Change in most fields can signify the end of something. But rest assured, although there is gossip about the library ceasing to exist or remain relevant, the role of the law librarian is evolving into something much greater—a cross-collaborating position that assists in all functions of business to deliver on the organization’s bottom line. Our Reference Desk columnists discuss the advantages for libraries in today’s changing legal landscape.

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We’re always hearing of dire reports predicting the death of law libraries. What are the advantages for law libraries in 2019? Where are we going?
Maribel: We hear this question a lot, yet I feel like anytime someone reports the death knell of law libraries, I actually get busier at work. How does that work?

While it’s true that today’s law libraries look a lot different than they used to, and technology and automation are certainly forcing an evolution from traditional roles of librarians and library staff, many law firm libraries are thinking outside the box for new ways to stay relevant and necessary to protect the firm’s bottom line.

In my law firm, that has included branching out and partnering with other departments. We partner with our firm’s Docketing team to use library resources to more efficiently distribute case filings to litigation teams, and to ensure that more of those filings make it into our firm’s document management system. We work closely with Professional Development to provide research education sessions to our summer associates and new first-year associates. We collaborate with IT (always our most natural partners) to improve our knowledge systems through countless projects.

In addition to discovering new ways to leverage our legal research skills to help the firm save money, we also work on projects that assist in our firm’s business development. Competitive intelligence, which in many firms has or continues to be a marketing function, is now handled by a group within our library team. We also have become a go-to resource for our business development department, using our transactional or litigation analytics resources to provide information for use in pitches to attract existing clients. By tracking our involvement in these kinds of projects, we can actually measure and quantify the value added through the work done by our staff in relation to new business brought into the firm.

Working with so many different departments in the firm has added bonus of producing an increased general awareness of how the various moving parts of the firm function (which cannot always be taken for granted in a large firm). In many law firms, particularly in bigger firms, the library might have a tendency to silo itself from the rest of the firm. By cross-collaborating with other departments, the library can improve its visibility, display and highlight the skills of its staff, and demonstrate its worth to the firm and its clients.

Dolly: From the public side, there seems to be a growing awareness regarding what the lack of meaningful access to justice has wrought for both the average person and the courts: chaos. An article in the April 7, 2019, issue of The Los Angeles Times typifies countless others on the subject: it describes courtrooms full of self-represented litigants, trying valiantly to plead their own civil cases, argue for custody, fight evictions, and otherwise navigate a system that was not designed for them. The article mentions self-help centers extensively but makes no mention of California’s system of county law libraries, a glaring oversight that is, sadly, all too common.

The anomaly that is the public law library is sometimes confusing even to other law librarians, and as we debate the role of law libraries in the future, they are also all too often left out of the discussion.

Public law libraries are an absolute good, and we underfund and ignore them to the detriment of the people who need them the most. In California, at least 90 percent of family law cases have at least one unrepresented party; while the Family Law Facilitator and self-help centers can help with paperwork, law libraries provide access to vital, incredibly expensive research material and databases that are otherwise out of reach for most self-represented litigants, and law libraries provide access to another invaluable resource: librarians and library workers who can help guide their research.

Leaving average people to the mercy of Google and Arvo creates situations where individuals have unrealistic expectations of both the courts and their own ability to navigate them; it creates frustration and leaves the layperson with the belief that the system is biased. (In many ways, it is—but, naively, I hope for better.) When I see the types of things people endure because they feel they have no recourse—landlords who illegally evict tenants, parents who violate custody orders, and let’s not forget the insurance companies—it is a privilege to be able to direct those people to a public law library where they can sit and examine their options for themselves.

Not everyone is cut out to do their own research or represent themselves, of course, but self-representation is not going away. People who need help but lack the vocabulary to know what they need are not going away. People who need access to justice will never go away. As organizations with curated collections of resources and especially trained researchers, public law libraries are on the frontlines, and going forward, we all benefit from making sure these institutions continue to serve.

Scott: It’s ironic that the decision that so many of us made to not be practicing attorneys has inadvertently recast us as ceaseless advocates in the trial of our own profession. We have all had this discussion more times than we would care to count, but I’ll take a crack at this once again here.

The conversation about the death of [law] libraries typically revolves around a fundamental misunderstanding of the dual role that libraries play in the information retrieval process. Those who insist on questioning the value of libraries in the modern world typically focus all of their attention on libraries as disseminators of information and completely ignore the vital role of libraries (and professional librarians) play as information curators. It is this secondary (or, increasingly, primary) function of libraries that holds the key to our continued relevance in the digital age, and information literacy, not information
retrieval, is where our advantage increasingly resides.

Information retrieval is easier now than it has been at any point in human history. We know this. We could have a discussion about the digital divide and other structural barriers to information retrieval, but it’s more interesting for my purposes to just stipulate that it’s comparatively a lot easier these days for average people—to themselves, at home, with an internet connection—to access the type of information that they would have previously relied on libraries to provide. So, let’s say that libraries are no longer the go-to source of information that they used to be. Today, information retrieval is not the issue that most of our patrons have—the issue is information selection, curation and synthesis. There is simply too much information available and precious few people know how to separate good information from bad. Stand at the bottom of Niagara Falls and look up. If your first thought is, “My God, this is going to be the end of water fountains,” all I can say is good luck taking a sip.

Libraries don’t just offer water—they also offer a cup and a straw. We provide the resources our patrons need to actually make information usable. In a world of information confusion, information professionals become more necessary than ever, not less.

The second part of my answer relates directly to my role as the resident voice of academia in this column. In recent years, the American Bar Association (ABA) has placed an increased emphasis on experiential learning and practical skills training in law schools. As job markets continue to become more and more competitive, the pressure for law schools to produce practice-ready attorneys with relevant skills training will only increase. Law libraries, along with law school clinics, stand as the only departments within the traditional law school structure that are actively selling skills training.

To date, I think that many academic law libraries have done a poor job of leveraging this set of facts to boost their status within law schools. However, since the market conditions that prompted the ABA to begin placing an increased emphasis on skills training are not going away, opportunities will continue to be there for academic law libraries to display their value to schools. It is up to us to highlight the role of libraries within this experiential paradigm and advocate for an increased educational role within our schools.

AALL 2019 ALERT

Don’t miss the session “Fostering the NextGen Library Professional: How the Changing Legal Market Shapes Our Roles,” Monday, July 15 from 9:30 a.m. to 10:30 a.m. For more information visit bit.ly/AALL19NextGen.

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