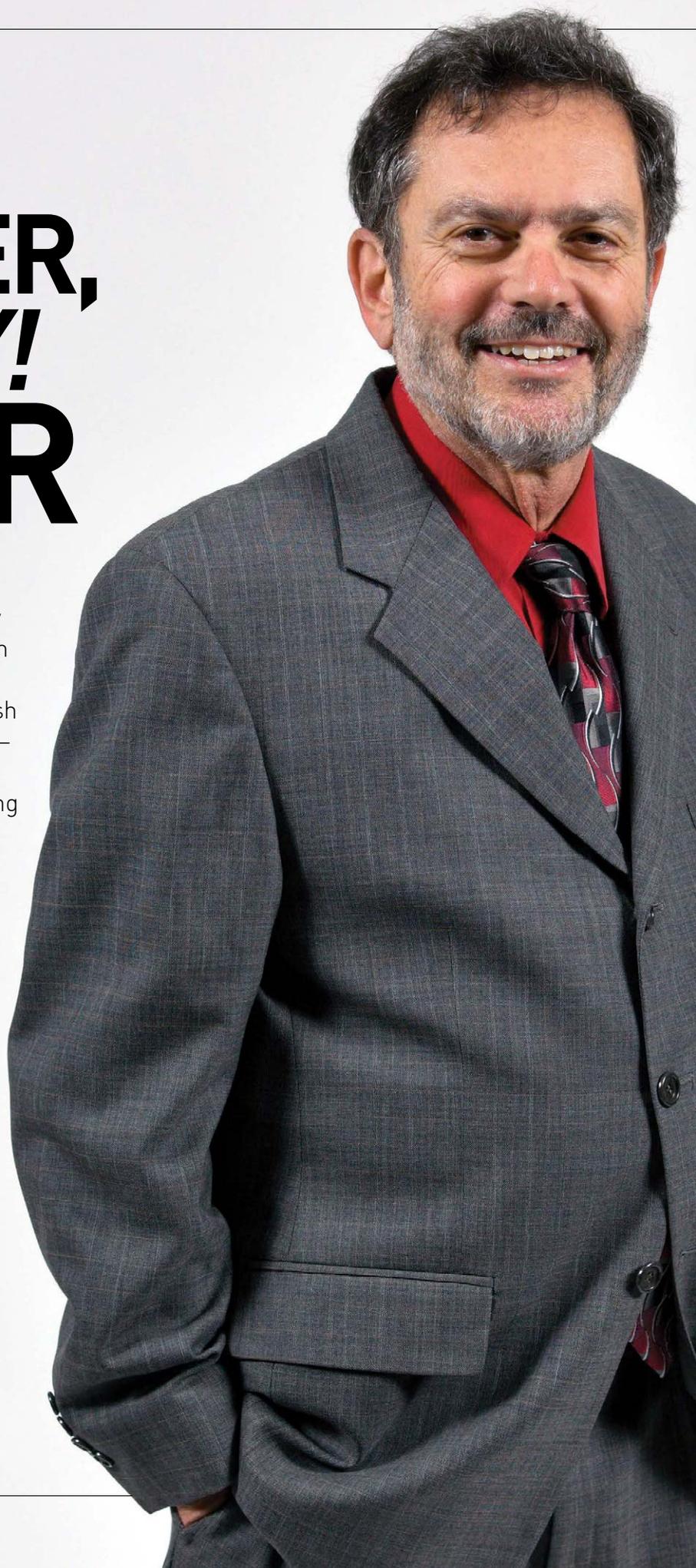


LEADER PROFILE

RISK TAKER, *JEOPARDY!* PLAYER

Throughout his extensive law library career, former American Association of Law Libraries (AALL) Executive Board member Kenneth (Ken) J. Hirsh has created a reputation for himself—as an innovator as well as a pretty badass karaoke singer. After achieving his lifelong dream of appearing on *Jeopardy!* in October of 2016, he continues to set goals and make contributions to the legal technology field and the law library profession.

The popular TV series *Perry Mason* served as a dose of inspiration for Ken Hirsh when he was deciding what he wanted to do with his life. After giving up on his original dream of going into ichthyology (fish science), he changed direction and decided to pursue the legal field as an attorney. He graduated from the University of Miami with a bachelor's of arts degree in 1974 before earning his JD from the University of Florida in 1977. After practicing law in Florida for nearly 10 years, he returned to school to obtain his MS in Library and Information Studies from Florida State University in 1989. He then joined the Law Library at Duke University School of Law, serving in numerous positions, such as reference librarian, manager of computing



services, and director of computing services. “While at Duke, I had a focus on computing and set up one of the first local area networks at the University for students,” said Hirsh. “After a few years I suggested we create a Computing Services Department, and once it was created, I ultimately became the head of that department.” Hirsh served in the director role for a little over 14 years, in addition to serving as senior lecturing fellow at Duke, teaching courses in legal research and technology.

After he and his wife, Lisa, decided it was time to move on, he took on his current role as director of the law library and professor of

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practice at the University of Cincinnati College of Law. In addition to teaching legal research while at Duke, he and Wayne Miller (currently the assistant dean for academic technologies at Duke) laid out a plan to create a course teaching technology to law students. “It was an idea I had for several years, but I wasn’t ready to go for it until Wayne got there,” notes Hirsh. “We spent a year inviting guest speakers in for brown-bag lunches before we launched the course in 2006. We spoke about it at a symposium that was then called the Courtroom 21 Project at William and Mary. I recreated the course when I got to the University of Cincinnati.”

Regarded as an innovator, Hirsh uses his legal education, legal background, and technical expertise to bring new technologies to students and faculty. In his current role, he teaches Advanced Legal Research, in addition

KENNETH J. HIRSH

- DIRECTOR OF THE LAW LIBRARY
- PROFESSOR OF PRACTICE
- UNIVERSITY OF CINCINNATI COLLEGE OF LAW
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to Technology in the Practice of Law, the course he created with Wayne Miller. Reference librarian Shannon Kemen co-teaches the course.

Hirsh is also a prominent leader within the law librarian and legal information field. He has served in a number of leadership roles within AALL since joining as a student in 1989, including on the Executive Board (2013–2016), the Executive Board Finance & Budget Committee (2014–2015, 2015–2016), the Executive Board Strategic Directions Committee (2013–2014), and the AALL LexisNexis Call for Papers Committee, to name a few. He is also the past president of the Southeastern Chapter of the American Association of Law Libraries (2007–2008), and is a member of the Academic Law Libraries Special Interest Section (SIS) and the Computing Services SIS. He is also active within the Center for Computer-Assisted Legal Instruction (CALI) and served on the CALI Board of Directors for 12 years. Hirsh was honored by both AALL and CALI for his outstanding service and contribution, and AALL named its distinguished service award in the area of computing services for him.

Here, he discusses innovation within the field of technology, the future of legal tech, and how his involvement within the Association has contributed to both his career and personal life.

What inspired you to pursue a career in higher education?

I wanted to be around law students and professors. I have always felt some attachment to academia, having gone to school for so long. Academic librarianship is really what appealed to me once I became a librarian.

What do you think about innovation in legal technology?

There seems to be plenty of it, but there seems to be some disagreement about what innovation actually is. Is it doing something totally new? Is it tackling an existing problem and tweaking your solution to make an improvement? It’s certainly a buzzword, not only in law but in lots of businesses—there are chief innovation officers and other positions that have the word “innovation” in their title. My own feeling is that innovation is important, but in order to innovate, you must have a firm grasp of what came before it.

I think innovation means different things to different people. To me, innovation means

QUICK HITS WITH KENNETH J. HIRSH



Mrs. Maisel, which is on Amazon Prime.

Favorite travel destination?

The Florida Keys, I went there often when I was growing up.

Go-to Karaoke song?

"Mack the Knife," as recorded by Bobby Darin, is my signature number.

Favorite Jeopardy! Category?

Science and Technology

Guilty pleasure?

M&M's, plain or peanut.

Superpower you wish you had?

I always wished I had flight, although I have to say my vestibular senses aren't terrific so I might have been crashing into things a lot if I could fly.

Words to live by?

From Robert Baden-Powell, who founded the Scouting movement, "Leave the world a better

place than you found it." My variation of that is "wherever you go—whether that be your job or whatever group you belong too—leave it a little better than it was when you found it."

Favorite TV show to binge watch?

That varies on what's out there, but most recently it's been *The Marvelous*

seeking new ways of doing something, but to be completely innovative, you've also got to figure out if there are totally new things to be done, not just new ways of doing them. Are there things we should be accomplishing that we haven't tried to do before?

Where is the profession headed with legal tech?

Law librarians are trained to work with information and some form of technology, whether it's the ink and paper of the days of long ago, or the digital tech of today; librarians in general, and law librarians in particular, have always had more or less a facility for dealing with technology and other advancements within the field. When it comes to working in law schools, there may not be core curriculum faculty who are interested in technology, but it's an area where I think law schools can benefit from having librarians on staff who can also fill in the gaps in teaching technology and fill the need for students to learn that tech. I encourage librarians to take the lead in this effort.

The big thing in the legal profession right now is Rule 1.1, Comment 8 from the *American*

Bar Association Model Rules of Professional Conduct, which states that "to maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject."

Nearly every state follows Rule 1.1 on competence, and now about 31 states have adopted language stating lawyers have a duty to keep up with technology, so it's a professional obligation for a lawyer to be aware of competence. For example, at my university, we have a class we are teaching this semester called Introduction to Technology in Law Practice, and we bring in a guest speaker every year who talks about e-discovery. It's crucial for attorneys to at least understand the basics of e-discovery—in terms of knowing how to produce documents, having the ability to be responsive to a request for documents, and not turning over documents or information that is nonresponsive or privileged—so they don't commit an error that will cost their firm and their client lots of money. Comment 8 to Rule 1.1 provides one example of why it is important to understand technology and how it fits into the practice of law, in terms of providing competent legal services for your clients. Notably, there are ethical opinions that state if you are sending open, unencrypted email to your client you are risking a breach in confidentiality.

Are there ways you feel the legal industry may not be using technology to its fullest potential?

I think there are many attorneys who are still tied to the older ways of doing things, which aren't productive. Casey Flaherty, who used to work for KIA as inside counsel, has founded a company called Procertas, where he pushes the idea of assessing attorneys as to their software expertise and advocates for learning to efficiently work with office productivity solutions such as Microsoft Office Suite and Acrobat. This is an area attorneys could learn to use more.

Again, the buzzword that is getting the most discussion over the last two years is Artificial Intelligence (AI) and where we are going with that. Research vendors such as LexisNexis, Ravel, and Westlaw Edge, among others, have talked extensively on this topic. I don't know that we've reached true artificial intelligence. I

would argue that we are moving in that direction at least to the point where we could call it augmented intelligence, where machine learning is doing things more quickly and efficiently than humans can, but the end result is that it still takes a combination of human intuition and machine learning to work well.

In addition, Ed Walters of Fastcase recently published a book that talks about data-driven law practice. The idea is that until recently, attorneys have only been able to advise clients to likely outcomes by relying on anecdotes and gut feeling alone. Ed's position is that there are now ways to gather data on a larger scale and use machine learning and other tools to analyze that data. One could, for example, go over a whole history of court cases with various judges or arbitrators and make more accurate predictions of likely outcomes, thereby saving the client money with good advice on when to settle or if they should proceed to litigation.

How has involvement with AALL impacted your career and/or leadership capabilities?

My membership with AALL has had nothing but positive effects on both my career and leadership capabilities. I was blessed in that when I was in library school, our dean, the late Bill Summers, was president of the American Library Association, and when I got hired at Duke, the late Dick Danner was president of AALL, so going into library school I knew I wanted to be very involved in professional organizations. I signed up right away as a student member while I was in library school at FSU. The networking opportunities and the ability to make friends at both the social and professional engagement level have been wonderful. I have had the pleasure and honor of serving on a number of committees, including the AALL Executive Board, where I was able to see how decisions for the Association were made. I think I was helpful [serving on the board] to a good degree. I have been an amateur parliamentarian since my junior high days, and would speak up frequently during meetings. I have also been involved in a few SIS's, but have spent most of my time with the Computing Services SIS. Knowing there are people you can turn to when you have tough questions, such as, "How do I deal with this issue?" and "How have you dealt with this before?" is immensely helpful. You really look forward to when you get the chance to talk to these people in person. I would be lost without this Association.

What career advice would you give to newer law librarians?

Be open to trying new things. Definitely join your professional associations, and when you do, don't be afraid to reach out to people for help. You may actively seek a mentor or you may accidentally end up with mentors, which is a great thing. Mentors are there to offer you advice and they also like learning from newer law librarians; you learn from each other. It personally benefits me to hang around younger people.

What is the value of attending the AALL Annual Meeting?

First of all, one can never have too many friends. It's an old saying and I firmly believe it. You develop friendships, in addition to the professional engagement and learning opportunities at this meeting. You get to hang out with people who have similar interests as you and who are really great people personally. I look forward to attending every year, and I have attended every AALL Annual Meeting since my first back in 1993.

How did Ken's Karaoke, an Annual Meeting tradition, start?

I had been playing at karaoke for a few years since the 1992 faculty Christmas party at Duke. During the 1997 AALL Annual Meeting in Baltimore, Don Buffaloe, James Milles, and I found a bar near the convention center on Pratt Street that was offering karaoke, and we invited people to join us. It became a word-of-mouth tradition and in 2001 at the AALL Annual Meeting in Minneapolis, at the behest of Kristine Niedringhaus, it became an officially sponsored event by the Computing Services SIS. Nowadays, we get anywhere from 70–90 people throughout the course of an evening who attend. But I'm looking for a successor!

If you could go back and change one thing about your career, what would it be?

I would like to have realized sooner that I wasn't going to be great at practicing law and that a career in librarianship was a better fit for me.

What do you enjoy most about your job?

I like working with a variety of people and meeting faculty, staff, and a new group of students every year. ■