in email signatures**. In the academic setting, reference librarians and especially interlibrary loan staff can include any rules of compliance in their email signatures when sending material downloaded from an electronic database. In a law firm, rules of compliance should be included in email signatures for assigned seat holders (i.e., password owners). If all seat holders have the rules in an email folder and/or can create a sign-in that includes all permissible rules, the signature can accompany the attached report containing licensed data. The rules regarding permissible use must be included when users appropriately forward any attached reports.

• **Compliance rules published in regularly issued newsletter or blog posting.** Periodic reminders never hurt, particularly when authorized by firm management, the library director, legal research and writing instructors, or the risk management officer or general counsel. One good example in the academic setting is the May 13, 2011, Gallagher Law Library post titled “Summer Use of Your Lexis & Westlaw Passwords” reminding students that Lexis and Westlaw can only be used for academic or educational purposes.

• **Pop-up rules, as provided by electronic resource management (ERM) software**. ERM software that tracks usage and manages passwords and access often include the ability to display the compliance “rules” in a pop-up window when you sign on to the website. Pop-ups with the rules can be your best proof to the
In the academic setting, create an effective online research guide. Online research guides can explain any electronic database restrictions and instruct patrons on how to access each database. This is particularly important in the academic setting where you may have a variety of patron groups, including law students, faculty, alumni, undergraduate and graduate students, and public patrons. Navigating access depending on whether a patron is on or off campus can be particularly tricky. One useful example is the guide Important Information About Access to Databases, created by Donna Gulnac, director of access and information services at University of California, Los Angeles Hugh and Hazel Darling Law Library. The guide and a link to it can be provided in orientation materials, or it could be provided as part of any legal research session.

Training any library staff that will frequently access electronic databases. Interlibrary loan staff, library interns, student workers, and faculty research assistants who may download and email material from electronic databases should be trained on any rules of compliance in your license agreements. Including the training material and rules in internal procedural manuals can also convey to vendors that you have communicated compliance rules effectively.

In the event you are contacted by a vendor who believes your library or firm is not in compliance with license terms, grab a copy of the license, reacquaint yourself with it, and respond quickly. Vendors can be willing to work with you to clear up any issues, but delaying a response will not resolve the issue. If, for example, your academic library has licensed a database for campus-wide use and another university department begins heavily using the database in a way neither you nor the vendor anticipated, communication among all of the parties involved can result in an arrangement that enables you to maintain a good working relationship with the vendor. Similarly, in the firm setting, if the license restricts users’ access to one electronic device at a time and an attorney logs in to his or her account at home after inadvertently failing to log out at the office, quickly addressing a vendor's concerns of password abuse can ensure the user is not cut off from essential resources on the eve of trial and that your relationship with the vendor is preserved.

In the law firm setting, make compliance part of the firm’s technology policy, subject to annual renewal on the part of firm employees. Every employee will be required to sign this policy, which spells out the terms of agreement when using online services.

In the academic setting, create an effective online research guide. Online research guides can explain any electronic database restrictions and instruct patrons on how to access each database. This is particularly important in the academic setting where you may have a variety of patron groups, including law students, faculty, alumni, undergraduate and graduate students, and public patrons. Navigating access depending on whether a patron is on or off campus can be particularly tricky. One useful example is the guide Important Information About Access to Databases, created by Donna Gulnac, director of access and information services at University of California, Los Angeles Hugh and Hazel Darling Law Library. The guide and a link to it can be provided in orientation materials, or it could be provided as part of any legal research session.

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The Long View

Ultimately, the patron is the same whether he or she is a law student or an attorney—it is simply time that differentiates the two groups. Law librarians negotiating electronic database licenses are agreeing to terms based on the behaviors and expectations of a third party, so law librarians must know how their patrons expect to use online databases in order to negotiate licenses with which the library can comply. Dialogue between law firm and academic librarians is one way to develop a more nuanced understanding of patron needs when it comes to online databases.

Law firm librarians should continue honing their negotiation skills, building a relationship with the managing attorney (if any) who will be signing agreements on behalf of the firm, and communicating often with attorneys in the firm to understand their research expectations and needs. Particularly with newer attorneys, it is not a matter of learning which research resources they prefer because they have not necessarily developed preferences for much beyond Westlaw or Lexis after leaving law school. Instead, keeping apprised of the ways academic law libraries are incorporating new technology and ways to access research (e.g., apps) will give you a better sense of the issues that may arise as you negotiate licenses for new forms of content.

Academic law librarians should build relationships with law firm librarians to develop a better understanding of the research realities their law students will face upon graduation. Law students often have the freedom to cut and paste, copy and send, or download and email a vast array of materials from online databases. Once in practice, however, these practices may not be an option. It is not simply a matter of teaching law students good research habits—good research ethics and information practices are essential as well. Framing these lessons in the guise of helping law students develop a professional image and demeanor that may increase chances of employment is one way to get students’ attention.

Myriad resources are available to help you develop your negotiation acumen, and AALL resources, such as the Fair Business Practices Revisions Task Force, Library Procurement Process Improvements Task Force, and Committee on Relations with Information Vendors (CRIV), are updating and continuing to publish invaluable resources to help you build that skill set. At the end of the day, however, understanding your patrons and their research needs is the key to negotiating a license with which you can comply. Stated succinctly in AALL’s Principles for Licensing Electronic Resources, “Library staff should be well informed of the uses critical to the library’s user community.”

Fortunately, within law schools and firms, librarians are often experts at tackling these challenges. Librarians have extensive experience dealing with copyright law, electronic databases, and other complex issues and have developed significant expertise in negotiation. They are also the most knowledgeable about how users want to use the data, how vendors allow the use of the data, and how to facilitate the proper use of the content so compliance is possible. Within their institutions, they most thoroughly understand how the rules work, how attorneys and law students want to use the product, and what vendors need, and they have the savvy to push for the contracting language that will satisfy all parties. According to Orndorff, “No one else is in a better position to vet and negotiate digital licenses for online access.”

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Bringing Augmented Reality to the Academic Law Library

Our experiences with an augmented reality app

By Elizabeth Barnes and Robert M. Brammer

As reference librarians in legal environments, we face a tough crowd when it comes to getting our patrons to engage in new activities. Graduate students and professionals have likely already set many of their research habits long before they ever came through our doors. But, as we all know, there are new databases, books, ideas, and services that we are evaluating and bringing in to our libraries at a breakneck pace. How do we engage our users so they have maximum exposure to the library’s terrific products and services? Many libraries are experimenting with social media as a way to get information out to their users with varying degrees of success.

Even with the most successful social media strategy, there is still a passive nature to the user’s experience—we give information, and they can choose to hear it or not. We wanted to take advantage of changing user approaches to technology (mobile technology in particular) beyond social media, to bring our students into the library and give them a hands-on opportunity to explore the library’s resources while maintaining a sense of fun and novelty that conveys that the library and librarians are neither obsolete nor old fashioned. Enter augmented reality.

Augmented reality is a process by which users mediate and enhance their experiences in the physical world through the lens of a mobile device, such as a smart phone, or a tablet, such as an iPad. A great example of augmented reality is an app called Wikitude. Wikitude allows you to point your phone’s camera at an object—such as the Statue of Liberty, for instance—and Wikitude will recognize that object and provide you with the ability to instantly learn more about the object by leveraging the information available in Wikipedia.

Augmented reality apps are not only for Wikipedia. Apps such as Nokia Lens will recognize that object, and then upload the creation to a Stiktu account. Once the object is uploaded, the user has the option of publishing the creation on Twitter and Facebook or simply leaving it in the virtual environment to be discovered by others. This works because the virtual graffiti is uploaded to Stiktu’s server and is then accessible to other Stiktu app users who scan the same object. What is significant about Stiktu is it allows the device owner to contribute content to the augmented reality environment and not just be a passive observer of content created by others. For example, you could have a virtual bulletin board where people could leave messages and information merely by scanning a designated object.

Here is how libraries can make Stiktu work in practical terms. First, a user must download the app to his or her mobile device and create a free Stiktu account. Next, with the app open on the device, the user scans an object, such as a picture or the spine of a book, or even a 3-D object such as a statue or light post. After scanning, the user is given the option to crop the scanned area. After the picture is set, tabs at the bottom of the screen allow the user to choose the type of virtual graffiti to add to the screen. The options range from stickers and colors to text labels, etc. When an object is scanned and marked up, it will be uploaded to Stiktu, and it will be

At the Stetson University College of Law Dolly and Homer Hand Law Library, we have focused on the possibilities created by a particular app called Stiktu.

Stiktu and the Library

Stiktu is a new augmented reality app for iOS (the iPhone operating system) and Android that allows the user to scan an object, place “virtual graffiti” on that object, and then upload the creation to a Stiktu account. Once the object is uploaded, the user has the option of publishing the creation on Twitter and Facebook or simply leaving it in the virtual environment to be discovered by others. This works because the virtual graffiti is uploaded to Stiktu’s server and is then accessible to other Stiktu app users who scan the same object. What is significant about Stiktu is it allows the device owner to contribute content to the augmented reality environment and not just be a passive observer of content created by others. For example, you could have a virtual bulletin board where people could leave messages and information merely by scanning a designated object.

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associated with the username of the uploader. Stiktu creations can also link to Twitter and Facebook accounts, which will make the creations available via those popular social media sites. The most important thing is that if another person has a Stiktu account and app scans the physical object you have marked up, they will see the “virtual graffiti” you placed on that object.

How We Will Use It
This technology is brand new, so there are no maps for where this may lead us. Our current plan is to use augmented reality as a sort of virtual scavenger hunt that is tied in with a giveaway. The Dolly and Homer Hand Law Library has held drawings for prizes in the past with good results. We generally have given away swag to students who could correctly answer a series of questions concerning the library and its resources. With that experience in mind, the Dolly and Homer Hand Law Library plans to use Stiktu to create scavenger hunts to help publicize our library resources. These scavenger hunts will require students to either download the free app for use on their own mobile devices or to check out an iPad from the circulation desk and find and scan resources that we would like them to discover. After a student has scanned all of the designated resources, he or she will be able to complete the puzzle and enter a monthly drawing for a prize.

There are two possible approaches to the scavenger hunt idea. One is a more educational approach—each instance of virtual graffiti would provide the students with a short blurb that discusses the resource and provides a piece of the puzzle and a clue as to where to find the next resource. The other approach is less focused on trying to use the app to teach students about the resources and more about getting our students to walk through the whole building in order to become more familiar with the different areas of the library. Our library is unique in that it is a three-story stand-alone building that is across the street from our main law school campus. For us, getting students into the building and getting them to utilize the collection on all three floors is a goal in and of itself. We envision a list of spots that have to be scanned, and when students go to each spot, they get a symbol. When combined, those symbols create a symbol sentence that would be the key to entry in the prize drawing. For example: ✄❤️📚 (I love books).

Regardless of which approach is used, the purpose of the contest would be achieved. Our main goals are to get students in the door, to interact with the students, to demonstrate that the library is technologically adept and relevant to our students, to publicize the iPads we have available for in-library use, and to facilitate the broader discovery of our collection.

The Virtual and the Physical
As we were browsing through the various Stiktu uploads, we found to our surprise that other academic law libraries are also coming up with creative uses for Stiktu. Florida State’s Wanda Fragas, the reference services librarian, Jon Lutz, has been cleverly uploading photos of his library stacks and has superimposed virtual dialogue boxes that label the stacks by subject matter. This use for virtual labeling of the physical environment may be more relevant and helpful in the near future than any of us could have imagined even a few years ago. There are several companies, of which Google is at the forefront, that are developing glasses that a user can wear to view the world with the virtual filter of augmented reality. Google Glass (the name of the Google augmented reality project) and other wearable computers will not only change the way our patrons discover our library resources, they will change the way we deliver reference services and the way we conceive of our library.

Right now, there is a dichotomy between electronic and print resources. It is fair to say that for our electronically connected patrons, print resources can seem less discoverable than those in a searchable database. Wearable computers and augmented reality will begin to change this, enhancing the value of our print collection by essentially adding to the physical world the searchability that our patrons find so comforting in the virtual world.

Imagine yourself walking around your library. Where there once were many signs, there are now small, virtual icons. As you glance around the library, you see larger icons that represent call number ranges nearest to you. You also notice smaller, less visible icons that represent the ranges far away from you. If you choose to expand the range, you see the full call number range and subject classifications. This call number range is associated with your electronic catalog, offering you the ability to browse a list of every item that is on the shelf, identify reviews of particular items, and browse which e-resources are associated with that range. If you see an e-resource in that range that is of interest, you don’t need to walk back to your computer or pull out your tablet; just click on it, and you’re there. Simply put, the augmented reality environment promises to bridge the gap between print and electronic resources, merging the two in a way that makes them more discoverable for reference librarians and patrons alike.

Embracing a virtual filter on our physical environment is also the next step in unshackling us from the reference desk, allowing us to wander in and out of the library answering questions wherever an internet (or even a 4G) connection is available. Without the need to carry a bulky tablet. There is also the potential for chat or virtual reference with this technology. Much in the same way that one can remotely take over a computer, it is possible that, in the future, a librarian offsite could wire in, see what a patron is seeing, and help him or her navigate resources. For institutions with large facilities or multiple branches and shrinking budgets, this could be a viable way to reach patrons with fewer people. There are many articles that have been written about the failure of chat and virtual reference to take off in the ways that early adopters had hoped and claimed. This new technology may give librarians another opportunity to figure out how to provide satisfactory help from remote locations.

While this technology portends many benefits for the library user, not everything about augmented reality apps will be beneficial. Augmented reality could essentially be a socially accessible form of invisible ink for the digitally unaware. Even with its current limitations, users will inevitably publish virtual graffiti on objects that say derogatory things about your institution, staff, professors, or fellow students. Worse still, once this technology is capable of easily recognizing persons as objects, one can easily envision the potential for defamation, and if the object to which the virtual graffiti is attached is technologically unsophisticated, they may never even be aware of the labels they carry with them.

This is a limited concern at the moment. As of now, you would have to know where to scan in order to discover virtual graffiti. But soon, with the augment of new technology such as Google Glass, this will not be the case.

Join In
As we have pointed out, there are many upsides and a few downsides to using augmented reality as a way to reach out to library users. Even with the risks that are posed by system abuses, we feel the benefits outweigh the risks at this time. There is potential to abuse any technology, but that does not keep us from reaping its benefits. Apps such as Stiktu are free to use, there is little infrastructure required, and if it does not

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In an article in the summer 2012 issue of Law Library Journal, “Addressing the ‘Emerging Majority’: Racial and Ethnic Diversity in law Librarianship in the Twenty-First Century,” Alyssa Thurston describes in detail the challenges that law libraries face in increasing their internal diversity to mirror the diversity of American society as a whole. In doing so, she points out that law librarians widely acknowledge the need for reaping the benefits (many of which she enumerates in her thorough treatment of the topic) of increasing diversity in the profession and attempts to answer the question of “why, after years of discussion and action, law librarianship is still not more racially and ethnically diverse.”

Thurston discusses half a dozen possible causes for law libraries’ continued struggle with achieving diversity, many of which (i.e., a small pool of qualified candidates and lingering racism within the legal profession) are at least partially out of law librarians’ control as they will also require action from the broader legal and law school/information school communities. However, one underlying cause identified by Thurston demands the attention of our profession if we are serious about increasing diversity: time and budget constraints within AALL.

This is not to say, of course, that AALL has been inattentive to devoting resources to diversity issues. After all, our Association features as one of its finite number of national committees an eight-member Diversity Committee, which, according to its official purpose, “serves to ensure the diversity of AALL membership.” Given, then, the Association’s formalized support for increasing and guaranteeing diversity within the field, the question becomes whether the actions taken are having positive effects or whether the problems faced are too large for a nonprofit organization of limited means to dent without securing further, substantial resources.

To help answer this question, the current members of the Diversity Committee thought AALL members might benefit from a description of the committee’s recent efforts and future plans along with a self-evaluation of our successes, our failures, and the future challenges we face.

The Diversity Symposium at AALL’s Annual Meeting
Along with its broader mandate to act to increase diversity in law libraries, the Diversity Committee assumes responsibility for two specific annual duties, the first of which is to plan and stage a Diversity Symposium at the Annual Meeting. The Diversity Symposium has been held each year since 1996 but has undergone an evolution of sorts in recent years. While it was originally held on days and at times apart from those of other educational programs focusing on a range of topics, from legal issues, such as affirmative action, to practical librarian issues, such as the intersection of technology and diversity in a law library context. Perhaps no recent program better illustrates the value of the symposium’s learning objectives to law librarians than last year’s symposium, Cultural Intelligence: Are You Culturally Competent?

Learning objectives involving techniques to increase diversity are just as valuable as learning objectives involving other aspects of our profession.

The symposium began with an open question to the audience to consider in framing the concept of cultural intelligence: “What’s the difference between individuals and
visit the Cultural Intelligence Center at www.culturalq.com.

Overall, the Diversity Committee feels that the program exemplifies what we envision as the role of the Diversity Symposium. It highlights an issue related to diversity but also provides concrete learning objectives of use to law librarians from multiple professional paths.

The Minority Leadership Development Award

The second regularly occurring duty of the Diversity Committee is selecting the recipient of the annual Minority Leadership Development Award (MLDA). The Association created the MLDA in 1991 to address the dearth of individuals from groups defined by the U.S. government as minorities in positions of leadership in law libraries and in AALL. The award includes travel, lodging, and registration expenses for attendance at the Annual Meeting, as well as pairing the winner with an experienced AALL leader to serve as a mentor and a guaranteed appointment to a national committee. Originally, the Awards Committee selected the recipient of the award; however, about five years ago, AALL’s Executive Board transferred that responsibility to the Diversity Committee.

Ron Wheeler, current Executive Board liaison to the Diversity Committee, served as Diversity Committee chair at the time of the transfer. According to Wheeler, “Many of the people who won the award got their first appointment to a committee to the Diversity Committee itself. They as a group self-selected as being concerned with diversity and were aware of the effects of the award on the careers of minority librarians. In contrast, people serving on the Awards Committee may or may not be interested in diversity goals as a primary focus, so it just made sense that the Diversity Committee should select the recipient.” Indeed, the Diversity Committee is uniquely situated not only to gauge the merits of applicants but to assess the diversity needs of the Association at the same time.

In recent years, the Diversity Committee, in addition to selecting a
A past Diversity Symposium

The MLDA's application deadline is being moved up to March 1, in line with AALL's other awards, so that we will benefit from "awards season" buzz. The Diversity Committee has also identified conducting a more far-reaching publicity campaign for the MLDA as a pressing need and will endeavor to act accordingly.

As a program, the MLDA can be viewed largely as a success on a micro level and as somewhat of a success on a macro level. On the micro level, 11 individuals have received the award and so directly benefited from it. Of those recipients, five continued to be involved at the national level in positions of leadership within AALL beyond their initial appointment. (And, of course, it is too early to say for the most recent recipients.) Therefore, AALL has benefited from their perspectives at the macro level, as well. However, members of the Diversity Committee feel that some talented individuals of diverse backgrounds may be slipping through the cracks; thus, there is room for improvement. The challenge remains, therefore, to increase the number of applicants for the award. Assuming application rates rise, another challenge will be finding ways to keep talented individuals who may not win the award, as well as the award recipients, involved at the national level.

Freestyle Activities of the Diversity Committee

In addition to the annually occurring actions described, the Diversity Committee periodically undertakes other activities with the goal of increasing both diversity itself and awareness of diversity issues within AALL. For instance, in the past, actions to increase diversity have met with any success.

Potential future actions that have been raised in the Diversity Committee's internal discussions include coordinating with the Recruitment to Law Librarianship Committee to target undergraduate colleges with traditionally high rates of minority students, as much of the difficulty with recruitment derives from the fact that graduate programs in library and information science remain largely Anglo (as they say in Texas to refer to native English-speaking Caucasians). We have also talked about ways in which we can expand the concept of diversity beyond racial and ethnic diversity, though traditionally that is the area with which our profession has struggled the most.

Successes, Failures, and Challenges

Increasing diversity within the law librarian profession with limited resources remains a daunting challenge, yet we, as librarians, should be accustomed to succeeding in underfunded endeavors. Indeed, the successes of the Diversity Committee rely primarily on either spreading information via relatively low-cost means, such as through the annual Diversity Symposium (the cost of the symposium is usually offset by the generosity and sponsorship of commercial vendors), or on our natural librarian tendencies toward inclusiveness and aiding others, such as through the MLDA program. While these two programs are necessarily limited in scope, the challenge for our profession should be to expand the use of these same librarian skills to be better able to ameliorate some of the underlying causes of the relative lack of diversity within law libraries, despite the lack of financial resources at AALL's disposal. Though such actions promise to be lengthy campaigns, the Diversity Committee remains committed to achieving the worthy goal of ensuring that we happy few, we law librarians, include in our band of brothers and sisters the diversity of backgrounds and viewpoints that will allow us to thrive.

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Unleashing the Leader in You

Our AALL Leadership Academy experience

By Margaret (Meg) Butler and Trina Holloway

Have you ever wondered whether you have what it takes to be a good, great, or even effective leader? Do you believe the saying “leaders are born, not made”? I am sure if you were to survey your colleagues, you would find several different definitions of what a leader is and descriptions of what it takes to be a great leader. During the weekend of October 28, 2011, 33 AALL members tested the premise by participating in AALL’s Leadership Academy at the Hyatt Lodge at McDonald’s Campus in Oak Brook, Illinois. The academy’s theme was “Unleash Your Inner Leader.”

Participating in the Academy

To support the development of leaders in the profession in fulfillment of the AALL Strategic Directions, the AALL Leadership Development Committee plans the biannual Leadership Academy and related follow-up mentoring. To participate in the 2011 academy, applicants submitted a statement of interest, including a description of how the experience would benefit the participant. Applicants also were required to submit two professional recommendations.

A selection subcommittee from the Leadership Development Committee decided whom to invite based on the applicants’ record of service in professional organizations, the workplace, or the community. The selection committee specifically invited librarians from a variety of law libraries to attend the 2011 training—librarians were from academic institutions, private law firms, and court and county law libraries. The academy will be offered again in spring 2014.

Getting Started

Gail Johnson and Pam Parr, the 2011 academy faculty, presented and encouraged the academy participants to actively join in the discussion. Johnson and Parr are familiar with issues that often arise in libraries, having conducted regular programs at American Library Association and Public Library Association events. Parr also shared a number of anecdotes about her experiences managing businesses and governmental units—many of which were generalizable to library settings.
To get to know the participants, Parr and Johnson guided the group through a few ice-breaker exercises. For one, they divided everybody into two groups and then asked people to line up, without speaking, in order of the number of pairs of jeans they owned. This silly task inspired people to think creatively about communication while also encouraging a little friendly competition. Describing the activities throughout the training, C.J. Pipins, reference librarian at Florida Coastal School of Law Library and Technology Center, says, “The activities didn’t get stale—they were things I had never done before. I really enjoyed the presenters and their experiences.”

The Curriculum
The training began with a discussion of leadership models, myths, and facts. Hearing the views and perspectives of our colleagues was enlightening. One lively discussion focused on the definition and misconceptions of leadership. Some misconceptions we addressed were: you need to be in a managerial position to be a leader; leadership and management are separate functions; leaders need followers; and there is a menu of traits for leaders. Our facilitators, Johnson and Parr, summed the discussion up with the following definition: “Leaders are people with influence who engage their brains and love what they do.”

One key aspect of leadership that we spent some time on was communication. Before the Leadership Academy, each participant was asked to have three to four of their friends, family, or co-workers complete a brief communication styles assessment and anonymously return it to the Leadership Academy faculty. The assessment consisted of questions about facial expressions, body language, and ways that we interact, to name a few. Each academy participant completed the assessment as well. Johnson and Parr charted the communication style assessments for each participant, and individuals’ external and self-assessments were the basis of the communications training aspects of the academy. Description and evaluation of the communication styles and how they affect work relationships was an important part of the training.

It wasn’t surprising to find most participants had a different communication style outside of the office; however, many were surprised to find how they were perceived by others. Some saw themselves differently from what others’ views were. It was interesting to learn how participants’ communication styles come across to others. The facilitators noted that this doesn’t mean you have to change your style; it just explains why sometimes you get a different reaction than expected. Also, Johnson and Parr discussed their own communication styles and how they conflict, modeling ways that success can be found across communication styles.

The academy program offered people the opportunity to participate in other exercises that addressed leadership within the participants’ own institutions and the profession. Some exercises focused on typical work experiences, such as meetings, and how personalities affect participation, while others focused more directly on communication. Culminating activities encouraged participants to identify how communication styles affect working relationships and also identify the variety of values underlying each participant’s work ethos.

Takeaways
We often ponder, “Can I afford to be away from the office for another conference or workshop? Will I learn something that will be beneficial to me and my organization (library, firm, courts, etc.) as a whole?”

Academy participants found the experience helpful in many ways. Christine Hepler, interim director at the University of Maine School of Law Library, notes that she has “certainly become more assertive, more confident in her skills,” and she attributes that to the academy. In addition to the value of the training itself, she notes, “It is a great confidence boost to read what others have to say about your skills and abilities.”

Pipins describes a second benefit of the academy: “It has helped me create a much richer network of colleagues in the profession that I know share many of my aspirations and goals. I feel much more comfortable with this group of people than I ever would have before the Leadership Academy.”

Participant Jenny Wondracek, head of research and faculty services at the Lawton Chiles Legal Information Center at the Fredric G. Levin College of Law of the University of Florida, was particularly affected by the academy’s lessons about communication. Her participation in the academy “makes me stop and think about how I am communicating with other people, especially my coworkers. I have evaluated how they need to be spoken to and the kinds of feedback that they need to function at their best levels. I am not always successful, but I have seen some improvement in my relations with some of my coworkers.”

Because the communication training has helped Wondracek in her job, she recommended that a similar workshop be held at her own library.

“I learned far more from my mentee, Trina Holloway, than I expect she learned from me. Listening to her responses to questions about the readings and having eneral discussions about law librarianship and her job gave me a different perspective. She is professional and observant. Talking with her about her job was refreshing; it lightened up my approach to management and leadership. The program itself made me mindful of what I need to do in terms of goal setting, communicating, and interaction in my work environments. We are no longer one-size-fits-all institutions. Sharing successes and challenges with someone outside my four walls gave me an opportunity to think differently about what I do, the importance of my work and profession. I know that I am a better librarian, manager, and colleague because of the experience I have in the Leadership Academy Mentoring Program.”~Joyce McCray Pearson
“One of the most valuable aspects of the academy is that I had two days to really reflect on my own communication style, especially as it relates to my own perceptions matched against that of others,” explains Lisa Junghahn, research librarian and business and corporate law specialist at Harvard Law School Library. She notes that the academy particularly helped her learn how to engage in nonjudgmental communication. “For example, I think I tend to read people as being annoyed when they are likely just preoccupied. The main thing is that no matter what we are thinking or feeling, we are patient with ourselves and with others and try to balance our own styles with those of others.”

Like Wondracek, we found the workshop beneficial and wanted to share it with our colleagues, so we held a retreat for our librarians and emulated several of the exercises. We took the communication style assessment and discussed how we could mesh our styles to improve workflows and productivity. We also took time to consider our goals for growth and development in both personal and professional contexts. We planned and executed a hands-on communication activity during our retreat, too. Small groups of librarians were asked to provide written instructions for making a peanut butter sandwich. We then followed the instructions and made a sandwich, demonstrating the importance of articulating every step in a process, as well as never assuming the person receiving instructions knows all the steps involved.

Follow-Up Mentoring
One of the advantages of being selected for the academy is that the mentor assigned to each participant. The Leadership Development Committee matches the participants with seasoned members of the profession. Mentors and mentees are instructed to communicate at least monthly to discuss assigned readings and report back on conversations to the whole group. In our experience, the readings established a starting ground for conversations, but the conversations were often organic and grew from there.

McCray Pearson noted that her participation in the program has changed how she functions in her library. “The conversations I had with my mentee made me realize that you cannot communicate with co-workers and staff too much. It is probably better to err on the side of over-communicating rather than to avoid discussing touchy topics and issues. In fact, ‘over-communicating’ may not exist. Good communication is the key to good management.”

Academy participant Hepler also had an excellent mentor experience. Her mentor has been a sounding board and “has offered excellent advice in order to help me focus on double goals to advance my position in my institution.”

Every mentor/mentee relationship is going to be different, but finding the time to connect is the key to making it work. During the 2012 AALL Annual Meeting in Boston, mentors and mentees had an opportunity to meet in person during the Leadership and Mentoring Reception. Not only did mentors and mentees get to meet face to face at the reception, some for the first time, but also the mingling at the reception further developed the professional networks established at the academy.

Release Your Inner Leader
The whole Leadership Academy weekend was not about group discussions and pondering serious questions or work-related situations. The beautiful and wooded retreat location allowed participants to build relationships with each other while also learning more about themselves. Though each Leadership Academy class may have different experiences during the training, the communication and related skills are valuable for any member of the profession. If you are interested in releasing your inner leader, consider attending the next Leadership Academy.

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Survey Savvy

The truth about benchmarking

By Christine Stouffer and Umit Ertin

Do you benchmark? Yes, you. The answer is likely, “Maybe I do.” You may decide that it is better to take public transportation to work, or you may think that your child should be reading at a higher grade level. Consciously or not, we all make decisions based on comparative information. Now, does your organization benchmark? That answer is resoundingly clear: You bet it does. Benchmarking, or comparing one’s business model, decisions, budget, staffing, and profits against similar organizations, is a common practice. It can be as simple as talking to one’s counterpart at another firm or as sophisticated as using a detailed survey compiled and published by an independent or commercial entity. The fact is we are all being compared with similar organizations when it comes to our work, our staffing, our compensation, and other factors. Surveys have become ever more popular in law firm libraries, so let’s take a look at what law librarians need to know about the increasingly ubiquitous law library benchmarking survey.

Background on Surveys

Benchmarking surveys have been around for some time, dating back to the first polling and market research studies. In business they are used in a variety of ways, from casually informing the heads of organizations on industry trends all the way to controlling the decisions an organization makes. At a minimum, surveys influence business decisions on some level. They often are viewed as essential to maintaining market position.

However, since the perfect storm of financial crises has created a “new normal” in law firms, the use of benchmarking surveys seems to have exploded. Management is increasingly concerned that its organization stay on track with its peers. Law firms now have access to survey results covering everything from profits per partner and turnover in client relationships all the way to cost recovery and staffing per lawyer.

This is a worthwhile practice. It can aid in setting boundaries for spending in areas of the firm that might spiral out of control if not checked. It also is invaluable when looking at pricing for legal services, the billable hour, and other engagements. In making compensation determinations, it is critical for the firm to have comparative data to guard against a tendency of insularity within the firm. In sum, benchmarking keeps things in line with trends in the overall profession, the global economy, and one’s clients and peers.

Although there are numerous surveys for law firm libraries, the Price Waterhouse Coopers (PWC) survey has become popular with some firms. Citibank also produces a similar survey, as does American Lawyer Media (ALM). This analysis will focus on the law library section of the PWC and ALM law firm surveys.

ALM

ALM has been surveying aspects of the legal profession for several years. It focuses its work on the law firm industry, and it regularly produces surveys on a comprehensive array of activities within law firms. Below are some advantages and disadvantages that we have observed in this survey.

Advantages
• Annual survey
• Specializes in the legal industry
• Meaningful categories for libraries, including Staffing, Compensation, Librarians’ Role, Finances, Resources, and Operations
• Uses familiar “ALM 200” ranking as base for survey

Disadvantages
1. Which firms are responding?

In 2012, 40 percent of the ALM 200 responded to the survey. This is a high enough rate to make the results significant, but if the same firms do not respond every year, this could cause the figures to erroneously fluctuate from year to year. Yet many CEOs might take these figures at face value, drawing the conclusion that meaningful practice changes have occurred.

To illustrate the point that different respondents may affect the trending reliability of the results, see Figure 1, which shows the survey responses from the past three years to the question “How many librarians does the library employ firm-wide?”

Rather than showing a trend, this peak-and-trough result seems to show a bias introduced by the fact that different firms have responded to the survey in one or all of the years. A 10-year range would be more useful, even allowing for different firms responding to the survey.

2. Size of responding firms

Another problem relating to the identity of the responding firms is that of ascertaining size. The most important benchmark figure of, “How many lawyers are in your firm?” is missing from the 2012 report. How can a law firm determine whether its staffing and finances are in line with others of similar size without this information? The 2012 ALM library survey is troublingly spotty in this important area. Although the ALM ranking of each responding firm is listed, one would have to consult yet another survey to interpret the library survey results, which we find unlikely to occur as it would require significant...
3. Blank answers to survey questions

In the 2012 ALM survey, there are a total of 54 distinct questions. Each question has five columns for data, with each column representing a consecutive year. This totals 270 possible points of data (54 questions x five years). Of these 270 possible points of data in the 2012 ALM survey, only 136 are filled out; the other half are blank. Although it may be true that the questions asked in the survey change from year to year, which indicates one of the weaknesses of the survey as a trend indicator, even for questions that are asked every year, not all columns are filled or are filled haphazardly.

Trending information would require a minimum of the two most recent years’ data, and even this is available in only two-thirds of the questions. It is even more noticeable that availability of consecutive information is unreliable. Further, an unfortunate result of this presentation is that category to dollars and cents. The PWC survey compares nearly every activity in a law firm to “cost per lawyer.” Below are some major pluses and minuses that we observed in the 2012 survey.

Advantages

- Annual survey
- Covers many areas of interest to a law firm, including “per lawyer,” “per timekeeper,” “percent of gross fees,” “per chargeable hour,” etc.
- Measures firm against appropriate average size of firm

Disadvantages

1. Ranking inequities

The first problem that attracted our attention was that the response rate by firms fluctuated widely, from less than 75 percent, as noted, to 75-100 percent for individual questions. This affects the rankings by question because the fewer responses in a particular category will necessarily raise one’s overall ranking in that category. Since most managers desire lower rankings in this survey, a higher ranking, possibly based on insufficient data, is unreliable. When analyzing the individual figures, it becomes clear that the ranking figure, which we think firms will look at first, can be artificially inflated due to the less than total number of firms responding to each question. As an example: if 40 firms are in the total sample group but only 20 respond to a particular question, a firm could be ranked eight out of 40 (in the top range) for that question, when in reality, they are eight out of 20 (in the middle range). Note: Actual PWC figures do not indicate that they are adjusted for this variable factor.

This kind of faulty data presentation would definitely introduce an upward bias to rankings; on average, departments would look higher than they should be in rankings. And you can guess what sort of influence this would have on your firm’s management.

2. Distribution of firm department rankings

When we look at an example of a firm’s departmental results for the current year, different departments of the firm rank so differently, ranging from first (costliest) to 38th (least costly). This divergence casts suspicion on these results and forces one to address a number of issues:

- Our numbers may be correct to the question, but how can we be sure other firms’ figures correspond to our interpretation? Perhaps other firms allocate their “library” costs among departments differently than we do. This would result in skewed rankings among the firm’s departments.
- Perhaps a single person within the firm, possibly in finance, is filling out the survey and responds to the questions differently than the head of each department would.
- Since different people in different departments may be responding to questions from year to year, the interpretation of a specific question is called into question, making the analysis difficult.
- The same problem noted in the first section above, response rate per question, can also adversely affect a single year’s ranking.

The graph in Figure 3 shows how dispersed an actual firm’s rankings are in terms of staff costs per lawyer. You will see that it is literally all over the map. It seems unlikely that this type of distribution is reliable. Further, an unfortunate result of this presentation is potential finger pointing within the firm over grossly disparate departmental rankings.

3. “Cost per lawyer” or “percent of revenue” as ultimate measure

PWC reduces most categories and rankings to “cost per lawyer” or “percent of revenue.” Although attractive to management, this analysis is insufficient and overly broad in actual practice. There are several factors to consider when assessing staffing. For example, does the library support firm departments, many nonbillable, in
Fortune 500-type law firm surveys still rely on reputation and peerless status on the surveys. Ironically, firms that value their placement on the various types of benchmarking is a firm's competitive advantage. Problems with Surveys

A salient point to consider about benchmarking is a firm's competitive placement on the various types of surveys. Ironically, firms that value their reputation and peerless status on the Fortune 500-type law firm surveys still prefer to be ranked lower among their peers in expenses and staffing on other assessments, such as the law library survey. We think that this paradox can fittingly be interpreted as a form of relativism, or deliberately applying different standards to justify desired conclusions. Thus, a low ranking in overall operations on law library surveys is considered both acceptable and a sign of good management despite the firm's competing desire to be ranked highly on performance and client satisfaction surveys. The top client ratings and financial standings attained by highly performing firms are undoubtedly linked to spending and resources, both human and otherwise. Savvy librarians can expose this disparity when evaluating their firm's possible "too-high" placement on the law library survey. One way is to compare the firm's ranking on several different types of surveys and correlate the results.

Since law firms do rely so heavily on surveys, it is advisable for librarians to properly minimize its traditional position as cost overhead. This can be shown through overall return on investment, a more weighty measure than the library's direct billable-hour potential. Problems with Surveys

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may have a client-service initiative, a
growth-strategy initiative, or a focus
on specific industries or professions to
enhance their practice. Although these
initiatives usually require support by the
library, this is not captured by the
survey.

Is quality of library work
measured—or merely quantity?
Number of queries alone does not
convey the qualitative aspect of the
work performed by library staff, while
number of minutes or hours does.
Whereas an IS help desk may field
thousands of similar questions that are
answered in a short time, a librarian
may handle fewer questions of greater
depth that require longer to resolve.
In fact, PWC does not describe the type of
work being done by library/research
departments at all. While the same
holds true for other departments,
it should be remembered that this
limitation also prevents effective
comparison among departments within
the organization. Comparing the work
of the IS help desk, the word processing
help desk, the accounting help desk,
and the library research help desk is a
good example of the problems in using
a simple ratio of “department staff to
attorney count.”

Using Benchmarking
Surveys Effectively
Despite the flaws described herein,
benchmarking surveys are here to stay.
While we would prefer to design the
perfect survey to demonstrate the
library’s worth, that may not happen.
So the question remains: how to use
the information in surveys to the
organization. Comparing the work
of the IS help desk, the word processing
help desk, the accounting help desk,
and the library research help desk is a
good example of the problems in using
a simple ratio of “department staff to
attorney count.”

**Practice areas:** Have statistics
showing the time spent on litigation
research, corporate research, criminal
law research, and so on. Dividing that
figure, in minutes, into a 40-hour week
can shed light on the staffing questions.
This is infinitely more important than a
“query” number, which can create an
artificially inflated number that can be
interpreted as a high staff ratio for
the number of queries received.

management understands the time
spent on queries in the library, it goes a
long way to explain staffing roles and
decisions within the library. Further,
“staff per practice group” might well be
a better assessment of benchmarking
your firm on a survey.

**Ranges of numbers:** Relying on
a single statistic—for example, being
ranked 5th out of 35 libraries in
staffing—is precariously narrow. Explain
to management that it is more prudent
to consider a range of numbers in a
variety of categories—for example,
practice groups supported and print
versus electronic expenses—to
determine whether you are well
positioned within a comparable legal
market.

**Firm initiatives:** Customer service
or client service goals carry a lot of
importance for members of the firm,
including the library’s staff. If a firm
espouses a pledge that each client
deserves top-notch service, doing just
the minimum would not suffice. This
translates into somewhat higher staff
numbers as a consequence of striving
to realize such lofty firm goals.

**The new normal:** In law firms,
this means increased competition for
clients, alternative fee arrangements,
and legal project management. In that
environment, pushing work to the most
economical and skilled employees will
be mandatory. Higher staffing levels for
skilled nonlawyers will naturally result
from this type of legal practice shift.

**User satisfaction:** Patron
satisfaction ranking is perhaps the holy
grail of benchmarking, yet this is not
measured in most law firm library
surveys. Proof of whether a firm is
performing at a level that conforms to
the firm’s financial or client satisfaction
goals can be best obtained by surveying
the actual firm members. If the firm is
turning its desired “profits per partner”
at the end of the year, the services of the
library likely contribute positively to
that result, theoretically justifying many
of the survey’s rankings. Why kill the
goose that is laying the golden egg?

**Conclusion**
Surveys are a necessary evil.
Benchmarking is used everywhere—in
education, industry, corporate America,
and the legal profession. Although
surveys open an important objective
window to the profession, the rigid
acceptance of a survey’s rankings can be
foolhardy and eventually lead law firm
libraries in a race to the bottom as firms
overthink their “too high” rankings.
However, questionable numbers that
arise from a survey can be challenged
in a constructive fashion, thereby
saving the positive aspects of the
benchmarking process. The over-
reliance on a single number is
misguided and a lazy way to analyze a
department. True analysis requires
digging deeper, looking at all the facets
of a law firm (practice areas, firm size,
initiatives, community involvement,
pro-bono activity, etc.), and then using
a logical combination of numbers and
details to measure staffing, spending,
and compensation. Consulting several
surveys is also desirable instead of
relying on a single one.

Somewhere in between the survey
rankings and your analysis lies a realistic
benchmark that is both tolerable and
informative. It is the librarian’s
responsibility to become survey-literate
and tell management the truth about
those benchmarking figures.

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The Internet: Academic Foe or Friend

Google and federated searches may point the way forward for branding law libraries

By Dana Neacsu, Ph.D.

Many people who regularly look to the internet for answers to their questions are disappointed by the potentially confusing array of information they find there, not to mention its uncertain reliability. Many others, as I point out here, often ignore the internet altogether. For me, as an academic law librarian, this is potentially good news.
It means that people continue to want my professional help and that libraries may have a future despite so much talk to the contrary. It is only potentially good news, however, because the internet and the digitization process it engenders have added new layers of complexity to the “ask the experts” approach. The internet is shaping how we perform our jobs, how patrons see us, and how stakeholders decide our budgets. But the internet does not imply the demise of knowledge. To the contrary, it welcomes professional expertise and leadership as much as it rebukes timidity or lack of leadership.

To start, I would like to emphasize that users go to the internet to find answers when there are no other, easier ways to seek them. For instance, in Adam Davidson’s article, “Making Choices in the Age of Information Overload,” published in The New York Times on May 15, 2012, he notes that people continue to make decisions based on minimal information from trusted sources (friends or experts) rather than on internet searches. This minimal information approach, Davidson continues, works for both the avid and accidental internet searcher. People rely on what I call emotional cues, which are shortcuts pregnant with meaning because they come with embedded consumer trust in the product they represent, whether food for the body or food for thought.

Companies employ such shortcuts to convey perceived consumer strength. Economists call it “signaling.” The public calls it branding, or market identity, and it helps people choose everything from baby formula to, as argued here, research services when there are no other, easier ways to seek them. For instance, in Adam Davidson’s article, “Making Choices in the Age of Information Overload,” published in The New York Times on May 15, 2012, he notes that people continue to make decisions based on minimal information from trusted sources (friends or experts) rather than on internet searches. This minimal information approach, Davidson continues, works for both the avid and accidental internet searcher. People rely on what I call emotional cues, which are shortcuts pregnant with meaning because they come with embedded consumer trust in the product they represent, whether food for the body or food for thought.

Law Library Signaling
So what emotional cues should libraries use to remain the most trusted and easiest to use academic source-finder? We do not sell specific commodities but impart specialized knowledge. In other words, what should our dynamic strategy be to signal quality research services when so much information is accessible through the internet 24/7? If you answered, “Let’s replace Bob Hope as the library spokesperson with someone younger or just alive,” then you are correct for at least two reasons.

First, the internet, the cradle of free information, is rather disorganized, and any mechanism to make sense of it is welcome. The internet has the potential to equalize our intellectual abilities: we all have equal access to information. But the vaster it becomes, the more obvious it appears that web surfing requires expertise and emotional cues. Second, the internet’s massive index, Google, the best mechanism yet to organize the internet, is not sufficiently sophisticated for searches that do not include simple terms, such as “where is the nearest Greek diner?” That’s why library leadership becomes so crucial in explaining to both patrons and stakeholders what librarianship means today.

Learning from Google
Google has the right approach, and we can all learn from it. Knowledge needs to be organized, categorized, and labeled in a way that makes it easily accessible. Academic knowledge, scholarly work—at least in its Western version—builds on existing well-indexed and accessible work. To research it, then, the fastest way is by using indexes, which offer controlled searches incorporating topics deemed relevant for a scholarly area.

Library catalogs are basic indexes. To the extent they only index a library’s book holdings, their usefulness is limited to that library’s collection. Until the digitization revolution, the library’s collection represented the academic emotional cue one sought. Today, when so much information is digitally available and the internet has given all of us a taste of transparency, an index search limited to one academic library’s holdings has become inadequate. To exude expertise and credible knowledge shortcuts, today’s index searches need to connect collections and make accessible library content that goes beyond the mere title, author, and keyword field. Today’s research expertise has to impress internet users for whom Google searches are deficient.

The emotional value of a research index in the Harvard Library System is uncontestable. However, because the index is too limited, it becomes a mere list of titles, and without connections to other library holdings, it loses much of its emotional cue. Perhaps due to this limited approach, the portal to the best academic library in the country has been hidden beyond the more generic concepts of “Resources and Offices” (www.harvard.edu/resources-offices). At that level, the library is one of many administrative offices, not the forefront of academic research.

Certainly, the holdings of the Harvard libraries are among the most sought-after academic resources, but they need to become accessible if they want to remain valuable. For example, as a Harvard student in the 1990s, I sampled a minuscule part of the Widener Library manuscript collection only to be amazed at its depth and diversity. Finding some Latin manuscripts of 12th century ecclesiastic court decisions was undeniably difficult at the time. Perhaps in the near future the index can refer to digitized holdings so that a mere keyword search brings up the full text of this rich collection.

Learning from Federated Searches
The newest indexes, which use behind-the-scenes search engines incorporating advanced “federated searches,” such as CLIO Beta at Columbia University (clioBeta.columbia.edu) or Morris at Yale Law School (morris.law.yale.edu), deliver the academic expertise Google does not and Harvard’s library indexes fail to deliver. Certainly, federated search engines remain a work in progress. But they signal a trend toward openness and a library’s desire to incorporate technology, which is easily feasible with the newest scanning technology.

Libraries have always been at the forefront of scholarship production. Today they need to step up their PR work. These are dynamic times. What constitutes a good strategy today may become obsolete within months. A librarian’s research expertise remains as needed as ever, but digitization and especially the misperception of the limitless Google are raising patrons’ and stakeholders’ expectations. Butchering library collection budgets makes sense to the extent that more and more academic journals are freely available on the internet through open source journals, which many librarians (such as Duke’s and Yale’s) have long pioneered as the main place for scholarly publications.

But butchering budgets for technical and professional development does not make academic sense in the long run. As librarians, we still have some time to take the lead because researchers still rely on our emotional cues to find scholarship. Those cues now are embedded in federated search engines and in librarians with even more qualifications and abilities to multitask and adapt to new technologies while incorporating increasing levels of substantive knowledge. Of course, without visionary library leadership, little can be achieved.
Creating Shelf Space
Is it time for a reference collection overhaul?

By Carissa Vogel

As with so many projects in the law library, our reference collection review grew out of an immediate need. Elzbieta Mopkrzycki, a stacks assistant, came to me in mid-March with the concern that shelving in the reference office was becoming difficult and time-consuming. I started to look at removing some items on my own and then had what I can only describe as an epiphany. What if the reference librarians could do a thorough review of the books in our reference collection and decide what was really useful in our work?

The reference collection is housed in the reference office, a separate space removed from the rest of the library stacks. At the time we started the review, this collection occupied 225 linear feet with less than three linear feet of open shelf space. While previous ad hoc approaches to create more shelf space satisfied immediate needs, they did not address a number of important issues. First, since these types of reviews were random, some items on hard-to-reach shelving would always be overlooked. Second, because of our reference rotation system and commitment to hiring and training entry-level reference librarians, it is rare to have even one reference librarian with more than six years of reference experience. A random determination of what is or is not useful by, generally, the most senior librarian in the reference department would not take into account the needs of other librarians. Third, in the previous reviews, no one directly addressed the larger philosophical question of what should be in the reference collection. It was time for a reference collection overhaul.

Planning
After I shared my revelation with my colleagues and got them behind the project, I spent some time working on logistics. First, I determined a timeline. Due to summer staffing levels and scheduled projects, we had to have the review completed by mid-May. Second, I decided that we needed to do a two-step review of each book in the collection. The initial review of a book would be done by one librarian. Then, all the reference librarians would meet as a group to discuss each item and determine where it should go. As soon as I made that decision, I met with Jody Armstrong, our associate director, to discuss the kinds of evaluation questions we should go through when reviewing each book. We came up with this list:

• Is there a newer edition available?
• Is there any additional information in the staff view of the law library catalog?
• Do you recommend keeping the book in the reference collection? Why or why not?

I thought a database would be the best way to organize our review because it could be a record of the decisions we made and the information we found.

The Process
After generating the plan, I met with the reference department. Patrick Flanagan, one of our reference librarians, volunteered to create a database with all the books from our reference collection (about 730 items) and the list of criteria we were evaluating. I asked each reference librarian to evaluate 10 items per day. At that rate, we would complete the preliminary review in less than three weeks and have just over a month for weekly group meetings. On average, we eventually reviewed just over 10 books per hour.

By the last week of April we were ready to start our group review. After our first meeting, my optimism was fraying. We met for an hour and a half and only reviewed 30 books! However, the Pollyanna in me pointed out, we had agreed on the parameters that would set up our future productive, informative meetings. We began by looking at the sets that took up more than a few feet of shelf space. Initially, we were divided as to the usefulness of keeping a complete set of McKinney’s Consolidated Laws of New York Annotated and the USCA Two librarians felt strongly about keeping both sets in the reference office in order to answer ready reference questions.

Interested in taking on a similar project? I suggest you keep in mind the following:

• Have a clear plan and set of expectations. This is important when you have multiple people working on a project that might not see or talk to each other every day.
• Understand how your project might impact another part of the library. The more the work overlaps, the more you need to talk to other stakeholders.
• Give everyone an assignment during the group meeting. We had one person getting books from the shelf, another person making notes in the database about our discussion and decisions, and a third filling out instructions for stacks and cataloging.
• Set a reasonable but limited timeline. If this project had taken more than two months, we would have gotten distracted and might not have finished. Make sure this timeline does not overlap extended staff outages or another busy time of the year.
• Be a positive, flexible and focused leader. The unexpected will happen. Stay upbeat. Know when to reassess expectations and when to keep pushing.
We agreed to keep both sets of statutes in place, even though it meant committing to a large percentage of available shelf space. With this decision, we had created a new guideline for the review: if one person felt strongly about keeping an item in the reference collection, it stayed.

Additionally, during that first meeting, we discussed the philosophy we had about what did and did not belong in our reference collection. Some librarians strongly felt that the collection should include only the most updated, ready reference books. Others thought that, due to the limited number of years of experience most of our reference librarians had, the reference collection had to be both ready reference and a resource to help librarians complete their reference and faculty liaison work. We decided to lean more toward the latter position than the former. This decision helped direct our discussions and lead to some helpful, often amusing anecdotes about previous reference exchanges made easier by knowing and using books in the reference office.

In later meetings, our philosophical debate expanded to include a very specific question about dated information and keeping books that were no longer updated at all or no longer updated in print. Several librarians thought that an item that was no longer updated in print should be removed from our reference office and sent offsite. Others thought the use of an item in paper was so helpful that it should be kept and identified as “no longer updated” with a sticker on the spine. We did not create a bright-line rule. If a source was known by name to everyone, we felt comfortable removing the item and having a note made in the catalog record about the updates being available online. However, if an item was not widely known yet was incredibly useful, we had stickers made for the spines. The system is not perfect, but the sticker-on-a-spine setup has already helped me in reference exchanges, which is a pretty excellent test for the system’s usefulness.

Success and Satisfaction
The reference librarians and Armstrong had met for a total of 13.5 hours by the time our review was complete on May 11. An unexpected outcome from the time we spent working together in the reference office was the sense, expressed to me by most of the participants, that we were a cohesive unit. Getting everyone together and talking about what we loved or found useful about different books, exchanging stories about reference books that helped us show off our magical librarian powers to patrons, and learning from Armstrong about some of the best books ever written was a perfect team-building exercise.

A few days after the reference librarians and Armstrong completed the review, I met with members of the Technical Services Department to discuss the space planning. Because of our space constraints, we could not, as we hoped, get everything in call number order. As Mary Burgos, our head of technical services, pointed out, “We do not want to shift everything every year to make room for growing sets.” We decided we should group items into sets that might be able to leave the reference office in the next five years. Involving Technical Services in the project and getting their input ensured that everything went smoothly and helped maintain goodwill between the departments. Additionally, the stacks unit was grateful that we were making it easier for them to work in the reference office and that we were considering their needs and workflow when designing the project’s timeline.

The reference collection is now tidy, spacious, and workable. From start to finish, the experience has been immensely satisfying. It was a wonderful revelation.

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To place your order or for more information, please visit www.oup.com/us or call our library sales team on 919-677-1303.
Q: My boss just had a conversation with me about the exact type of behavior your last column addressed: using a smart phone during meetings. However, she brushed it off as another generational difference. Then she commented that the millennial generation doesn’t know how to communicate face-to-face, so she expects us to be rudely attached to our devices at all times. I’m outraged, because I take my smart phone into meetings for multiple reasons: 1) to check the time so that I stay on schedule, 2) to look up information as questions arise, and 3) to check my schedule if future meetings need to be arranged. How do I bring this issue back to my boss so that she doesn’t see me as immature and rude?

A: I agree that you need to address this issue with your supervisor. She not only seems to have made broad assumptions, but she also seems unwilling to investigate other viewpoints. That sort of rigidity could thwart the healthy conflict of communication that often leads to creative ideas and solutions. I think this goes beyond merely dealing with multiple generations in the workplace. I’ve asked my friend and former co-worker, Liz McCurry Johnson, for guidance. Liz is the chairperson of AALL’s Gen X/Gen Y Caucus, as well as a reference librarian at Wake Forest University in Winston-Salem, North Carolina.

Liz says: “As with anything in life, you have choices. You could stay mad at your boss and continue to take your smart phone into meetings. But by ignoring the situation, you run the risk of creating a bigger rift between yourself and your boss. And it doesn’t allow you any personal growth opportunities.”

“Another option is that you could merely stop taking your smart phone into meetings. Changing your behavior here may have some effect on your boss’s perspective, meaning she may believe that her message was effectively communicated, but on the flip side, you force yourself to figure out alternative methods of organization that you previously relied on your smart phone for, such as scheduling and timekeeping. Additionally, I don’t generally recommend avoiding conflict situations like these because they tend to breed frustration and more tension between colleagues.

“The choice that I would recommend would be one that opens up a conversation rather than sticking to discrete changes in behavior. I would encourage you to use this situation as a learning opportunity for you and your supervisor. When you approach your boss about the situation, make sure you couch the conversation as a positive discussion about how you use your technology to improve your efficiency in the workplace. This may be an opportunity to learn how she manages her projects and communicates during meetings. Conversely, it may also open up a conversation where you can teach your boss about a new technology or skill you implement in the workplace.

“Also, keep in mind that your boss may not be the only person impacted by your behavior. Other people, including firm managing partners or deans, may be in meetings where it appears you are distracted by your electronic device rather than engaging in the discussion. So when you are using your smart phone or electronic device in meetings, be mindful of the impact or appearance that you are having on the other meeting attendees. Always heed the meeting rules, which may or may not set guidelines for using technology during meetings. If there are no clear rules established at the beginning of the meeting, I would suggest specifically asking about smart phone and laptop use. I’m sure those who don’t want them to be used will be vocal in their responses.

“In any meeting, I would encourage you to first listen to the conversation, add your valuable points respectfully, and then, when you are ready to pull out your smart phone, express comment why you’re using it. For example, a simple ‘Let me check my schedule on my phone,’ or ‘Does anyone mind if I take notes on my phone? I’ll be happy to email them out to the group afterwards?’ clears any ambiguity in the situation. By explaining to your colleagues the rationale behind using the device, you open the door to many other opportunities.

“And last, in my opinion, it doesn’t matter to which generation you belong; it is generally rude to stick your nose in a smart phone or mobile device without acknowledging the action rather than actively engaging in any conversation. More than anything, though, keep in mind that technology can be intimidating to people, so try to keep it fun, exciting, and an opportunity to share ideas!”

This isn’t the first time I’ve turned to Liz for her point of view. I appreciate her emphasis on open communication. Please take her advice to heart. I would like to hear how others are incorporating technology into the workplace and are engaged in learning and teaching between staff on technology issues. Let’s continue this discussion because I would love to hear what kinds of conversations are being had between generations on technology and staff relations. We are all learning from one another.

Susan Catterall (scatterall@charlottelaw.edu) is reference librarian at the Charlotte School of Law in North Carolina.

Are you in a sticky situation with a colleague? Looking for ways to discuss advancement with your supervisor? Send your questions to columnist Susan Catterall at scatterall@charlottelaw.edu.

Next Month in Spectrum
Here’s a taste of what you can look forward to in the March issue of Spectrum:

• Social media as a leadership tool

• Attitudes that make for successful embedded law librarianship

• Do libraries have a need for a social media coordinator?

• A collaborative effort to roll out a next-generation catalog interface during Banned Books Week

• A law firm’s collection rebalancing project
turn out to be a useful tool, there is not much lost. Augmented reality, like every other technology, has the potential to help or harm us, and the outcome is entirely dependent on the underlying intentions of the user. That being said, we would encourage libraries and librarians to experiment with many of the different trending apps. We have the option of standing by and watching technology marginalize us or joining in as explorers and curators of the changing information and technological landscape.

Elizabeth Barnes (barnes@law.stetson.edu) is a reference librarian at Stetson University College of Law’s Dolly and Homer Hand Law Library in Gulfport, Florida. Robert M. Brammer (brammer@loc.gov) is a legal reference librarian at the Law Library of Congress. The views expressed here do not necessarily reflect those of the Law Library of Congress. At the time of writing this article, Mr. Brammer also was a reference librarian at Dolly and Homer Hand Law Library.

announcement

AALL Grants Committee Announces Grants for Seattle Annual Meeting

AALL grants are available to cover the cost of registration for the Annual Meeting, to be held in Seattle July 13-16, 2013, or for workshops associated with the Annual Meeting.

Grants are available for experienced AALL members, as well as for students and new members. Eligible experienced librarians include those who have been members of AALL or an AALL chapter for five or more years. New members are defined as active members with less than five years of membership in AALL or an AALL chapter. Students must hold a membership in AALL or an AALL chapter to qualify for a grant. For experienced and new applicants, preference is given to those who are active in AALL or in one of its chapter organizations.

To apply for a grant, go to AALLNET, select the “Member Resources” drop-down, then choose “Grants.” Next, link to “AALL Annual Meeting Grants.” As part of the application process, each grant applicant must submit two letters of recommendation and a personal statement. These documents are vital because they give the Grants Committee insight into the unique qualifications, experiences, and aspirations of each applicant. The application page has links to two AALL Spectrum articles: “Putting Your Best Foot Forward: Writing effective personal statements for AALL Annual Meeting/workshop grants” and “Lending a Hand: Suggestions for writing better letters of recommendation for AALL Annual Meeting/workshop grants.” These articles provide helpful suggestions regarding what to include in your documents.

The application deadline is April 1, 2013. If you are thinking of applying for a grant, give yourself a head start by reviewing the application requirements now. Please contact Eric Parker at ecp278@law.northwestern.edu with any questions. Good luck, and we hope to see you at the AALL Annual Meeting in Seattle.

Legal Publishing Advertisements During the Second World War, Korean War, Cold War, and Vietnam War

By Patrick Charles • tinyurl.com/b6rqyf

The Second World War was a total war in its scale and scope, and every aspect of military as well as civilian life was affected. The American legal system was greatly transformed by the conflict, and legal publishing changed significantly. Advertisements from American legal publishers even included references to the war. In subsequent wars in which the United States participated, legal publishers often referred to the conflicts; however, not to the same level and extent. This article includes several legal publishers’ advertisements from the Second World War, Korean War, Cold War, and Vietnam War. These advertisements were found in law reviews, bar association publications, and other legal periodicals.
the sustainable law librarian

by David Selden

An Interview with an Environmental Mover and Shaker

Rebekkah Smith Aldrich, coordinator of library growth and sustainability at Mid-Hudson Library System in Poughkeepsie, New York, takes a holistic approach to her position, which finds her working in areas relating to library funding and public support as well as environmental sustainability. In 2010, she was honored by Library Journal as a “mover and shaker” for her work. “Libraries that go green,” says Aldrich, “are demonstrating, in one of the most visible ways possible, a commitment to being good stewards of public dollars.” Following are the highlights of a short interview with Aldrich regarding her work, her vision for sustainability, and the future of the American Library Association Task Force on the Environment.

Q: You are the coordinator for library growth and sustainability at the Mid-Hudson Library System. What kind of work does this involve?

I consult with 66 public libraries in the areas of governance, management, marketing, and facilities. I am most focused on helping libraries obtain secure and stable funding. My work takes the form of training for library directors and trustees, planning of library space, support for library friends groups, trend spotting, strategic planning, the facilitation of community focus groups, and a few other things.

Q: What got you interested in sustainability in libraries?

If we define sustainability as the “capacity to endure,” you can get an idea of my work with libraries. My everyday job is to think about the sustainability of libraries in general—from a funding, service, and marketing standpoint. As I progressed in my work to make our member libraries as financially sustainable as possible, the marriage of that angle with one I’ve always had an interest in—“green” buildings—was actually quite perfect.

Libraries are places of learning or “knowledge creation,” and that learning is not limited to our collections. Our care for our hyper-local community of staff and patrons as well as the local community and global community is translated through decisions we make about chemicals used in our facilities, recycling habits, attention to indoor air quality, and energy efficiency.

Q: What do you think should be the roles of libraries relating to environmental sustainability and especially mitigation and adapting to climate change?

Social justice is part of why I love libraries and why I am passionate about environmental sustainability.

The empowerment of the people through libraries is a calling card for all types of libraries. Environmental sustainability has a significant social justice component as well. Access to clean air, clean water, and clean food is very similar to access to information. We are talking about basic human rights, basic human dignity. Libraries are not islands unto themselves; we are part of communities—communities of people. Holding ourselves back from what our constituents are dealing with and care about does not serve us well. Libraries have a significant opportunity to be leaders in our communities and set the stage for education about the human impact on the environment. By first holding ourselves accountable we create a platform to help educate others.

Q: How active are libraries in environmental sustainability? Are you aware of any cool projects being implemented or underway?

There is some awesome stuff going on out there in libraries! Every week there is a new announcement of a library building built to Leadership in Energy and Environmental Design (LEED) standards somewhere in the country. Just this year we saw the West Irving Library in Texas transition to operating completely on solar power, Valatie Free Library in New York (one of my members) is planning a net-zero energy facility, which is pictured below. I’ve also noticed a number of projects related to helping communities be more sustainable themselves, such as:

- Northern Onondaga Public Library (New York) Library Farm
- Pima County Public Library (Arizona) Seed Library
- Oakland Public Library (California) Tool Lending.

Q: Do you know if ALA or any other library associations are active in environmental sustainability? If so, what are they doing?

This is such an exciting question. I am still learning about the history of ALA’s Task Force on the Environment (www.ala.org/srt/foe/taskforceenvironment) and joined in its reorganization meeting at the 2012 conference. The group was small but highly interested in how to make the national conference “more green” as well as
develop resources for librarians around the country to use in making the case for sustainable choices in their libraries. My hope for the future is that sustainable choices for our libraries and associations are not an afterthought but a given. As opportunities for change present themselves in our purchasing patterns, maintenance, programming, technology, and facilities, we should seek an infusion of “sustainable thinking” in all aspects of our decision making. It serves us as well as educators, as stewards of our limited resources, and as members of our communities.

We are recognized leaders in our communities, and leading by example is an admirable thing. The new generations of people who will be deciding the fate of our institutions have never known a world without Earth Day, without solar power, without recycling. If we are not in step with the expectations of the next generation, it will add to assumptions about the irrelevancy of libraries.

**Learn More**

To read *Library Journal*’s article about Aldrich as one of 2010’s movers and shakers, go to www.libraryjournal.com/article/CA6721881.html. You can also visit her Sustainable Libraries blog at sustainablelibraries.org and the Sustainable Libraries Facebook page at www.facebook.com/SustainableLibraries.

David Selden (dselden@narf.org) is law librarian at the National Indian Law Library/Native American Rights Fund in Boulder, Colorado.

**Things You Can Do Today**

- Talk about how “green” libraries already are! Libraries are one of the most accountable uses of resources. By sharing information, books, and technology, we reduce the carbon footprint of everyone. Help your users understand how smart they are being by going green as a library patron! Check out this poster that was part of our Word-of-Mouth Marketing Experiment: midhudson.org/funding/marketing/2011WOMM/green/poster.pdf.
- Institute a recycling program at your library, particularly for paper.
- Ratchet up awareness of what is being purchased. Can you make choices that are better for the environment when purchasing office supplies, kitchen supplies, promotional materials, etc.?
- Learn about the local environmental issues facing your constituency. What resources do you have to help foster solutions in your collection?
- See if there are local environmental sustainability initiatives going on, and get a “seat at the table.” Libraries provide access to data, research, literature, and modern thought on all of the issues they are tackling.
- Commemorate or celebrate sustainable holidays like Earth Day in April and National Recycling Day in November—it will help raise awareness in your community and position you in a new light. This can help attract attention to all that you have to offer and create a new sense of community that includes your library.

**AALL Nominations Committee Seeks Candidates for Office**

The AALL Nominations Committee chooses the candidates for the Executive Board elections. In the summer of 2013, the seven-member committee will present a slate of suitable candidates for the 2013 elections to the AALL Executive Board. They will choose two candidates to vie for the position of vice president/president-elect, two candidates for the position of secretary, and four candidates to contend for two open seats on the Executive Board.

In accordance with its charge, the committee must choose candidates who reflect the diversity of AALL’s membership, thus ensuring that the members of the Executive Board represent a balance of library types, geographic locations, genders, and minorities.

For the 2013 elections, ballots will be distributed electronically to all voting members of the Association in November 2013. The ballots will be tabulated at AALL Headquarters on December 2, 2013, and election results announced immediately. For more information about the nominations process or to propose possible nominees for the 2013 elections, please contact Chair Catherine Lemann at catherine_lemann@ca4.uscourts.gov. Nominations must be submitted before March 1.

**washington brief** continued from page 6

senators to discuss timely issues in law librarianship. Too far from Washington? The GRO can help you schedule meetings with your member of Congress when he or she is at home in your district or state. There are many ways you can be involved with AALL’s advocacy program, and we thank you in advance.

Emily Feltren, director, AALL Government Relations Office, 25 Massachusetts Avenue, N.W., Suite 500, Washington, D.C. 20001 • 202/942-4233 • fax: 202/737-0480 • email: efeltren@aall.org • www.aallnet.org/gro
member to member

My favorite resource is Words and Phrases. It’s terribly overlooked and amazingly useful. Think of all the questions that involve how terms are defined and construed. I once used it to answer a question of how the word “or” should be interpreted when part of a list of remedies in a statute. What other source could answer that question so easily?

—Kreig Kitts, reference librarian at Crowell & Moring LLP in Washington, D.C.

This is the easiest question in the world! I love HeinOnline! I deserve a T-shirt from Hein with “I <3 HOL” on it because I may be its biggest booster. We answer a lot of historical research and reference questions in our library, and HOL makes our staff look exceptionally good. We can turn projects over in a short amount of time while providing excellent research help using HOL. And the search capabilities are getting much better than they used to be. We recently subscribed to six more libraries and are enthusiastically promoting them to all court employees by introducing them via webinar. I love HeinOnline!

—Amy Levine, head of research and reference at the U.S. Court of Appeals for the 10th Circuit Library in Denver

This is easy. . . . after I’ve tried to find the answer on my own and remain stumped, I call an AALL comrade. I use my handy, dandy AALL Membership Directory and call one of my friends. . . . a friend made by attending AALL Annual Meetings and networking. I still use the phone—it is more personal and lets me “catch up.” I like to target my requests by known expertise and locale. . . . I’m not a fan of “broadcast emails.” I like my favor seekers to know that I’ve done my best before leaning on them.

—Al Podboy, librarian emeritus, Aurora, Ohio

I like to use a variety of resources when helping patrons, but my all-around, don’t-fail-me-now, Hail Mary resource would have to be Am Jur Proof of Facts (West). It’s great with evidentiary foundational issues, perfect for helping attorneys wrap their minds around potential discovery matters, and is even basic enough if all you want is a general treatise-ish discussion on a given topic.

—Bret N. Christensen, public services librarian at Riverside County Law Library in Riverside, California

My favorite new resource is Govtrack.us. This is a very clean, clever mash-up of federal legislative resources. In my opinion and experience there is no better resource for tracking current legislation. There are also many other features that allow users to track changes, and with collapsible paragraphs and sections it is relatively easy to navigate long bills and public laws. This is a first-rate research tool.

—Richard Leiter, director of the law library and technology and professor of law at University of Nebraska College of Law’s Schmid Law Library in Lincoln

As a cataloger who does occasional reference desk duty, Bieber’s Dictionary of Legal Abbreviations is by far my favorite reference resource. I was introduced to it as a paraprofessional more than 20 years ago, and it has helped me answer patron and cataloging questions ever since. I’ve introduced numerous law review cite checkers to it while deciphering odd citations and used it to help law students and attorneys alike verify titles and form blue book citations. As a cataloger in the pre-Google and HeinOnline days, it served as a source to research and verify previous serial titles. Perhaps there are now online resources to perform all of these various tasks, but my library keeps the newest hardcopy edition in our reference collection, so it will always serve as a primary “one stop” versatile reference resource for this analog-based, nonreference specialist.

—Karen Selden, catalog librarian at University of Colorado Law School’s William A. Wise Law Library in Boulder

Cohen’s Handbook of Federal Indian Law (2012) is my favorite resource. It is the “bible” for federal Indian law research, and I use it more frequently than any other resource to answer more than 200 questions each month.

—David Selden, library director for the National Indian Law Library/Native American Rights Fund in Boulder, Colorado

I’ve become a fan of Docket Navigator. Docket Navigator is a great and robust tool for patent litigation. Docket Navigator provides very specific results for that narrowly drawn and specific query. The resulting litigation data is substantive, detailed, and on-point. I am pleased to utilize this resource whenever seeking the most involved patent questions.

—Kathy A. Hampton, JD, MLIS, reference librarian at Gibbons P.C. in Newark, New Jersey
My favorite research resource is the American Law Reports (ALR). I love that it indexes obscure and often absurd and ridiculous real life situations and how they are handled by the courts in various jurisdictions. My favorite ALR annotation is titled “Liability for Injury to Customer from Object Projecting into Aisle or Passageway in Store.” It’s about people falling over in stores, and it is great to teach with because it always provokes laughter among the students.

—Ronald Wheeler, director of the law library and associate professor of law at University of San Francisco School of Law’s Dorraine Zief Law Library

My favorite research resource, hands down, is my colleagues! Not only do they assist me when I am having trouble locating something, but they openly share ideas. It is great to learn about online resources, treatises, or services that fit “exactly what I need.” My second favorite resource has to be Andrew Zimmerman’s Research Guide. I think I owe him lunch!

Beverly G. Butula, manager of library services at Davis & Kuelthau, S.C., in Milwaukee

My favorite research source is Hein Online. Although it takes a bit of persuasion for the search functions to give you the results you need, I find the coverage of this resource invaluable. I do much legislative history research, and I use the legislative sources that Hein provides constantly. I love that they keep adding to them, too. Since every young associate believes that EVERYTHING is online, the fact that I can search old Congressional Records, full histories of many public laws, law reviews discussing those laws, and more makes my job much easier. And, of course, as the associates want legislative history results in two to three hours instead of two to three days, having this resource at least gives me a fighting chance to meet their deadlines. Now, if I could just download the full committee report—without a 200 page limit—I would be really happy!

Rita Kaiser, information resources manager at Morrison & Foerster LLP in Washington, D.C.

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In order to be publishable, pictures must be of relatively high quality. Although we can work with a print, digital submissions are better. Digital submissions must be high resolution (300 dpi).

Depending on the number of submissions received, we will publish one or two photos in each issue of Spectrum and post them on AALLNET. Photos will be published on a first-come, first-served basis. Publication of a submitted photo is not guaranteed. To submit a photo, or if you have questions, contact AALL Marketing and Communications Manager Ashley St. John at astjohn@aall.org.

Outside the University of Arkansas at Little Rock’s Bowen School of Law Library. Photo courtesy of Jeffery B. Woodmansee, assistant professor of law librarianship.
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New Product Award
Liz Reppe, Chair
Michelle Cosby
Cynthia Myers
Rebecca Rich

Marketing Committee
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Jamie Keller
Rebecca Rich

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Rebecca Rich, Law-Lib
Jacob Sayward, Consumer Advocacy Caucus

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CRIV Website
www.aallnet.org/main-menu/Leadership-Governance/committee/activecmtes/criv.html

Member Advocacy
(Request for Assistance)
Michelle Cosby, Chair
Cynthia Myers
Jacob Sayward

CRIV Tools
www.aallnet.org/main-menu/Advocacy/vendorrelations/CRIV-Tools
Editor’s Corner

This issue of The CRIV Sheet contains a variety of articles dealing with access to information—some provided by legal information vendors, some not. Brian Huffman’s article summarizes the new Uniform Electronic Legal Material Act. Clanitra Stewart’s submission provides a review of ProQuest’s congressional and legislative insight. My article summarizes the Minnesota State Law Library’s efforts to make appellate briefs available to the public. As always, The CRIV Sheet editors are looking for articles from AALL members on topics relating to vendor relations and the legal information industry. Please send article ideas to me or Associate Editor David Hollander.

From the Chair

Welcome to the second edition of The CRIV Sheet for the 2012-2013 term! Since our first issue of the term, CRIV has handled several requests for assistance from AALL members. To see the results of these requests, as well as any future resolutions, please follow The CRIV Blog at crivblog.com. We are interested in your comments, so feel free to post your thoughts to our blog.

Additionally, the CRIV Web Pages and Tools Committee is working to improve the user experience for the Vendor Relations page at www.aallnet.org/main-menu/Advocacy/vendorrelations. Explanations of each section have been added, and the content is now alphabetized. The committee is currently evaluating the content of each page and updating it as necessary. CRIV would like to thank Chris Siwa, AALL’s director of information technology, for his assistance in these projects.

CRIV has also created a new committee, the CRIV Marketing Committee, which has been meeting, and a plan is underway to advertise CRIV and CRIV services. Please check The CRIV Blog or AALL listservs that have a CRIV liaison to learn more about CRIV as this term progresses. Listserv liaison information is available on the first page of this issue.

Finally, I would like to thank all of the librarians and vendors for their nominations for the New Product Award. The New Product Award is given to a commercial product that is less than two years old that adds value to our profession. The award will be given at the 2013 Annual Meeting in Seattle.

UELMA: Summary, Minnesota Perspective, and Impact

Much has already been written about the Uniform Electronic Legal Material Act (UELMA). This article offers a brief overview.

Summary of Law
The act was approved in 2011 by the Uniform Law Commission (ULC). The law provides an outcomes-based, technology-neutral framework for providing online legal material with the same level of trustworthiness traditionally provided by publication in a law book while preserving legal material in perpetuity, allowing for permanent access.

The act requires that official electronic legal material be:
• Authenticated by providing a method to determine that it is unaltered
• Preserved, either in electronic or print form
• Accessible for use by the public on a permanent basis.

For each type of legal material, the state must name a state agency or official as the “official publisher.” For official electronic legal material, the official publisher has the responsibility to authenticate, preserve, and provide access to the material.
At a minimum, legal material that is covered by the act includes the state constitution, session laws, codified laws or statutes, and state agency rules with the effect of law. In addition, states may choose to include court rules and decisions, state administrative agency decisions, or other legal material. **UELMA** does not require authentication of judicial information such as court rules and case law “because in some states the judicial branch is the official publisher of those materials” and such requirement could involve separation of powers issues.

**UELMA** is an ideal extension of the AALL State Inventory project. Having a clear understanding of exactly what online legal materials each state authenticates, lists as official, preserves, and allows for permanent public access is key to knowing which states are prepared for **UELMA** or where more work is needed. Preliminary analysis of the inventory indicates little change in states authenticating materials since 2009, but there have been increases in states citing online legal materials as official.

**Progress So Far**
In 2012, **UELMA** was introduced in California, Colorado, Connecticut, Minnesota, Rhode Island, and Tennessee. Thus far, Colorado and California are the only two states that have enacted **UELMA**. AALL members continue to work with their uniform law commissioners and legislative liaisons to promote enactment of **UELMA** in their states. The states where the uniform law commissioner has put **UELMA** on the enactment plan for 2013 are Connecticut, the District of Columbia, Hawaii, Iowa, Kentucky, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Pennsylvania, Tennessee, and Utah.

**Minnesota Experience**
Minnesota is a prime example of hard work and good intentions gone awry. AALL members were contacted to support passage of House File 2527 and Senate File 2476. Staff from the Minnesota Office of the Revisor of Statutes made appearances at key committee hearings. Local Minnesota Association of Law Libraries members drafted letters of support, and a plea to call key legislators was issued. In the end, the bill made it through the House Civil Law Committee and stalled at the Senate Judiciary and Public Safety Committee.

In retrospect, passage of the law was sidetracked by a perennial political juggernaut: the Vikings stadium. As politicking over the stadium entrenched the legislators, this bill, along with many others, became a political victim. There was not enough time as the deadlines sailed by. Renewed awareness has ensured continued interest and hopeful passage of **UELMA** in 2013.

**How This Will Affect Publishers**
**UELMA** was drafted to have no effect on relationships between an official state publisher and a commercial vendor that produces the legal material, leaving such relationships to contract law. Copyright in state publications will also be unaffected. The **UELMA** Drafting Committee received input from several legal publishers, including Thomson Reuters, Lexis, and Fastcase.

**For More Information**
The best way to advocate is to share information with colleagues and learn what’s happening in other states. You can join the **UELMA** Advocates Community on AALLNET’s My Communities page to connect and prepare yourself for the months ahead. See the **UELMA** Resources website on AALLNET and Uniform Law Commission for more information.

**UELMA Summary (2012):**

**UEMLA Summary and FAQs:**
A Brief History of Congressional and Legislative Insight

In 2010, ProQuest announced its purchase of the Congressional Information Service line of products from LexisNexis, which included the LexisNexis Congressional and LexisNexis Statutes at Large products, as well as an extensive number of digital Congressional materials through collections such as United States Serial Set document and map collections, the Congressional Research and Congressional Hearings collections, and the Congressional Record Permanent Digital Collection. Since that time, Congressional and Legislative Insight have been expanded to the databases that we know today. In the summer of 2012, ProQuest Congressional and Legislative Insight were both moved to the ProQuest servers from the LexisNexis servers, with ProQuest Congressional also being redesigned under the ProQuest platform.

Congressional contains Congressional materials from 1789 to present, although specific coverage is dependent upon the type of Congressional material sought and an institution’s subscription level. Similarly, Legislative Insight provides legislative histories for nearly 18,000 federal laws from 1929 to present, with plans in place to offer pre-1929 laws soon. Although most law librarians will be familiar with several other online and electronic resources for Congressional publications and federal legislative histories, few can deny the positive aspects of finding all of this information aggregated so fully in just two databases.

As is evident to researchers from a thorough examination of the databases, Congressional provides access primarily to Congressional publications and related documents while Legislative Insight focuses specifically on federal legislative histories. Like most databases, Congressional and Legislative Insight provide researchers with several methods to access information using both keyword terms and citations. Under the new ProQuest platform, Congressional provides Basic Search, Advanced Search, and Search By Numbers options, as well as search options for Congressional member and committee information, federal regulations, and political news. Similarly, Legislative Insight allows researchers to retrieve federal legislative histories through a Quick Search, a Guided Search, a Search By Numbers option, and a Legislative Process search. While Congressional and Legislative Insight do contain some overlapping content, the databases are sufficiently distinct for novice researchers to quickly learn which database to use for their research needs. For those experienced with this type of research, the databases eliminate much of the need to refer to cumbersome print volumes or microform materials.

Reflections on ProQuest Congressional and Legislative Insight

After gaining experience researching within Congressional and Legislative Insight, a researcher will definitely come away with some distinct impressions (positive or negative) about the databases. For me, those impressions were as follows:

1. ProQuest Legislative Insight’s Legislative Process Search Feature is Truly a “Go-To” Resource

A researcher seeking the federal legislative history for a law need do little more than enter the Public Law number for the law being researched to retrieve the law’s full legislative history. That is, of course, assuming the federal law was passed in 1929 or later and is one of the laws selected by the database developers for inclusion in the content. Despite this limitation, as ProQuest’s content grows, the Legislative Process feature is likely to become an increasingly
useful resource for researchers. Legislative Insight’s display for a federal law’s legislative history not only breaks down the Congressional publications comprising the legislative history by type of publication (e.g., bill, report, Presidential signing statement, etc.), but also allows the researcher to limit the display to a specific part of the legislative process (e.g., after a bill goes to committee, after a bill goes to the floor, etc.). This allows researchers, particularly novice ones, to quickly isolate the Congressional documents within the legislative history that are most relevant for their research purposes. For students in particular, this feature has the potential to be one of the most frequently used parts of the database.

2. ProQuest Congressional’s Migration to the New ProQuest Platform is a Big Improvement

Compared to the old platform, Congressional’s new interface under the ProQuest platform provides a much more user-friendly search experience. While the search process remains substantially the same, the clean, familiar look of the ProQuest platform lays out the search options and available content more clearly for the researcher. Additionally, the Help features, which were a bit difficult to fully appreciate under the old platform, are now more prominently displayed at the top of the database and through “How Do I?” links in the sidebar. These improvements make the database much easier to understand and navigate.

3. ProQuest Congressional’s Political News Feature Would Benefit from Expansion

Within Congressional, researchers can access political news on relevant topics primarily from the Washington Post, from Roll Call, and from The Hill. While these publications are certainly relevant to Congressional news, and allow researchers to get some political news without leaving the database, the feature could greatly benefit from the inclusion of additional news sources. As ProQuest expands its coverage of news sources through Congressional, the Political News feature will grow in its potential to become a substantial feature of the database.

4. Easy Access to the U.S. Code and to Federal Regulations through ProQuest Congressional Should Not Be Underestimated

Although there are other online and electronic resources available for retrieving sections of the United States Code, the Federal Register, and the Code of Federal Regulations, Congressional allows researchers to easily retrieve this information both through keyword terms and by citation. Law students, and even undergraduate students studying Congressional information, may feel more comfortable searching for this information within Congressional than with some other online and electronic resources, particularly if they are already researching within the database for related information. It is worth emphasizing these features to students, if only to get them more comfortable with using Congressional for their research needs.

5. ProQuest Congressional and Legislative Insight Offer an Extensive Amount of Information, Which Could Be Overwhelming for Some

Despite the clear usefulness of Congressional and Legislative Insight, it is worth pointing out that the sheer number of search features and types of documents available through the databases could easily overwhelm novice researchers who are unacquainted with this type of research. While Congressional’s new platform helps to clear up some of the potential confusion, it is incumbent upon librarians to try to make the research process through the databases as simple for patrons to understand as possible. While ProQuest’s training materials and guides can serve as resources for us in fully understanding the databases, creating our own research guides and other training materials designed for our patrons can help us frame the Congressional information/federal legislative history research process in a way that will be most easily understood by our own patrons.
The Minnesota Rules of Civil Appellate Procedure dictate the number of briefs that must be submitted when filing an appeal: 12 bound and two unbound for the Supreme Court, six bound and one unbound for the Court of Appeals. In each appeal the Clerk of Court’s Office provides one bound and one unbound copy of the briefs to the Minnesota State Law Library. The law library makes those briefs available to the public in a variety of formats.

Note that in Minnesota attorneys must file an addendum and an appendix with their briefs. The appendix must include: “(a) the relevant pleadings; (b) the relevant written motions and orders; (c) the verdict or the findings of fact, conclusions of law and order for judgment; (d) the relevant post trial motions and orders; (e) any memorandum opinions; (f) if the trial court’s instructions are challenged on appeal, the instructions, any portion of the transcript containing a discussion of the instructions and any relevant requests for instructions; (g) any judgments; (h) the notice of appeal; (i) if the constitutionality of a statute is challenged, proof of compliance with Rule 144; and (j) the index to the documents contained in the appendix.” Minn. R. App. P. 130.01(1). The addendum includes: “(1) a copy of any order, judgment, findings, or trial court memorandum in the action directly relating to or affecting issues on appeal; and (2) short excerpts from the record, other than from the transcript of testimony, that would be helpful in reading the brief without immediate reference to the appendix.” Minn. R. App. P. 128.02(3).

Formally Bound Briefs
One of the copies of briefs the library receives from the Clerk of Court’s Office is formally bound. This means that the party has sent it to a brief binding company where it is prepared according to the rules of court. Appellants’ briefs are bound with a blue cover. Respondents’ briefs have a red cover. They are connected along the left spine with a plastic or cloth binding. The library’s bound briefs are put in a temporary briefs collection for viewing and circulation, arranged by docket number. Every week a representative from Thomson West checks out the new briefs, scans them, and adds them to their briefs database. The appendices and addenda are not included in this database.

Once a case has been decided by the Court of Appeals, the briefs will remain in the collection until the period for review by the Supreme Court has passed. Briefs of unpublished Court of Appeals cases are discarded if they are not granted review by the Supreme Court. If a case is granted review, the brief will remain on the public shelves for several months after the Supreme Court opinion is released and published in the North Western Reporter. Briefs for published Court of Appeals cases will also remain on the shelves until after the opinion comes out in the North Western Reporter.

Unbound Briefs
One of the copies we receive from the court is loose; its pages are not bound with a spine. The law library uses this copy to create three formats of briefs.

First, the briefs for published cases are scanned by library staff. The civil briefs are then loaded to the law library’s website. The library has been providing briefs online since 2005. These briefs are also sent to Lexis to load into its briefs database. Criminal briefs, appendices, and addenda are not put onto the public website due to the sensitive material they often contain.

Next, the loose briefs are sent to a microfiche company. The company prepares eight sets of fiche. One set is retained by the State Law Library. Seven sets are sold to other local law libraries. Appendices and addenda are included in the microfiche.

Once the loose briefs are returned from the microfiche company, they are prepared to be sent to the bindery. The library has bound briefs going back to 1864, though the collection is not complete. The briefs are hard-bound and published according to the North Western Reporter citation of the corresponding case. Since the appendices and addenda are included in the bound volumes, there can be several volumes of briefs for each published case.

Once the library has received the volumes from the bindery, the briefs on the public shelf are discarded.

Restriction, Redaction, and Public Access
Minnesota courts are governed by the Rules of Public Access To Records Of The Judicial Branch. They dictate that court records are presumed to be public unless a court order or rule says otherwise.
Not all briefs the library receives from the court can be accessed by the public. Juvenile, child protection, criminal expungement, and adoption case briefs are not made available in any format. For other cases, the law library redacts certain types of information or removes the appendix and addendum from public access. The appendix and addendum can contain information that is restricted from public view by court rule. This is often the case in criminal, civil commitment, and paternity cases.

Library staff reviews each brief for certain restricted data, including social security numbers, financial account numbers, and the names of minor victims of sexual assault. This information is redacted before the briefs are made available to the public. Certain documents are removed altogether from public view, including wage stubs, W-2 forms, tax returns, bank statements, other financial statements, and medical records.

The access rules are different for briefs that are put online. In addition to the restrictions listed above, telephone numbers, street addresses, and other identifying information for parties, family members, victims, jurors, and witnesses must be redacted prior to the briefs being made available on the public website. Appendices and addenda are not available electronically via the library’s website.

**Future Considerations**

Minnesota is in the process of implementing a statewide eFiling system for the trial courts. It started in 2011 and will take four years to fully implement. The appellate courts are now in the beginning stages of planning for appellate eFiling. A vendor has been selected, and the planning committee will be making decisions about the process. Once parties are required to eFile their appellate briefs, it is unknown whether the State Law Library will continue to process briefs as it has done.

It has not yet been decided whether briefs, appendices, and addenda will be available online for anyone to see, or just the parties. Currently the public access rules state “[d]ocuments electronically filed or served using the E-Filing System designated by the state court administrator shall be remotely accessible to the person filing or serving them and the recipient of them, on the E-Filing System for the period designated by the court, and on the court’s case management system to the extent technically feasible.” Minn. R. Pub. Access 8(2)(e)(4). At present, these rules apply to trial court documents only.

The Minnesota Court of Appeals did an “e-reading” trial in April 2012. Two panels of judges were selected to receive all appellate filings in electronic format for one quarter. A total of 144 cases were handled during this trial. The judges and their staffs reviewed all materials on their computers or tablets. The documents were only available internally. Electronic filings from these cases were not made public via the online case-management system, through which the public can currently view the appellate docket, decisions, and orders issued by the appellate courts. This option will likely be considered for appellate eFiling implantation.

One concern regarding remote public access is the issue of redaction. Currently the State Law Library reviews the briefs for nonpublic information prior to posting them online. If briefs are filed by the parties and automatically made available online, attorneys and pro se parties would need to become very familiar with the public access rules. At the trial court level in Minnesota, parties are required to file confidential information forms if they want certain information in their pleadings to be kept private. In addition, certain cases can be classified as confidential or sealed by court administration or the judge.

Some states that don’t allow for remote access by the public have a terminal in the courthouse that provides online access to appellate filings. This is how trial court documents are currently handled in Minnesota. If a member of the public wants to look up his (or his neighbor’s) divorce decree, he must go to the courthouse to view it. Documents currently are only available in the county where the case was filed. Once the state has fully implemented eFiling at the trial court level, the public will be able to access trial court documents from any county in any courthouse. There is no plan to make trial court documents remotely available online.

It is likely that even if the briefs are available via remote access, they would not be searchable by keyword. This is a service the State Law Library could look into providing. Currently, the library has a searchable database that contains the issues statements from the briefs. Its coverage goes back to January 2002.

Another issue to consider is how long briefs will be kept in the appellate case-management system.
If there will not be long-term retention and access, it would still be desirable for the law library to continue providing microfiche, bound volumes, or some other format for archival purposes.

As we consider the possibility that there might no longer be a need for the State Law Library to provide multiple formats of future appellate briefs, we embark on a project involving our older briefs. The Minnesota Association of Law Libraries has created a task force to look into the possibility of digitizing the state’s old (pre-1900) appellate briefs. This would greatly increase access to these fragile materials. For many of these briefs, only one copy is in existence.

Although the uncertainty of online access to briefs makes long-term planning difficult, changes in the way our court partners operate and advancements in technology have provided a good opportunity for us to examine our collection and services.