EMBRACING MESSINESS IN THE LAW LIBRARY (WITHOUT ABANDONING THE CHECKLIST)

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Comparing *The Checklist Manifesto* and *Messy* approaches to providing legal research, instruction, and workplace solutions.
At first glance, it appears to be a battle of opposing forces. In *Messy: The Power of Disorder to Transform Our Lives*, author Tim Harford advocates for embracing complexity and chaos. He argues that “we often succumb to the temptation of a tidy-minded approach when we would be better served by embracing a degree of mess.” In *The Checklist Manifesto*, author Atul Gawande recommends imposing order onto complexity and chaos through the use of external, ordered instruments.

Librarians tend to favor the Checklist Manifesto approach. We love checklists, forms, templates, and neatly ordered classification systems. Yet, overemphasizing order can lead us to view all disruptions as negative and hinder our ability to adapt. In this article, we consider both approaches and describe the benefits of applying the Messy approach in various library contexts.

**Messiness and Legal Research**

A well-designed checklist can be invaluable in conducting legal research. Whether hand-crafted or machine-generated, a checklist can help ensure that the researcher does not overlook essential sources. It can remind the researcher to check both primary and secondary sources, and it can highlight foundational texts and relevant databases. But, checking the boxes may not always be enough, even for seemingly simple requests.

A law faculty member may place a straightforward article request that turns into an elusive quest. A librarian who is overly tied to a checklist may abandon the search after each box is checked. The article is not available in online databases. It is not available by interlibrary loan. The checklist seems to suggest that the article cannot be found at all. However, possibilities still exist in the messy world beyond the checklist. Can the article be obtained directly from the author? Is there someone at the author’s university or firm who could help? Was there a copy of conference proceedings that might include the article? Such options may not be listed in a research textbook but choosing to explore them could mean the difference between a happy faculty member and a disappointed one. There is a satisfaction in checking boxes, particularly when doing so yields positive results, but researchers do themselves and those with whom they work a disservice if they play it safe and limit themselves to an internal or external checklist. As Terrill Pollman, Jeanne Frazier Price, and Linda L. Berger note in *Examples and Explanations: Legal Research*, “As lawyers, sometimes we piece together clues to solve puzzles, other times we build models to achieve goals, and still other times we hack through a jungle to find the light and clearing deep within.”

In other words, legal research is often complicated and messy.

There can be value in intentionally injecting messiness into a situation to spur improvements in research. Perhaps you find yourself in a rut. Maybe you always use one legal research database and neglect the others. Forcing yourself to use a new database or choosing to use print resources as a first step for a particular project can yield surprising results and perhaps better outcomes than simply relying on an old standby electronic database.

**Messiness and Instruction**

In *Messy*, Tim Harford describes a psychological study where high school teachers reformatted teaching handouts, giving half of the students handouts in “one of three challenging fonts:

- the dense Haettenschweiler,
- the florid Monotype Corsiva,
- or the zesty Comic Sans Italicized.”

Advocates of clean, professional typefaces might cringe and expect students to struggle with such distracting, messy handouts, but they did not. According to Harford, “[T]he fonts didn’t derail
While many successful results can be achieved with such tidy approaches, there are also opportunities and surprising successes that may be achieved through messiness.

Messiness and Library Personnel: The Benefits of “Cross-Fertilization”

Tim Harford makes a compelling argument in Messy for diversity of teams and personnel. He also presents the benefits of working on multiple projects simultaneously and the power of collaborating with others, even when it might be messy or uncomfortable. Similar encouragement is found in the business management literature on the existence of separate divisions and departments can create problems across an organization by restricting the flow of information, causing mismatched priorities, and leading to discordant decision-making across silos. Gillian Tett reaches a similar conclusion in her book The Silo Effect. On the one hand, silos “help us to tidy up the world,” but on the other hand, “our world does not function effectively if it is always rigidly streamlined . . . a world that is always divided into a fragmented and specialist pattern is a place of missed risks and opportunities.”

Examples of tidy approaches to law library personnel include assigning a librarian with a subject-expertise (e.g., intellectual property law) to all law faculty who teach or write in that area, and composing library teams that have circulation staff members on the circulation team and reference librarians on the reference team.

While many successful results can be achieved with such tidy approaches, there are also opportunities and surprising successes that may be achieved through messiness. Faculty liaisons who work with faculty in diverse subject areas might help to, as Harford puts it, “cross-fertilize” projects by suggesting relevant sources from outside the faculty member’s area of focus. Intentionally mismatching some library staff on library teams could yield surprisingly innovative results, as the staff members’ expertise and perspectives are shared across silos and members gain a larger perspective on library operations beyond their narrow area of focus. In fact, such mismatching and collaboration might not only be innovative, but it might also be the key to solving many problems. As Heidi K. Gardner states in her book Smart Collaboration: How Professionals and Their Firms Succeed by Breaking Down Silos, “The most important challenge faced by any such organization is bringing that collective expertise to bear on problems that, increasingly, are so complicated and so sophisticated that no single expert—no matter how smart or hardworking—is in a position to solve them.”

Messiness and Physical Spaces

Sometimes physical spaces can also benefit from an injection of messiness. The messiness may be by choice. For example, the Wiener-Rogers Law Library at the University of Nevada, Las Vegas transformed its microfiche room into a student lounge with comfortable seating, moveable whiteboards, a coffee-maker, televisions, and a popcorn machine, as described in Andrew Martineau’s May 2015 AALL Spectrum article “Comfort, Functionality, and Popcorn” (View the article at bit.ly/M15UNIX). Other messiness may be the result of accident, necessity, or someone else’s choice.

An example of a suddenly messy physical space is the recent renovation
and expansion of the University of Kentucky College of Law building. Faculty and staff were moved into interim housing, and a small classroom was converted into work space to house six librarians. While presenting challenges, the office arrangement led to increased collaboration and dialogue between public services and technical services librarians. It also forced librarians to find new ways to provide superior service to students. Since upper-level courses were held in a building across the street, librarians started conducting “mobile reference” outside classrooms in that building. Embedding a librarian in the student space was received positively and led to reference conversations that may not have taken place otherwise.

**Having the Best of Both Worlds**

Occasionally including some intentional messiness into our habits can provide a number of benefits that allow the profession of law librarianship to flourish. This does not mean abandoning the orderliness long associated with libraries or checklist-style workflows. Both order and creativity are needed for institutions to function at their best. However, as librarians, we tend to drift naturally toward the orderly, so making conscious decisions to embrace messiness (instead of aggressively stamping it out as may be our gut reaction) may help us achieve a better balance.

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