DATA-DRIVEN LEGAL SERVICES
NEW ROLES FOR INFORMATION PROFESSIONALS
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It is my honor and privilege to serve as the new editor of *AALL Spectrum* for the next three years. I look forward to working with the Editorial Board to not only provide relevant content to help our members further their professional development and education, but also to help them stay one step ahead of the rapidly changing legal landscape. I want to thank our outgoing editor, Kristina Niedringhaus, for all of her contributions in making *AALL Spectrum* a better magazine. Under her leadership, *AALL Spectrum* welcomed new Reference Desk columnists representing all three library types (academic, firm, government), established new Community and Advocacy sections, and introduced a new technology-focused column (Talking Tech).

*AALL Spectrum* provides an overview of the new normal in legal services to help readers understand the challenges and opportunities that the legal industry, our respective organizations, and the law librarian profession itself, face. Since the Great Recession of 2008, we have slowly been inching our way to a new awakening in the legal industry, one that seemed to be on the distant horizon, but has now clearly arrived. Evan Shenkman’s article “The Transformation of the Law Firm” is the first in a series of articles that will cover this transformation. The article on data-driven legal services, written by Ed Walters and Katherine Lowry, focuses on the new roles information professionals are performing to make law firms more competitive. The third feature article in this issue is by David Kamien, and it provides a foundation in the fundamentals of cross-selling and how leading law firms are harnessing technology to share intelligence and gain better insights. And guess who is indispensable to this process? That’s right, it’s law librarians, as they provide the underlying research that is relied upon to make actionable decisions by firm leadership.

I am also excited to announce the debut of the new “Practical Competitive Intelligence” column, which will appear in each issue under the leadership of Kevin Miles from Norton Rose Fulbright. As reported in the 2018 *American Lawyer*’s annual Survey of Law Firm Knowledge Management, Library and Research Professionals, 91 percent of firm law librarians said they are responsible for business research—more commonly known as competitive intelligence (CI)—and almost 75 percent of respondents expected to see requests for business of law research increase in the near future. The new column will explore practical uses of CI that law librarians can offer as a service. Future columns will explore different facets of CI.

In order to encourage new authors to write for *AALL Spectrum*, the Editorial Board now provides mentorship and peer review of articles upon request. We encourage all members to consider submitting an article proposal. With the help of a mentor, we can work with you to outline the article and assist with the drafting and editing process. Use the “Submitting Articles for Spectrum” link to send in your proposal. Additionally, we encourage members to recommend authors outside of AALL who might have insight into the legal industry and its impact on law librarians and information professionals.
DATA-DRIVEN LEGAL SERVICES
How artificial intelligence and data-driven analytics tools are helping firms gain and keep new clients.
BY ED WALTERS & KATHERINE LOWRY

THE TRANSFORMATION OF THE LAW FIRM
An overview of the new normal in legal services.
BY EVAN J. SHENKMAN

BOOST YOUR CROSS-SELLING EFFORTS WITH TECHNOLOGY & SMART COLLABORATION
A brief examination of the fundamentals and complexities of cross-selling and how leading law firms are harnessing technology to share intelligence and gain better insights.
BY DAVID KAMIEN

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If retirement is in your near future, and you want to stay connected to your friends and colleagues as well as the legal community, consider the AALL Sustaining Member option. For a one-time renewal rate of $425* continue enjoying all the benefits of membership:

- Networking
- Publications
- Leadership Opportunities
- Advocacy

*DID YOU KNOW? AALL’s Encore Caucus was created as a way for retired members to continue to collaborate with members of the legal information profession, share common interests, and further personal and professional activities. Learn more at bit.ly/AALLEncore.

KNOW SOMEONE ABOUT TO RETIRE? The Sustaining Member benefit makes a great retirement gift!
Talent, including diversifying and growing membership; Engagement, allowing us to be the hub for the entire legal information profession; and Alliances, focusing on building a strong network of strategic partners and collaborators. We have also updated our Vision Statement to read “[p]osition AALL members as the recognized authority and experts in all aspects of legal information.” The new strategic plan and vision puts the focus back on the strengths of our members, our most important resource. The plan also bridges our 2019 Annual Meeting theme of “Capitalizing On Our Strengths” with our 2020 Annual Meeting theme of “Unmasking Our Potential.” This new stage in our development as an association has a lot of potential, and I am excited to see where our members take us.

This issue of AALL Spectrum focuses on the transformation of legal information and its effects on librarians. As technology continues to evolve, so do our titles and areas of expertise. We are no longer simply librarians; we are now also knowledge managers, competitive intelligence experts, and more. Technology has transformed how legal information professionals work and what services we can offer our students, patrons, attorneys, stakeholders, etc.

I love anything that is practical and that I can see a real use for, and this first issue touches on several important tools and skills that can and should become part of your professional arsenal. Beginning with this issue, readers can enjoy a new column, “Practical Competitive Intelligence” by Kevin Miles, which begins by breaking down the basics of conducting effective reference interviews to create competitive intelligence reports for law firms, and will continue to dive into other cutting-edge topics in future issues. David Kamien’s article on cross-selling is also an excellent example of why our members are the hub for legal information needs. This article also provides a great intersection of human interaction, technology, and research.

I hope this issue of AALL Spectrum inspires you to find a way to transform something in your library. I am looking forward to serving as President of AALL as we continue to grow our membership, our opportunities, and our alliances.

Michelle Cosby
michelle.cosby@temple.edu
Save the Date
JULY 11-14, 2020

UNMASKING OUR POTENTIAL

www.aallnet.org/conference
Almost all players in the legal market talk about innovation. But what is innovation? Who’s doing it and how do rank-and-file workers handle it? To prepare for their sessions at the 2019 AALL Annual Meeting and at ILTACON 2019, Ron Friedmann, Marlene Gebauer, and Darin Fox conducted a “bottom up” survey. That is, instead of targeting law firm management or people with “innovation” in their job titles, the authors wanted to hear from a broad cross-section of line managers from across multiple organizations. A total of 81 responses were received; the majority from law firms and law schools. Here are highlights from the survey.

**BARRIERS TO INNOVATION**

The chart below shows the four most common reasons survey respondents gave as barriers to innovation. Answers were tagged in four categories.

![Chart showing barriers to innovation](chart.png)

**INNOVATION INITIATIVES**

Does your organization have a formal or informal innovation initiative?

- “We have created both a formal innovation team and have had meetings and design sessions. We have also created a new committee to enhance the client experience, which will also focus on innovation.” – Law Firm
- “We started with a specific Innovation Lab initiative but the goals and team members were too broad. It has morphed into specific programs within Practice Management, KM, a process improvement program, and internal app developments.” – Librarian, Law Firm
- “Very informal, but always focused on continuous process improvement—eliminating waste and applying innovation.” – Office of General Counsel
- “Committee: Innovation in Legal Practice” – Law School Administrator

What challenges do you face in implementing innovative technologies, workflows, or strategies?

- “Adoption is always challenging, even where there is an obvious use case and where the tool clearly matches and addresses an existing pain point.” – Law Firm
- “Lack of library department staff; little buy-in from management.” – Librarian, Law Firm
- “Financial. Buy-in from users. Tech does not work as described.” – Librarian, Law School
- “Change management ... getting people comfortable with even trying something new and different.” – Office of General Counsel

View the full survey results at bit.ly/SO19Surveyresults.

**AALL2go EXTRA**


Content provided by Ron Friedmann (Chief Knowledge & Information Officer at LAC Group); AALL panelists: Marlene Gebauer (Greenberg Traurig) and Darin Fox (University of Oklahoma); and ILTA panelists: Cheryl Disch (Duane Morris) and Joshua Fireman (Fireman & Company).
NEWS & NOTES

AALL Executive Board Actions/Summer 2019

The AALL Executive Board met July 11 in Washington, DC, just prior to the start of the AALL Annual Meeting & Conference. During this meeting, the Executive Board considered a number of agenda items and approved the following actions:

- The appointment of Meg Kribble, Skadden, Arps, Slate, Meagher & Flom LLP, to serve as chair of the 2020-2021 Annual Meeting Program Committee.
- The appointment of Angela Baldree (Franklin County Law Library) and Rob Myers (Case Western Reserve University Law School Library) to serve as co-chairs of the Local Arrangements Committee for the 2021 Annual Meeting in Cleveland, Ohio.
- The AALL operating budget for the 2019-2020 fiscal year, which begins on October 1, 2019.
- The 2019-2022 AALL Strategic Plan.
- Increasing the Indexing of Periodical Literature Committee from seven to ten members.
- Revisions to the current AALL Preservation Policy.
- Increasing the size of the current CPE (Continuing Professional Education) Committee by six members.

The Executive Board book and related materials are available on AALLNET at bit.ly/AALLboard0719.

General Business Meeting Actions

The General Business Meeting was held July 15 during the 2019 AALL Annual Meeting & Conference in Washington, DC. The meeting kicked off with reports from AALL President Femi Cadmus and President-elect Michelle Cosby. The update included a recap of the Association’s work this past year, as well as a look at the new three-year strategic plan that consists of three pillars: Talent, Engagement, and Alliances. They also announced that new eLearning courses would be coming down the pipeline as the next step for the Body of Knowledge.

Treasurer’s Report

Following the Association highlights, AALL Executive Board Treasurer Jean L. Willis presented her treasurer’s report to the membership regarding the Association’s financial statement for the 2018 fiscal year. To view the entire report, visit bit.ly/MJ19Treasurer.

UELMA Resolutions

Four Resolutions were approved in support of the Uniform Electronic Legal Material Act (UELMA):

- Revisions to the 2013 AALL Uniform Electronic Legal Material Act Resolution

2019-2020 CALENDAR

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QUICK LINKS

- AALL ANNUAL MEETING bit.ly/AALL2020
- AALL EDUCATION bit.ly/AALLeducation
- AALL CI FOUNDATIONS bit.ly/AALLFoundations
- AALL LEADERSHIP ACADEMY bit.ly/AALLacademy
Resolution Celebrating the Adoption of Iowa’s Uniform Electronic Legal Material Act

Resolution Celebrating the Adoption of Michigan’s Uniform Electronic Legal Material Act

Resolution Celebrating the Adoption of Texas’s Uniform Electronic Legal Material Act

Newly Elected AALL Board
Immediately following Jean Willis’ presentation, AALL Executive Board Secretary Luis Acosta introduced the newly elected Executive Board Members for 2019-2020:

- **Vice President/President-elect**
  Emily Florio

- **Treasurer**
  Cornell H. Winston

- **Executive Board Members**
  Emily M. Janoski-Haehlen & Jason R. Sowards

Continuing on the Executive Board will be:

- **President**
  Michelle Cosby

- **Past President**
  Femi Cadmus

Acosta also introduced the candidates for the 2020 Executive Board election. The election will be open to all members from October 1 to October 31, 2019. Read more about the candidates at bit.ly/AALLvote2020 and view their statements at bit.ly/AALLbios2020.

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Your Blueprint for Success

The AALL Body of Knowledge (BoK)—designed to serve as a blueprint for career development—defines the domains, competencies, and skills today’s legal information professionals need for success.
AALL Champions /Membership Update

AALL Champions are ambassadors to the legal information profession and to AALL. Thank you to our champions.*

- Luis Acosta
- Elizabeth G. Adelman
- John Adkins
- Amy Affelt
- Jamie J. Baker
- Rhea Ballard-Thrower
- Patricia Barbone
- Donna Bausch
- Marcia Bell
- Anne R. Bernardo
- Michael G. Bernier
- Jim Braden
- Sharon Bradley
- Justin Brownstone
- Jonathan A. Burns
- Kathy Carlson
- Emily Carr
- Kurt Carroll
- Dr. Yvonne J. Chandler
- Miriam D. Childs
- Charles Dewey Cole Jr.
- Cattleya Concepcion
- Linda Corbelli
- Michelle Cosby
- Andre Lamar Davison
- John DiGilio
- James E. Duggan
- Amy J. Eaton
- Mark E. Estes
- Stacy Etheredge
- Susan Falk
- Emily R. Florio
- Krista Ford
- Eugene M. Giudice
- Marcia Hannon
- Edward T. Hart
- Joseph Hinger
- Mary Jenkins
- Jacqueline J. Jurkins
- Billie Jo Kaufman
- Mary Ann Keeling
- Meg Kribble
- Amy Latalladi-Fulton
- Catherine Lemann
- June Hsiao Liebert
- Charles Lowry
- David S. Mao
- Beth Maser
- Kathryn McRae
- Allen R. Moje
- Savanna Nolan
- Alicia M. Pappas
- Charles A. Pipins II
- Evelyn M. Quillen
- Holly M. Riccio
- Julie Tessmer Robinson
- Diane M. Rodriguez
- Maureen Rossi
- Anna C.B. Russell
- Karen Selden
- Merle J. Slyhoff
- Keith Ann Stiverson
- Maryruth Storer
- Kay Todd
- Victoria Trotta
- Gretchen Van Dam
- Ed Walters
- Gail Warren
- Jean M. Wengen
- Andrew Winston
- Cornell H. Winston
- Sally H. Wise

Learn More at bit.ly/AALLchampion

* AALL Champions as of June 14, 2019. Members who became champions after June 14 will be recognized in next year’s September/October issue of AALL Spectrum.
THANK YOU!
AALL thanks its generous sponsors for helping to make the 2019 AALL Annual Meeting & Conference a success.

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MEMBER PROFILE

VANTAGE POINT

MICHELLE HOOK DEWEY
- LEGAL RESEARCH SERVICES MANAGER
- BAKERHOSTETLER LLP
- ATLANTA, GA

IF YOU WROTE AN AUTOBIOGRAPHY, WHAT WOULD ITS TITLE BE, AND WHY?
"And I Ask Myself: How Did I Get Here?" It would be the story of my uncommon path to adulthood. I took a few side trips and detours, but I think I ended up in exactly the right spot.

FAVORITE THING ABOUT YOUR JOB?
That I get to work for and with some amazingly smart and innovative people who recognize the value legal information professionals bring to the table. I love being in a position to suggest ideas and explore new technologies that help my team develop their skills and grow the definition of what a librarian is.

FAVORITE QUOTE?
"To live in this world, you must be able to do three things: to love what is mortal; to hold it against your bones knowing your own life depends on it; and, when the time comes to let it go, to let it go." It’s from "In Blackwater Woods," by my favorite poet, Mary Oliver.

WHAT’S YOUR GREATEST ACHIEVEMENT AND HOW HAS IT SHAPED YOU?
My greatest achievement is that I am where I am today—well educated, happy, and in a profession I love. My path wasn’t straightforward, and I didn’t go to college until later. Going back as an adult and completing four degrees is a HUGE accomplishment and not one I would have foreseen in my early twenties. It reminds me it is never too late to explore your passions, learn new things, and create a new path.

ADVICE TO YOUR 20-YEAR-OLD SELF?
Chill out. Do not sweat the small stuff. At 20 you feel like every action has a ripple effect, but it really doesn’t on the scale you think it does. That grade in Chem? No one cares at 40.
In your career, who has been your most inspirational guide through the transformation of law?

DARIN K. FOX
Associate Dean, Director of the Law Library and Professor of Law at the University of Oklahoma Law Library; University of Oklahoma College of Law; Norman, OK

“Change driven by technology has been a constant in librarianship during my 25-year career. I’ve been influenced by a wide range of technology enthusiasts. Vint Cerf, one of the founders of the internet, was kind enough to speak to me about a new tool called the World Wide Web when I was just a library school student at Illinois. AALL’s Computer Services Special Interest Section (CS-SIS), the Center for Computer-Assisted Legal Instruction (CALI), and the teknoids listserve created a community for me as a new computer services librarian at the University of Southern California. My first boss, Albert Brecht, taught me how to approach technology as a professional. Recently, I have been inspired by librarian-technologists, such as Jean O’Grady, June Liebert, Ken Hirsh, Greg Lambert, Kenton Brice, and ABA TECHSHOW speakers, such as Jim Calloway and Ed Walters. It is an exciting time of innovation and experimentation for law libraries, law schools, and the legal profession.”

THOMAS SNEED
Associate Professor & Director of the Law Library; Washburn University School of Law; Topeka, KS

“My answer is a bit outside the box. Charles Boteler is a retired trial court judge from Kentucky, and I was his law clerk during my first job after law school. I have only spoken to Judge Boteler a few times in the last 15 years, but he is a valuable presence for me on social media. He regularly posts on current legal and political events, discusses legal works he is reading, and stays plugged into the legal profession. With my hectic schedule, he does a great job of keeping me up to date on legal issues—without him even knowing it. Just another example of why we should keep our past mentors on the Rolodex and our Facebook accounts!”

HOLLY M. RICCIO
Law Librarian; San Francisco, CA

“Over the course of my legal information professional career, there are many that have influenced me. However, two influential figures that stand out for me may be a bit off the beaten path. One is KM (knowledge management) innovator Jeff Rovner at O’Melveny & Myers. Working with him opened my eyes to (1) looking outside of legal for inspiration and ideas (What is it about the user experience that makes Amazon and Netflix so sticky?) and (2) focusing on understanding the problem, and then identifying the right solution, technological or otherwise. Another strong influencer is Margaret Hagan at Stanford’s Legal Design Lab. After hearing her speak at a CodeX FutureLaw conference, I was immediately drawn to the design thinking concept and how it can be leveraged to improve not only access to justice, but also to creating better legal services more broadly. The commonality between these two approaches to legal technology is that they both put the user first and recognize that technology is only truly successful when it addresses a real need in an intuitive, user-friendly way.”

MARY JENKINS
Manager, Research Solutions; Senior Law Librarian; Accufile, Inc.; Lexington, MA

“I am grateful to my colleagues who ponder out loud about emerging technologies, knowledge management, and the legal profession in general. I’ll name Marlene Gebauer and Greg Lambert’s podcast “The Geek in Review” as my go-to—not just because they reveal their inspirations in each episode, but also because Greg and Marlene interview people with broad perspectives and interesting research and projects. They reflect on the relevance of the work we do and the connections we have across the legal industry. I appreciate Marlene and Greg’s willingness to speculate, their vulnerability and intelligence, and the fun that they have along the way.”
DATA-DRIVEN LEGAL SERVICES

NEW ROLES FOR INFORMATION PROFESSIONALS TO MAKE LAW FIRMS MORE COMPETITIVE

BY ED WALTERS & KATHERINE LOWRY
The first wave of artificial intelligence (AI) and data analytics applications is being adopted in law firms, from supervised learning systems for discovery to contract review and legal research applications. Just beyond the horizon, however, a second wave of AI applications is being built—apps that are being built by law firms, rather than software companies.

This “maker movement” in law firms is just getting started, but it is not too early to canvas some of these applications. They may show where data analytics and AI are headed in law firms and presage some of the new legal services that law firms will offer in the near future. Although there is no cause for breathless claims of robot lawyers coming to take our jobs, the last few years have seen interesting new software applications that augment traditional, human lawyering.

Most interesting of all, these new applications are not being built by data scientists—they are being created by information professionals from across the spectrum at law firms, and much of the best work is being done by law library professionals.

The Next Generation of Legal Services

Clients bring some of their most important and challenging issues to law firms, and many of their questions concern data. Questions about market prices or contract terms ask about data. Many questions of litigation strategy, such as where to file or how much to offer in a settlement, are informed using data analytics and the underlying data from past cases.

Law firms are giant warehouses of this kind of data, from billing systems to contracts to document management systems. Law firms are repeat players in legal services, representing diverse clients across many different industry types, but most law firms remain ill-equipped to answer clients’ data-driven questions with data-driven legal services and solutions.

This AI and analytics maker movement, especially in the knowledge management and law library centers in law firms, can create new, data-driven legal services to answer these kinds of questions. This movement also holds the promise of services that proactively help clients avoid risk, which is more valuable to clients than litigating after the fact. New, data-based legal services may also increase the size of the legal market and help firms win new clients.

Firms that can automate some of the most time-consuming tasks of providing legal services can also provide the services at lower cost and help many more clients, including those without the means to comfortably hire a lawyer, but who nevertheless do not qualify for assistance from legal aid. Rebecca Sandefur’s now-famous 2014 study showed that some 80 percent of people with legal problems don’t address them with the help of a law firm.

By and large, people who handle legal matters themselves fare less well than people who have the benefit of counsel. This means that the vast majority of people with a legal problem are disadvantaged because they do not or cannot avail themselves of legal counsel, which suggests that there is a latent market for legal services.

The hope of access-to-justice advocates is that law firms can use AI, data analytics, and automation to deliver newer and better legal services at lower prices to more people. But AI is not just a way to reach this latent market.
Corporate clients are demanding that law firms become more sophisticated about understanding their own costs. In 2017, Microsoft announced that it was shifting away from paying hourly rates for its outside counsel. As a result, more law firms are now using AI and data analytics to better understand their own costs, thereby allowing corporate clients to forecast more accurate legal budgets in advance. Corporations budget years in advance for all kinds of expenses, even variable ones, for all kinds of spending, with the notable exception of legal spending. Law firms that use AI, data analytics, and automation to better understand and control their costs will be more competitive and better positioned to win work from clients who need to budget their legal expenses the same way they budget their other expenses.

Equally important to clients, when law firms bid fixed fees on their engagements, those firms become highly incentivized to work more efficiently. Law firms still have a long way to go to understand staffing and efficiency, but new tools are helping them to understand their costs. For example, DigiTory Legal uses AI to understand past bills to help law firms create accurate litigation budgets, a task that was previously considered impractical.

**How Law Firms Use AI, Automation, and Analytics**

Law firms that use AI built into a third-party tool, or analytics reports from legal research services, can leverage important new insights for the benefit of clients. Using third-party tools offers advantages over using no tools at all. Indeed, reporting analytics and AI tools should be the new floor. In the near future, law firms that do not use AI or analytics tools will scarcely be able to compete for new business.

This is hardly groundbreaking; lawyers have been using AI in their practices for years. Every time Microsoft Word autocorrects a spelling error, it’s using AI. Smart speakers such as Amazon’s Alexa or Apple’s Siri use speech recognition and smart algorithms. Software that converts PDFs to text uses optical character recognition in a way that now seems routine. Computer scientists often muse about artificial intelligence that “once it works, we stop calling it AI.”

That may be why lawyers look past the AI tools they use in practice. Electronic discovery (or technology-assisted review) that uses supervised learning now yields higher accuracy and recall than that of human reviewers. Lawyers also use third-party tools such as RAVN from iManage to categorize and summarize documents or LawGeex to ensure the consistency of contracts.

The ceiling for legal work will be defined by the custom tools that law firms are just starting to build. Take as an example the knowledge management systems that larger firms have built over the last 10 years. These systems were designed to collect and leverage the combined wisdom of firm lawyers over many years, thereby providing noncommodity insights for future legal matters. Similarly, the AI tools of the next few years will leverage the private data of law firms to create unique insights unattainable by other law firms because they will be generated from the collective experience of lawyers and their work product from a particular firm. AI is the accelerator of increasing a firm’s competitive advantage, and the power of this capability should not be underestimated.

By building its data analytic solutions and chatbot technology from the ground up, BakerHostetler is one such firm driving this change. The firm places a strategy called Augmented Legal Practice at the heart of its innovation strategy, employing AI, automation, and cognitive services as a way to optimize processes to meet the demands of corporate clients.

Law firms leverage technology and new services to differentiate themselves in the marketplace. One key observation is that some firms have created dedicated teams to focus on innovation. Governance levels of these teams range from informal to formal. Those with the most support and direction from upper management tend to have the largest advancements and greatest sophistication.

Dentons, a large law firm, created its own legal innovation lab, NextLaw Labs. It has invested in start-ups from Canada, the United Kingdom, the United States, and South Africa. BakerHostetler created IncuBaker to engage their attorneys and clients with developing technologies such as blockchain, AI, and data analytics. Law firms are even creating and marketing their own software. U.K. law firm Taylor Vinters incubated and launched ThoughtRiver, an AI-based contract management tool.

**The Maker Movement in Law Firms**

Law firms are becoming laboratories of experimentation in AI tools, spawning a generation of “makers” in the legal services industry. Law firms are using AI to dig deep into their matter histories to understand the resources required to handle different kinds of client matters. Clients are increasingly requesting fixed-fee engagements or alternative fee agreements from law firms. But if those firms do not understand their costs, a fixed-fee engagement poses a serious risk of cost overrun borne by the firm.

So instead of hand coding and curating past bills, firms are using AI to understand the range and distribution of costs, computing the mean and median costs for similar matters and looking for facts that create outlier conditions. Understanding costs mitigates risk for clients and for law firms, and it can help those firms be more competitive when seeking new business.

Similarly, law firms are looking at litigation analytics more than ever to determine litigation strategy—in no small part because the tools are better. Tools from the recently launched Lexis Analytics and from Docket Alarm give users a much deeper look than ever before into the strategies, judges, and law firms that help firms understand litigation outcomes. Formerly the domain of federal courts only, these tools are now expanding into state courts as well.

Markets may drive this trend toward a deeper understanding of legal analytics. Clients need better information to make strategic decisions about litigation, and they are becoming increasingly
sophisticated about pricing risk. In addition, litigation financing companies will have hundreds of millions of dollars at stake, so they will demand that firms use analytics to understand the risks at trial.

Expert witnesses have similarly been a mystery to many litigators for years; understanding the strengths or weaknesses of different experts, or their challenge histories, is a difficulty that faces firms large and small. Litigators are now using AI tools such as Fastcase’s AI Sandbox to combine their own experience with those of expert witnesses, then factoring in expert witness data from Courtroom Insight, to create their own custom dossiers for expert witnesses.

**New Tools and New Legal Services**

How is it possible for law firms, long reputed to be technological laggards, to build their own tools for pricing risk or driving litigation strategy? The trend is powered by several of the same forces that have more generally driven the advance of AI.

First, there is now more legal data than ever to train machines. Law firms have vast document repositories, and legal research databases are less expensive than ever before. There is more information available from email and the internet generally for firms to use.

Second, processors continue to scale according to Moore’s Law, doubling in processing power and halving in size and cost every two years. Computing power is now a commodity, and law firms can more easily use cloud computing platforms such as Amazon Web Services, Microsoft Azure, or Google Cloud to massively process data at scale.

Third, the AI tools are better and easier to use now. We think of IBM Watson as a monolith that beat Ken Jennings and Brad Rutter at *Jeopardy!*—but Watson is more properly a collection of discrete pieces of software, or application programming interfaces, that accomplish specific tasks. Today you can use more than 60 of IBM’s Watson Cloud Developer application programming interfaces—and get started with many of them for free. Instead of the six-figure price tag for the AI of old, Watson application programming interfaces now cost fractions of a penny per call. (But be careful, those penny fractions can add up!)

Lastly, there is more open-source AI software than ever before. TensorFlow from Google is perhaps the best known in this genre of open-source AI software. But last year LexPredict released the first open-sourced AI tool specifically for lawyers, ContraxSuite. The ContraxSuite platform can be used to analyze documents, extract and organize information, and visualize the data for clearer understanding.

**An AI Future for Law?**

Will law firms adopt AI? Remember that 25 short years ago, people were seriously asking whether lawyers would ever use the internet. We are just at the leading edge of the AI revolution in law, but we are not waiting for it to begin.

Law firms are already using AI tools, and now they are using AI to build new tools for themselves. *This is not a revolution for the next generation: it’s an important opportunity for ours.*

Perhaps it is easiest to think about what will happen if firms don’t use AI. For one thing, their peer firms are already starting to use AI, and that literacy makes those firms more competitive for client business. Firms that do not learn to use these tools will become less competitive.

If their law firms don’t use AI to deliver legal services, corporate legal departments will take more of the legal analysis work in-house. In 2016, corporate legal departments brought in-house $4 billion worth of work from outside counsel. Corporate clients—under intense internal pressure to reduce the overall costs of legal services—are taking control of their matters and managing the work of their outside law firms to a degree never before seen. As client sophistication grows, law firms must question exactly where their role fits into the landscape of the legal industry. Firms that can adjust service, pricing, legal work processes, talent management, and overall structure will enjoy an enormous competitive advantage.

Clients value firms that vigilantly understand their needs. Firms must keep up with their clients’ changing strategic visions.

Law firms have a great opportunity working with the next generation of data analytics tools and AI. They can reach latent markets for legal assistance, develop new and deeper insights for sophisticated corporate clients, and gain a differentiated strategic advantage over trailing firms. The market is ripe for firms to drive innovation and transform delivery of legal services. It is a formative time for attorneys and law library professionals to explore solutions together.

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**AALL2go EXTRA**


READ


**ED WALTERS**

CEO

Fastcase, Inc.

Washington, DC

**KATHERINE LOWRY**

DIRECTOR OF PRACTICE SERVICES

BakerHostetler

Cincinnati, OH

klowry@bakerlaw.com
no industry is immune to disruption, not even legal. After decades of white-shoe dominance, today’s law firms now face pressing challenges not only from peers, but also from in-house legal teams (trying to handle more work on their own, and aiming to pay less for the work they send out), Big Four accounting firms (eyeing entrance into the U.S. legal market), and upstart alternative legal service providers (including LegalZoom, and a burgeoning industry of mobile apps offering users the ability to litigate small matters with a few swipes and clicks).
What’s a law firm to do? Prudent firms realize they can no longer rest on their laurels, and that having a reputation of being smart, savvy, and connected is no longer enough. Instead, they must continually seek opportunities to make their client relationships stronger, their arguments more persuasive, their advice sounder, and their bills leaner. Law firms addressing these challenges have fundamentally changed the way they work, research, and market themselves: they have gone from being knowledge hoarders to knowledge sharers; from billable-hour machines to alternative-fee-arrangement client-partners; and from instinct-driven to AI- (artificial intelligence) and analytics-driven decision makers.

This article is the first in an AALL Spectrum series covering this important transformation. Here, we take a high-level survey; over the months to come, we’ll cover the changes in greater detail. While the pressures are real, solutions abound for proactive firms willing to transform.

Knowledge Management and Legal Project Management

Imagine, for a moment, that someone from a large, multi-state company has made an after-hours phone call to a law firm: the company has received a class action lawsuit over their background check paperwork, and they want the case handled by someone who not only knows the law backwards and forwards, but who also addresses their concerns and provides service efficiently, without any surprises. The associate answering the call wants to impress, but he’s the last person still at work, and he doesn’t know the topic, the judge, whether his firm has ever handled similar cases, how they turned out, or what they cost to defend. Gulp.

Knowledge Management (KM) initiatives are the solution to such challenges. KM is about capturing a firm’s know-how for future use, and making relevant people, documents, information, experiences, and processes easier to quickly locate within the firm, at a moment’s notice (and even during that after-hours phone call). Once mature, KM practices allow attorneys to more efficiently provide higher quality, and more consistent, work product.

Common KM initiatives at today’s leading law firms include:

- enterprise search (systems that make a law firm’s documents, matter information, client information, timecard information, and more, all searchable in one standalone system);
- precedent collections (brief banks, model documents, checklists, template forms);
- document automation and assembly (allowing attorneys to create a template form once—such as a real estate agreement or settlement agreement—and then automatically generate hundreds of customized versions from those forms);
- artificial intelligence-assisted document review and preparation (software that can review contracts and instantly identify key or missing clauses, perform e-discovery document review, or that can analyze a complaint and automatically generate a draft answer or draft discovery);
- practice group/client team collaboration sites (often built on SharePoint, they offer a well-organized access point for key internal sources and relevant external secondary sources); and
- data analytics systems (to track a firm’s litigation track record on similar matters).

Admittedly, KM initiatives require meaningful attorney cooperation and buy-in, since they require attorneys to contribute (rather than store) their “secret sauce” exemplar documents, share their experiences (good and bad) with their colleagues, donate time to trial and pilot new tools and services, and commit to a firm’s spirit of innovation. But with so many clients selecting law firms because they are smarter, faster, leaner, and more innovative, securing attorney buy-in for KM initiatives is now easier than ever.

Legal Project Management (LPM) efforts are also increasing in popularity, as efficiency and transparency is at a premium. LPM is the application of classic project management concepts to the practice of law. It is concerned not with the substantive legal work itself, but instead with the process and mechanics of how legal services are provided to the client.

While firms differ in the scope of their LPM efforts, the discipline generally entails formally defining and scoping matters at the outset, efficiently staffing matters, hitting client-service-related milestones (such as periodic case assessments and check-ins) on time, and, upon completion, ensuring an after-action review takes place. LPM efforts tend to gain the most traction for larger client engagements on an alternative-fee arrangement basis, where firms are penalized for inefficiency and praised for adhering to the client’s budgets and expectations.

Innovative Client-Facing Offerings

Beyond the baseline expectation of sound legal advice and representation (nowadays, that’s just table stakes), clients are increasingly expecting innovative bells and whistles from their law firms. Law firms offer these client-facing tools and services, either as value-added services to increase client stickiness, or as standalone revenue generators.

Client-facing extranet dashboards, for instance, have become a common-place offering by law firms. Akin to the
In an industry where knowledge is king, lawyers are embracing services that make legal research faster and more accurate, and that offer unprecedented insights into the tendencies of judges, neutrals, adversaries, and parties.

AI- and Data-Driven Research
It will not surprise this article’s readers to report that AI-augmented research platforms (such as CARA AI and ROSS Intelligence) and data analytics research platforms (such as Bloomberg Analytics and Lexis Analytics—including Lex Machina, Ravel Law, and Intelligize—Trellis, Westlaw Edge, and Premonition, among others) are gaining significant traction in law firms. In an industry where knowledge is king, lawyers are embracing services that make legal research faster and more accurate, and that offer unprecedented insights into the tendencies of judges, neutrals, adversaries, and parties. This treasure trove of newly available research can be used not only for classic legal research purposes, but also for case assessments, development of budgets, competitive intelligence, and business development.

Marketing and Publications
Law firm marketing efforts have also transformed to meet today’s law firm pressures. First, competitive intelligence research has grown so important that many firms now have dedicated researchers or research teams to handle that important role, often augmented by the AI- and data-driven research offerings referenced above.

In terms of marketing, many firms now have a robust social media presence, posting articles, blog posts, alerts, and newsletters to Facebook, Twitter, and LinkedIn. The latest trend for law firm marketing is the podcast, with many firms trying their hand at that medium.

Firms have also entered into the publishing world, both online and in print. Beyond publishing physical books, treatises, and substantive reports on legal topics, they are increasingly drafting articles for a number of third-party research and news platforms (Practical Law, Bloomberg Law, Law 360, and so on), aiming to bring in new business, or showcase the firm’s expertise. These publishing roles are often supported by law librarians.

A more subtle—but important—change taking place is the inclusion of KM, research, and/or IT personnel at client pitch meetings, right alongside the attorney team. These attendants are best suited to explain what processes and protocols the firm uses for creating, tracking, and leveraging institutional knowledge, how the firm innovates, how the firm uses technology and advanced research to provide more consistent and higher-quality legal advice, and what value-added innovations the firm can offer.

What’s Next for Law Librarians?
While these may be challenging times for law firms, they are also exciting ones for AALL members: there are critical pieces in each of the above initiatives tailor-made for the skills and abilities of legal librarians and researchers. Stay tuned as this series continues in the November/December issue.

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Cross-selling involves selling existing clients a variety of additional legal services from multiple practice area groups and offices. Full-service law firms view cross-selling as the fundamental basis of their business model. Cross-selling is vital for revenue growth, profitability, and retention, and is an easier, and less expensive way to obtain work than attracting new clients.

A brief examination of the fundamentals and complexities of cross-selling and how leading law firms are harnessing technology to share intelligence and gain better insights.

BY DAVID KAMIEN

BOOST YOUR CROSS-SELLING EFFORTS WITH TECHNOLOGY & SMART COLLABORATION
The basis for purposeful client development and cross-selling is understanding the full range of available offerings from the firm’s practice groups and cross-practice teams. Cross-sellers need to have a good understanding of the capabilities of lawyers.
experience working with your partners to fully understand. It is the essence of team-building," says Jason Nagi, a partner at Polsinelli PC and member of its Fintech and regulatory practice group.

**Tech-Enabled Innovation**

Face-to-face meetings are the ideal way to build trust, educate colleagues about new practices, and share stories about successful client engagements. However, there is a need for more scalable ways for lawyers in complementary practice groups to get to know each other and foster trust in their colleagues’ ability to execute projects reliably and efficiently.

According to Oz Benamram, CKO at White and Case, enterprise search systems can help build the trust between colleagues for cross-selling.

“We enriched our enterprise search with ‘evidence’ about the experience of each lawyer. So when you find ‘the expert,’ the system also shows you how they spent their time (by industry, practice, and type of service), what clients and matters they worked on, and what they produced (documents, to which you have access),” says Benamram. Armed with such facts and insights, lawyers are more likely to reach out to unfamiliar colleagues and engage in conversation. “We also discovered that when approached with ‘I noticed that you worked on this, and authored that,’ the remote expert is more likely to prioritize your request, knowing that you’ve done your homework,” says Benamram.

Some firms are cataloging the data in internal IT systems (e.g., CRM, time notes, experience, billing, research ticketing) and external subscription data resources. They are using data lakes (storage repositories) and more powerful approaches such as the semantic knowledge graphs used by leading technology and financial services companies to integrate enterprise data. Instead of trying to integrate everything, smart firms are working backwards from use cases and the analytic queries they want to, but cannot yet answer, such as: “Which lawyers speak Spanish, are veterans, and have worked on Pharma deals over $1 billion?”

**Research to Enhance Cross-Selling**

To manage experience-related knowledge and automate workflows, some firms are using natural language processing and machine learning to add metadata to matter documents and phase/task codes to time notes. They hope that insights form patterns in data that will help them discern when lawyers are becoming “marketable” for a new type of service.

Library departments systematically connect the dots when different people ask questions about the same company. “Law librarians, along with their colleagues, are now grappling with such weighty issues as knowledge management, information resources, and business process improvement as they look for ways to engage technology to help them face these challenges and further the firms’ business goals,” says Saskia Mehlhorn, director of knowledge management and library services in the U.S. for Norton Rose Fulbright.

Some firms are leveraging next-generation software to produce newsletters and alerts that are more valuable and fully leverage their expertise.

“When writing our alerts and newsletters, it is essential that our KM (knowledge management) analysts quickly identify the right attorneys so they can leverage in-country expertise, which fosters cross-selling,” says Scott Leeb, director of knowledge management at Fragomen.

Potential needs for legal services are usually more difficult to discern because private deals and consultations with law firms are not publicly reported. “When identifying the legal needs of a client or potential client, it is important to consider the broader picture,” says Ben Brighoff, competitive intelligence manager at Jenner & Block LLP. “Industry trends, acquisitions, or changes in business plans may bring new legal risks and opportunities. If you can identify those before your competitors do, you can be the first to advise the client in those areas.”

Some firms are working to integrate their business development and research processes, increase the utilization of all their information resources to better seize opportunities, and manage risk. Their libraries are getting external data providers to supply data programmatically via Application Programming Interfaces (APIs), in addition to doing so via manually using search interfaces.

“Good research and KM insulates the firm from risk and helps the firm engage with the right clients and avoid conflict,” says Scott Bailey, director of research services at Eversheds Sutherland. “Strategic research support helps a firm focus its limited BD [business development] resources on growing verticals they can actually support,” adds Bailey.

How are your firm’s library and research, marketing, IT, and knowledge management departments collaborating and leveraging technology to support business development and cross-selling? Is information about the firm’s expertise, clients’ needs, and competing firms flowing to the right people, at the right time, so they can develop stronger client-relationships? ■

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**Research + Analysis**

**Information + Management**

**AALL2go EXTRA**


**DAVID KAMien**

CEO

Mind-Alliance Systems

Whippany, NJ

david@mind-alliance.com

David Kamien is CEO of Mind-Alliance Systems (www.mind-alliance.com), and he enjoys helping law firms leverage advanced research and knowledge management technology, and enhanced collaboration, to power growth.
Michelle Cosby was introduced to law librarianship by a law librarian at her university and became a student member of the American Association of Law Libraries (AALL) in 2003. Since joining the Association, she has served in several leadership positions, continually rising through the ranks of AALL. Now, in her new role as President, she hopes to increase professional development opportunities for members, continue to partner with fellow associations and organizations to increase awareness about AALL, and to highlight members’ expertise as legal information professionals and build strong relationships.
Law librarians are central in determining whether technology offers lasting value and is worthy of investment. As President, I look forward to making sure our members have access to a wealth of educational resources and tools that aid in maximizing their use of technology.”

Michelle Cosby

In 2006, Cosby graduated from Indiana University with both a JD from the Maurer School of Law and an MLS from the former School of Library and Information Science. “My school offered a joint JD/MLS program, and during law school, I was more interested in the research side of things,” recalls Cosby. “During my first-year legal research class, the librarian told me that I had good retention of the material, and she told me about the joint degree, so that’s how I began pursuing it.” Her first professional position was as a reference/information services librarian at the University of Miami in Coral Gables, Florida, where she worked at the reference desk, working on special projects, and guest lecturing in 1L courses. After a year in Florida, she made the move to Lexington, Kentucky, to serve as a reference librarian at the University of Kentucky College of Law. In May 2010, she moved to Durham, North Carolina, to serve as the faculty services librarian at North Carolina Central University School of Law Library, before becoming senior reference and instructional services librarian in 2012.

In 2016, she moved to the University of Tennessee to become an associate director and associate professor before transitioning into her current role as director of the law library and associate professor at Temple University, Beasley School of Law Library in Philadelphia, Pennsylvania. In her role at Temple, Cosby leads the law library in support of research for law faculty and students and oversees the daily operations, including teaching, personnel, budget, and administrative tasks for the library.

Since joining the Association 16 years ago, Cosby has been active on several special interest sections, including the Academic Law Libraries Special Interest Section (SIS) and the Research Instruction & Patron Services SIS, and is a member of several chapters, such as the Greater Philadelphia Law Librarians and the Southeastern Chapter of the American Association of Law Libraries. She has also served as a member on a number of committees, such as the Committee on Relations with Information Vendors (CRIV), Conference of Newer Law Librarians (CONELL), Council of Chapter Presidents, the AALL Awards Review Special Committee, and the Executive Board Finance & Budget Committee, to name a few. She served as vice chair and chair of the Awards Committee, chair of CRIV, chair of the Black Caucus of the American Association of Law Libraries, and as vice president of the Executive Board. She is also a member of the American Bar Association (ABA), International Legal Technology Association, and her state and local bar associations.

Here, Michelle discusses her goals for the coming year, the importance AALL has played in her career, and takeaways from the recent AALL Executive Leadership Institute.

**Now that your term as president has officially begun, what is first on your agenda?**

One of the goals of the Executive Board will be to begin implementing the 2019-2022 strategic plan of Talent, Engagement, and Alliances. Goals for the strategic plan include growing a diverse membership, positioning AALL members as thought leaders and influencers of the legal information industry, and encouraging members to engage within the organization. I have also created three special committees: the CONELL Handbook Special Committee, which will determine and document the operating procedures for the CONELL Committee; the Law Librarianship as a Career Guidance Review Special Committee, which is tasked with overseeing the research of the current status of the career of law librarianship and reporting findings to the Board; and the Legal Research Competencies Review Special Committee, which will review and update the current Legal
What goals or initiatives has the AALL Executive Board set for the coming year?
Right now, one of the Executive Board’s goals is creating microlearning opportunities. To that effect, we are going to expand the Continuing Professional Education (CPE) committee, adding additional members. The second part to this is finding out what type of microlearning opportunities members are interested in. Before the AALL Annual Meeting, the Association sent out an eLearning survey to assess what members need to meet their professional development goals. We will now be getting into the nitty-gritty and fine-tuning what types of education members would be interested in, whether it’s webinars, podcasts, or self-paced certificate programs. My goal is to make education more convenient and accessible for all members. So, we’re defining what the best microlearning opportunities will be.

Of course, it’s important to remember that law librarians are central in determining whether technology offers lasting value and is worthy of investment. As President, I look forward to making sure our members have access to a wealth of educational resources and tools that aid in maximizing their use of technology. We are also working on alliance building. It was something that kind of carried over from our last strategic plan; we’re trying to be even more strategic about building stronger relationships with chapters and with our sister organizations, and figuring out what works best for the Association. We are looking forward to building these new relationships.

The theme for next year’s AALL Annual Meeting is “Unmasking Our Potential.”
What does this theme mean to you?
I am super excited about the theme “Unmasking Our Potential” for next year’s meeting in New Orleans. To me, this means not being shy about expressing and sharing what it is we do as librarians and informational professionals. It is about stepping into the light and being okay with singing our own praises. It also means digging deep to find out what else you are capable of as a librarian.

What challenges have you faced as a woman in law librarianship? Do you think there has been improvement in this area?
We are similar to other legal industries where there are not enough women in key leadership positions. So, to be where I am in my career today, as well as where I am in my role with the Association is a big step for me personally. I look forward to seeing more women seeking out leadership roles in their own institutions and organizations.

What are some ways to make the profession of law librarianship more diverse and inclusive?
Our association strives to be diverse and inclusive. We recently added inclusion to AALL’s vision statement. We are always looking to bring newer professionals into our ranks as well as valuing the experience of our members reaching retirement. In order to become a more inclusive profession, we have to start letting people know before library school that law librarianship is a career option.

What are the biggest challenges in law librarianship right now?
I think they are pretty much the same as they’ve always been: rising costs and stagnant budgets. The resources are changing, and more so, the
resources we’re familiar with are changing. But also challenging is trying to determine which resources you actually need to have, as new resources come out all the time and companies get acquired by other companies, so it can become cost-prohibitive and you are forced to make tough decisions. It’s a constant struggle for libraries—not just law libraries, but really all libraries.

How do you stay engaged and passionate about your work?
For me being active in the Association helps with that because I love hearing what other people are doing—hearing their ideas, their challenges, and seeing how we can solve these issues together. So, staying professionally engaged definitely helps me stay passionate about my work and the profession.

What is one of the most valuable lessons you’ve learned in the professional leadership positions you’ve held?
Being cognizant about how you’re approaching problems when problems arise. It’s a delicate balance. Some people may also call this politics. For example, I went to a leadership institute in February where we learned the importance of knowing when to address a situation head-on and when it is necessary to let it go. Not every issue that arises is a DEFCON 1 situation requiring that you drop everything to find a solution.

How do you think legal education will change moving forward?
So much of legal education is driven by the ABA. How do we then help support what the ABA requires in the library? Law students are taught differently than they used to be, and I think it can be taken for granted that students can effectively and efficiently use technology. Yes, they can use technology, but they’re not using it well enough or to its full capacity. Law schools need to help students better understand the different research platforms out there and how to efficiently navigate them. Law schools are also facing the challenge of competing with the likes of Google and trying to get students to understand that not everything about the law will be found through a simple search. There are also so many new educational technologies that librarians can show students—it’s about striking a balance between showing them and actually having them use these technologies.

What’s the value in being a member of AALL?
For me, I love the networking opportunities. I always come back from the AALL Annual Meeting with new ideas and a reinvigorated passion for the profession. The Association helps you stay current on what’s changing out there (in the profession and with technology), and it gives you access to fellow colleagues who can help you with issues that you might be dealing with and give you advice if you want to make similar changes in your organization.

What is the best career advice that you have been given?
Be mobile, if you’re looking for career opportunities. If you had asked me back when I first graduated if I thought I would ever leave Indiana, my answer would have been no. So, I think being mobile has offered me many great career opportunities and the ability to learn different things and new skills.

What were some good takeaways from the AALL Executive Leadership Institute?
During the Institute, we learned how to be a good influencer by having real conversations with people. I have always thought of myself as a good listener, but after this exercise, I realized I could be a better listener, which will help me be a better influencer as I will be better able to meet the needs of the person that I’m trying to influence. On the second day of the Institute, we were given accountability partners, and just today, I looked at my partner’s business card so that I can follow up with her and talk about the homework that we got. Overall, it was a great program for directors—we had conversation circles on Day One to discuss different topics and we were able to hear different solutions. In general, just hearing other directors’ thoughts on certain issues was useful, and being able to ask questions about challenging topics was also very helpful. (Learn more about AALL’s Executive Leadership Institute at bit.ly/AALLelinstitute.)

What do you find most rewarding about your job?
The people. I like people—working with students, faculty, and fellow librarians is a very rewarding experience.

Professionalism + Leadership at Every Level
**Question:** How does incorporation of artificial intelligence and similar technologies change the practice of law? What future changes can we expect to see?

While no one has a crystal ball on how artificial intelligence (AI) will impact the legal industry, there are a few intriguing trends that we are likely to see gain traction over the next few years. One is using technology to enhance the information experience. AI technology allows for more than the “push button” descriptive analytics that many vendors currently offer. Pattern recognition, semantic search, and other technologies are being used to enhance and tailor what vendors provide and make information products more personalized. They are also augmenting the information-gathering and analytics process, giving human experts more time to focus on less repetitive work. Bots allow information products to be automatically assembled and delivered on a timely and continuous basis—which is particularly important when...
serving a global market. These trends have a significant impact on the roles and skill sets of all information professionals, requiring content and business experts, technologists, analysts, and storytellers to now come together as a team and provide the best information delivery experience.

Though it may seem counterintuitive, AI technologies bring together communities of interest. We see this in social media use, and it is now impacting the legal realm. Workstorm, Neudesic, and other products offer internal Slack-like channels to connect those with aligned interests for cross-selling and instantaneous communication. Regression analytics can assist in suggesting communities. In a global, 24/7 environment, this focused connectivity can be a deciding factor in building relationships and business. Additionally, while legal professionals can offer the system framework and support, the legal experts are the owners in developing their own opportunities.

Stand-alone AI technology has been around for a while, and a natural trajectory is to have platforms work together to improve information delivery and deliverables. Structured Query Language (SQL) programs can make systems work together and more readily produce information products. Legal information vendors now allow clients and partners access to raw data and APIs (application programming interfaces) to create more automated and even entirely new kinds of mashup products. Some vendors, such as Docket Alarm, offer an Analytics Workbench, where you can use their data, yours, or both to experiment with data analytics and other solutions.

Of course, AI is exciting because it offers so many opportunities. AI projects that stick will showcase improved products that are business-forward and client-first, with enhanced accessibility and delivery capabilities.

In 2016, Gordon Smith, dean of Brigham Young University’s Law School, started a Future of Law lecture series “exploring the implications of technological advances and design innovations on law.” Though speakers represented various aspects of technology applied to law, most started with a problem statement focused on access to justice, gave examples of market disruption, mentioned in-house counsel bulk billing innovations, and then almost without exception reverenced technology, especially AI.

One notable exception was Casetext’s Pablo Arredondo. Rather than spending time on marketing buzz, which he easily could have done given Casetext’s position in the AI-assisted legal research market, Arredondo instead focused on the power of applying machines to human problems, as well as the limitations inherent in that process. “Even the smartest of citators cannot substitute for an attorney’s careful review and judgment.” His statement reminded me of something computer scientist Frederick Brooks was fond of asserting many years ago. Of course, his was in the form of an equation: IA > AI. Starting in the early 1990s, Brooks questioned the utility of AI for AI’s sake and argued for the concept of intelligence amplification (IA), the heightening of human natural cognitive abilities through what he envisioned as “mind-machine systems.” To the extent that vendors thoughtfully develop products that extend human ability and the results of AI-assisted work product are superior in some way—in terms of time, cost, or noetic content—to that produced without it, adoption of AI in almost all aspects of practice is likely.

Yet, the future is never inevitable. As Susan Nevelow Mart and others have carefully noted, there are real challenges with non-transparent processes in research systems. AI is anything but transparent. Librarians have and will continue to be partners with technology and advocates for users. At the tool level, librarians are well prepared to influence positive change. The greater challenge will be for the bar and bench to consistently demonstrate that their “careful review and judgment” is still better than the machine’s.
American Association of Law Libraries members tackle issues of diversity, equality, and implicit bias.

BY NICOLE P. DYSZLEWSKI, ZANADA JOYNER & JOSHUA LAPORTE

Bryan Stevenson, 2017 American Association of Law Libraries (AALL) Annual Meeting keynote speaker and attorney, activist, and author, recently stated in an interview: “You can be very progressive, you can be very educated, and you can still be complicit in the kind of micro-aggression that takes place when you look at people through this lens of racial difference. So, we all have a lot to learn. I don’t think that we should expect to make progress on these issues without bumping into one another, without making mistakes. We just have to have the humility and the patience and the courage to work through that. What I don’t think we should do is just retreat because we don’t know exactly where all the landmines are.” (Learn more about Bryan Stevenson at bit.ly/SO19Stevenson.)

Tackling Diversity

During the fall of 2018, a group of AALL members from across the country got together to have a weeklong online discussion on diversity, inclusion, and equity. The goal was to encourage our professional community to confront these issues...
and to deliberately create a space where we could explore them, bump into one another, make mistakes, and learn. This discussion was informative, impactful, and necessary.

The seed for the idea came from the Research Instruction & Patron Services Special Interest Section (RIPS-SIS) board, which asked the RIPS Patron Services Committee to spearhead an online educational event. From there, the leadership of the RIPS Patron Services Committee brainstormed and came up with the discussion themes of diversity, inclusion, and equity. They then reached out to several AALL groups to create a planning committee. This committee consisted of members from each sponsoring organization: Social Responsibilities SIS (SR-SIS), Legal Information Services to the Public SIS (LISP-SIS), Black Caucus of the American Association of Law Libraries (BCAALL), RIPS, and the AALL Diversity & Inclusion Committee.

The conversation was moderated by volunteers from the different groups and the topics changed each day. The topics for the five-day schedule included:

- Monday: Working with the Diversity Office at Your Institution and Resource Sharing
- Tuesday: Training our Public Services Workers on Diversity & Inclusion
- Wednesday: When Issues Arise: Dealing With Instances of Discrimination In Our Libraries
- Thursday: Implicit Bias: In the Stacks and In Our Workplace
- Friday: Diversity and Inclusion In Law Library Hiring & Retention

**Conversation Progress**

As organizers, we were convinced that our discussion would be lively, with folks from academic, government, and law firm libraries chiming in asking questions, offering anecdotes, and suggesting further discussion points. We debated the order of topics and finally settled on a five-day schedule that we assumed would spark and maintain interest. And then Day 1 came. The day’s question posted at 9:25 a.m. Eastern, and by lunchtime had only elicited a few tepid responses. Were people afraid of the topic? Was no one online that early? Maybe the time zone differences were not accounted for properly?

**Reflections from Participants**

Day 4 dealt with the topic of Implicit Bias and it definitely elicited the most discussion of the week. No doubt our esteemed moderators and co-authors Shamika D. Dalton and Dr. Michele A. L. Villagran, who recently published an article in *College & Research Libraries News* on the topic, pushed the conversation by posing five questions that encouraged self-reflection and offering their own unique perspectives. A common refrain from contributors throughout the week was that because they do not consider themselves to be diverse to be lacking a place at the table to discuss the topics of diversity, inclusion, and equity.

The day’s question posted at 9:25 a.m. Eastern, and by lunchtime had only elicited a few tepid responses. Were people afraid of the topic? Was no one online that early? Maybe the time zone differences were not accounted for properly? Members of our community routinely attend workshops, webinars, and trainings on these topics and exhibited genuine interest. Day 1’s “question” was about resource sharing; we were not asking anyone to reveal their secret biases. After some panicked email exchanges (and gentle nudging), the discussion warmed up.

**Continuing the Conversation and Why It Matters**

The lack of diversity in our profession, the pernicious effect of microaggressions, the corrosive role of implicit bias in both the hiring of library staff and the interactions between library staff and our users, and the continuing sense from people who do not consider themselves to be diverse to be lacking a place at the table to discuss the topics of diversity, inclusion, and equity, were all issues broached during the week. Achieving greater inclusion in our profession will require everyone’s involvement. We need to continuously explore topics of diversity and apply lessons learned to our daily interactions, and, as Bryan Stevenson stated, we need to be willing to make mistakes. The intent behind these conversations should not be to elicit feelings of guilt or shame, but rather to help us to see our own biases and be better able to identify when our biases lead us to make unfounded assumptions, and how our lack of awareness leads us to commit microaggressions. As we learn more, we’ll begin to see opportunities to teach others and to amplify the voices of marginalized colleagues or users.

An important element of this conversation is to try to keep ourselves open to learning, stay non-defensive, and be receptive to constructive feedback. In the end, we all have a responsibility to improve inclusivity, and those of us who do not consider ourselves to be “diverse” can learn to apply instances
when we felt marginalized or “othered” to better understand and empathize on these topics.

Moving Forward
In the future, we hope to have continued conversations similar to the one in October 2018. When members work across AALL subgroups, library types, and job types, good things can happen. While the conversation was not always comfortable, it was always interesting and impactful. As we proceed forward, we should heed the advice of author Ijeoma Oluo: “Get used to being uncomfortable. Be the person that nobody wants to invite to a dinner party. You are going to get pushback. … But if you continue to do the work, you will have a sense of authenticity in yourself that you have never known. … You can make a measurable impact on not only the lives of people of color but your own life as well.”

Additional Resources

AALL2go EXTRA

The technology world seems to come out with a new gadget, concept, movement, or trend every few minutes. For librarians, who already wear way too many hats, having to keep up with the latest technologies that can benefit our patrons is not an easy thing to do. How do you start? Where are the best places to look? What can you do to stay in the know and not get left behind? Below are a few suggestions that can help you stay up to date with current technologies and collect information before determining what the best use for these technologies will be for your library.

Conferences

Conferences are a goldmine of knowledge showcased in one location, so it should come as no surprise that they are one of the best ways to learn about the latest trends in technology. They allow librarians to network with fellow colleagues (who are a walking plethora of information) and start conversations about innovation in the workplace. Of course, most law librarians frequent the American Association of Law Libraries (AALL) Annual Meeting and its regional chapter conferences.

Within the library sphere, another well-known conference is the CALIcon Conference, which is presented by the Computer-Assisted Legal Institute (CALI). CALIcon is a technology-focused conference that draws not only librarians, but information technology professionals and law professors into the mix. Conferences with attendees from various organizations and departments tend to highlight aspects of technology that provide actual and potential benefits for the entire community of users.

Such conferences are popular amongst law librarians. But have you heard of the Library Marketing and Communications
A news alert aggregator can also help keep you updated on the latest headlines without being bogged down with checking numerous individual news websites. AALL provides this service with its KnowItAALL daily newsletter. At BakerHostetler, we have an InfoNgen-powered newsfeed called Trends in Emerging Technologies on our intranet page.

**PRO TIP:** Although national conferences bring together librarians from different coasts, attending them is rather expensive and time-consuming. If you cannot attend the large-scale conferences due to budget and time constraints, don’t forget about conferences at the local level. There are one-day institutes and half-day symposiums that might benefit you tremendously. This year, I attended two local technology conferences within a 20-minute drive from work with registration prices under $50. Check your local colleges’ and universities’ websites, the local library’s website, and technology-based associations to see upcoming events in your area.

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**Blogs and Podcasts**

Player FM, the podcast app and player, has a “Legal Technology” webpage that connects the visitor to hundreds of the leading legal technology podcasts out there today. The Legal Talk Network website also comprises a list of legal blogs and podcasts that focus on technology. Finding the right podcast host/personality to fit your personal style may take some time, but hearing from people in our profession really expands the practical side of what is necessary to move the mission along.

I personally like the more casual, friend-to-friend, conversational podcasts that introduce new technology products as well as discuss legal issues in the digital age. When I heard Sam Glover, founder of TheLawyerist.com, speak at Emory Law’s TI:GER Innovation Conference (one of the local conferences I went to), it turned my attention to The Lawyerist podcast, which has quickly become a favorite. In fact, as I am writing this section, the latest episode is titled “The State of Legal Blogging & Podcasting.” You might want to check that out.

**PRO TIP:** If you can’t find a podcast you like, why not start one? AALL Past President Greg Lambert and two of his friends, Toby Brown and Sophia Lisa Salazar, did just that with Three Geeks and a Law Blog, which has won several accolades for its content and creativity.

A few months ago, my law school classmates began a podcast at their law firm, Carlton Fields. As huge gamers, they decided to mix pleasure with business and utilize their knowledge of gaming to create the LAN Party Lawyers podcast, where they dissect the industry in terms of the legal issues arising out of new gaming tech. Their latest episode is entitled “One Step Closer to Skynet: Artificial Intelligence and Gaming.” As a gamer girl myself, these topics hit the mark and I will definitely be listening.

By lining up thought leaders and tech gurus as special guests for your podcast, you can expand your technology knowledge universe. Find out what support your own institution can...
give you to begin your own podcast. To teach is to learn twice, and hosting a podcast is the ultimate way to “teach” listeners all around the world.

If you want to learn more about how to launch your own podcast, check out the Library Podcast Basics guide from our friends at the University of Georgia Law Library.

**Tech Magazines and Aggregators**

I began writing articles for *Computers in Libraries* (they have a conference as well) during my first year as a law librarian, which introduced me to Online Searcher, Big Data Quarterly, and a dozen more sister periodical titles, many of which offer free subscriptions. I enjoyed sharing my expertise while getting paid a small sum for each article (the latter gave me more motivation to work on my tenure packet at the time).

Moreover, the information in the magazine sparked ideas for future articles and program proposals on technology. Outside of the library sphere, I like to follow *Word* and *Computer World*. You can subscribe to just their email lists if you are not ready to commit to a full subscription. I know, I know: an influx of emails is not ideal, but it is a simple way to keep track and be in the know of the fast-paced world of technology in relation to libraries.

Speaking of emails, a news alert aggregator can also help keep you updated on the latest headlines without being bogged down with checking numerous individual news websites. AALL provides this service with its KnowItAALL daily newsletter. At BakerHostetler, we have an InfoNgen-powered newsfeed called Trends in Emerging Technologies on our intranet page. We also create and curate narrowly specific topics for news alerts, such as one we have for blockchains. Attorneys are encouraged to subscribe if they have a strong interest in legal technology.

Although they were meant for our attorneys, I also subscribe to the firm-aggregated news alerts on technology, as do some of the members of our Legal Innovation Team. You can create such news alerts for yourself through BNA Convergence, or a comparable news aggregator, for topics such as “Artificial Intelligence,” “Big Data,” “Internet of Things,” “Machine Learning,” “Quantum Computing,” and the like.

**PRO TIP:** Search for “Call for Papers” for legal technology periodicals, even if you are not looking to write an article at the moment. Calls for papers and proposals will allow you to uncover some great magazine and journal titles that you may not have heard of before. That is how I stumbled upon *Computers in Libraries*.

**Final Tip**

Don’t limit yourself to just the library or legal information field. Some of the best technology tools I’ve used I discovered through trends in other industries, such as business, finance, banking, K-12 education, as well as other disciplines aside from the law. Just keep your eyes and ears open to what is happening around you in terms of legal tech trends and you will be able to keep it fresh at your workplace.

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**AALL2go EXTRA**


**READ**


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**AVERY LE**

LEGAL RESEARCHER

BakerHostetler LLP

Atlanta, Georgia

ale@bakerlaw.com

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How law libraries can use storytelling to demonstrate their value and provide better service to the communities they serve.

BY JESSICA DE PERIO WITTMAN

P

People love stories. For generations, storytelling has been the basis of human communication. Stories capture our attention, and they recount authentic human experience. Stories enable individuals to understand the world around them and to make sense of the who, what, when, where, why, and how of institutional actions. Most importantly, stories enable people to create meaningful connections with one another and with members of their community.

The law library has always acted as a community hub that encourages and facilitates scholarly activity and collaboration. By connecting citizens with laws and narratives, the role of the modern law library has evolved to address important institutional, business, and societal needs. Law libraries empower members of local communities with tools to interact with those in positions of power, whether they are judges, landlords, or employers. Through well-managed records, law libraries can also leverage their archives and special collections to position themselves as key contributors to institutional advancement and community engagement.
Lessons Learned

In 2010, Kraft was set to acquire the British confectioner Cadbury. To help smooth the transition, senior management turned to Kraft’s archive collection. Searching through historical materials, they uncovered that there was evidence of shared values and common goals between the companies and their founders. Detailed histories of well-loved brands enabled archivists at Kraft to quickly launch an intranet site that highlighted the parallel paths that the two companies had taken. Using the materials they had uncovered, they were able to create interactive timelines that reframed Kraft and Cadbury to be “growing together” on supermarket shelves throughout the years. The integration, they argued, would create a stronger, more unified company. As a result, Kraft integrated Cadbury more smoothly than any of its previous acquisitions.

This reframed narrative continued in all of Kraft’s communications—from their CEO’s speeches to their press releases, and finally, to their employee trainings.

What can organizations learn from this? Any good leader will tell you that emotional investment is the foundation of a well-told story. If done correctly, a heartfelt, human-centered story will be able to spark an emotional connection that compels someone to act. Institutional advancement, whether it be a successful merger, a fundraiser, or community engagement, can be a direct result of how librarians and archivists have demonstrated their value to the organization. As long as libraries continue playing a role in the storytelling process, such institutional advancements will serve to further cement the library’s status as an essential partner in the emotional and social fabric of the institutions and their communities.

The Role of Librarians and Archivists in the Storytelling Process

Librarians and archivists are not simply keepers of institutional records. They debunk the myth that their law librarian communities know the institutional story simply because of their affinity with the institution. Instead, librarians and archivists identify collections and themes that retell the institutional narrative and inspire other methods of storytelling. They become active participants in the creation, analysis, and selection of documentary records to support outreach activities, such as exhibits, educational workshops, and digital and print publications. Ultimately, librarians and archivists play the roles of scribes and documenters, and help their users see themselves as part of the institutional story.

Storytelling Invites Collaboration

Librarians and archivists do not always need to be the people who actually create the records. They can also act as analysts, planners, and agents who generate an awareness of documentary and preservation issues. Archivists can then work with other appropriate departments, such as information technology, marketing and communication, and development and alumni relations, to carry out oral history, photographic, video, and other documentary projects as needed.

For example, librarians and preservation staff can help development offices and other fundraising entities create a gallery of portraits that highlight notable alums of the institution. In addition to helping identify the individuals, archivists are in the best position to assist with logistics and the maintenance of the collection. What is the condition and value of the document? Is it stable enough to withstand exhibition? What is the past exhibition history of the item? Does it require conservation treatment before it can be displayed safely? Does the document require special environmental conditions or special security provisions? Does the item have complex mounting needs or need special equipment to minimize aging? Is the exhibit space in a centralized area with staff nearby, or is the area isolated with little traffic by staff?

Storytelling + Emotional Investment = Philanthropy

Recent trends in fundraising, especially nonprofit fundraising, focus on letting people tell their own stories. The best stories are those that connect people, inspire them, and compel them to act. Ron Fleury, senior director of development for the University of Connecticut (UConn) Foundation at the University of Connecticut School of Law, understands that good fundraising stories empower donors to become part of the story. “As development officers, we have a unique opportunity to help donors understand at a personal level how they can bring our institution’s mission to life. Good narratives help us inspire their philanthropy.”

Like historians, fundraisers and development officers must rely on careful research and documentary evidence to support their narratives, and they need various kinds of archival material. The archives can contribute to these donor relations programs by showcasing materials that provide insight into the institution’s mission and vision.

In Hartford, Connecticut, Lea Wallenius, preservation specialist at the Thomas J. Meskill Law Library, is already hard at work preparing for the UConn Law School’s centennial in 2021. After completing a book titled Hard Times & Best of Times: The University of Connecticut School of Law at 39 Woodland Street with professor Kent Newmyer, Wallenius’s 100 for 100 Narratives Project continues to retell the law school’s story. It attempts to
collect, preserve, and make accessible stories from the UConn Law community that reflect the intellectual and social fabric of the School’s history. By listening and documenting alumni and faculty accounts, the School honors their diverse historical and cultural perspectives.

Stories as Pictures: Memes, Infographics, and the New Digital Age

A picture is worth more than a thousand words. Because humans are visual creatures, images and photos can communicate more effectively than text alone. Katheryn Ross-Winnie, leadership gift officer at SUNY Buffalo State, posited that the power of the picture will dramatically change current fundraising practices. “The age of the bequest is a thing of the past. Social media is a primary fundraising mechanism in a fundraiser’s arsenal. People are used to absorbing messages in 280 characters or less. Millennials and Generation Zers expect something eye-catching and abbreviated such as memes and infographics. Organizations that can capitalize on this will be ahead of the curve.”

What Does This Mean for Preservation Efforts?

As libraries continue to transform from knowledge centers into access gateways, the advent of new technologies such as social media, artificial intelligence, and machine learning should not impact the position that librarians and archivists play in the role of storytelling. Rather, law libraries and archivists stand ready to face a new set of legal issues and ethical challenges in this new information era. By being agents of change, librarians and archivists can keep one foot in the past and continue to tell the transformative stories of their libraries and the communities they serve.

READ

JESSICA DE PERIO WITTMAN
DIRECTOR OF THE LAW LIBRARY AND ASSOCIATE PROFESSOR OF LAW
University of Connecticut School of Law Library Hartford, CT jessica.deperio@uconn.edu

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Putting Research Capabilities Into Context

In 2017, LexisNexis acquired legal research analytics and visualization platform Ravel Law. As a result, LexisNexis was able to integrate Ravel’s core technology and products into Lexis Advance—including a Ravel search visualization view that outlines the citing relationships between cases that appear in search results.

To build on that functionality, last December LexisNexis launched Context, its third major integration of Ravel technology. The litigation-focused analytics product leverages and extends all of Ravel’s machine learning and natural language processing capabilities, which provides valuable insight about judges and expert witnesses, according to Nik Reed, Ravel Law COO and co-founder and the current senior director of product and strategy at LexisNexis.

We recently spoke with Reed about the legal community’s budding relationship with analytics, how Context is helping law librarians provide attorneys with information to build stronger arguments, and what the data-driven attorney of the future could look like.

Who uses Context?

We built it to be both intuitive and powerful enough that attorneys can come in and find a lot of value; it also helps information professionals—librarians, researchers, paralegals—do certain tasks they’ve traditionally been asked to do, but more quickly. Our tool can accelerate the process of gathering all that information and other types of data [that would] otherwise not [be] available.

Do you have any international users?

For this particular product, it tends to be mostly domestic users right now; we’re focused on judges and experts within the U.S. That said, we do have firms that are multinational and have attorneys from various...
international offices working as part of a team on issues in the U.S. We’re working very closely now with LexisNexis counterparts in several foreign jurisdictions and are demoing prototypes of what a product would look like in those countries. The reception has been absolutely stellar. I think it’s safe to say that in 2020, we may start to see products appearing in the international market as an extension of our Context platform.

**How do law librarians use Context?**

The core way is to look up judges and expert witnesses; it’s one-stop shopping for analytics on those key litigation actors. Users have the ability to not only search all documents in Lexis Advance for biographical information, but they are also able to find trending data on where they appear most frequently in court, how often they make rulings, and why they have ruled the way they have. Furthermore, because Context is built using all the cutting-edge technology available in and outside of LexisNexis, the accuracy of its entity recognition is really, really high.

Most importantly, Context is very different than other analytics tools on the market. We’re focusing on what we call legal language or textual analytics, which means not just surfacing trends as numerical data, but also [highlighting trends] that can be derived from the actual language in documents.

That’s an important distinction: the tool will look at a whole lot of text and start to infer meaning in that text. It’s not just showing you cases, but the language the judge uses time and time again when citing a particular case. The benefit is, as you’d imagine, very similar to why law firms hire clerks—because they know the way a particular judge really thinks.

Have you found that legal industry members are more familiar with technological concepts such as machine learning and natural language processing than they might have been several years ago?

Four or five years ago, there was no understanding—maybe more fear, cynicism, and skepticism. But today, people we come across—certainly information professionals (law librarians, researchers, and knowledge managers)—are very aware of what the technologies are. There might be a different depth of understanding, but there’s a general awareness for sure. Attorneys are still hit or miss. All the hype surrounding artificial intelligence (AI) has contributed to broader knowledge, yet not necessarily deeper knowledge. There’s an awareness; whether or not they understand, I’m not sure. The great thing about it is that there is less cynicism and skepticism.

**Were law librarians involved in the development of Context?**

Very much so—we spend six or nine months on discovery before we write a line of code. The groups we spoke with when developing Context were information professionals (law librarians), partners, and associates. We try to get a good balance of all three, but generally skew toward information professionals because they are our core users, and they’re able to speak on behalf of the other groups a little bit better than others can. Generally, that kind of customer interaction is part of LexisNexis’s development process. Law librarians play a large role.

Two of the most exciting features in Context, in fact, came directly from conversations with law librarians. One was unveiled at the AALL Annual
meeting & conference this past july, and the other will debut a little later.

what new features or changes do you plan to add?
we recently launched the ability to generate highly customized reports, a key feature request from librarians; but we are also expanding in two other ways. we’re launching completely new modules, which means the ability to look up other key litigation actors (right now, we just have judges and expert witnesses). this fall/winter, we are launching a company module that includes data—not just legal, but news and financial data—to help firms get a perspective on the interplay between litigation, news, and company performance. for example, how can negative news lead to financial performance changing for a company (i.e., a firm’s client, and how that in turn impacts litigation)?

it will allow you to do two things: better understand what clients, as a company, are going through—being up to date on their financial performance—and find new clients by looking for companies that are experiencing similarly negative news or financial performance that is tied to litigation. we’ve shown early prototypes to partners and librarians and received great feedback.

the majority of the company module we’re adding was developed via conversations with law librarians. we’ve discovered some great leaders who have made themselves available to share product developments with us and provide feedback.

what kind of feedback have you received since context’s introduction?

it’s been really great. one law firm had all of its associates who clerked go look up a judge and look at the language analytics and ask, “does this feel right?” they said, “oh yeah, that totally sounds like my judge.” the same researcher then showed it to a judge, who looked at his own profile and spotted several trends in data that confirmed what he always thought was distinct about the way he writes and rules.

has the emphasis placed by the legal industry in recent years on delivering services in a more cost-effective, efficient manner influenced any of the products or features you offer?

we believe our products generally can help do two big things: one, help attorneys win more cases, and two, they can get you to insights more quickly, which can certainly help on the cost side of the equation. on one of my recent trips in which i was tasked with working with a foreign jurisdiction to think about how context would work in their country, we had to create a prototype, but we hadn’t done all the data engineering on that country’s data sets, so i had to manually go in and do counts to get analytics. it took hours.

that’s the reason [my co-founder and i] created the [ravel] tool while we were associates: we knew this work would be really painstaking, and we wanted to replace it with machine learning. you can imagine, across a law firm, there can be weeks of time spent on tasks like that. now you can just hop into the tool and get that information quickly.

even though there may be more awareness about analytics use than several years ago, are most firms implementing the technology?

this is an interesting moment right now where there’s a general acceptance that firms really need to start using technology better, and given the shifting nature of client demand, that technology has a key role to play in all the demands being met—providing better forecasting of costs for litigation, fixed fees or an alternative fee structure, and delivering outcomes faster. my prediction is we’re going to start to see law firms adopting and rolling technology out much faster.

our big challenge is how to get more attorneys to adopt a data-driven approach to the way they do research and think about a case. it’s really important that lawyers get there—and information professionals can play a key part in helping them get there.

what do you see, in regard to the future use of technology in the legal industry?

it’s a fascinating time for information research and management in law firms, in particular, where the tools and approaches that have helped information professionals and researchers bring a lot of value to law firms for a long time are transforming in a way that is all positive. newer tools are enhancing their ability to be more analytical.

information professionals have really embraced the world of legal analytics and use of new technology, helping to synthesize a lot more documents and provide more information with analytics, more quickly. they’re becoming the champions of that inside their law firm, because lawyers often have no time to learn new tools. it’s a really exciting time to be an information professional and have the ability to champion and master all of this new technology.
Welcome to our new column, Practical Competitive Intelligence, where we will explore practical uses of competitive intelligence (CI) that law librarians can offer as a service. Librarians conduct CI research when they gather information about people, companies, litigation parties, intellectual property, industry, or other activities for a specific reporting purpose. Each category has a juncture between the purpose of the research effort and the structure of the competitive intelligence report. Throughout each column, we will explore different facets of CI, including the uses of checklists in CI, standard and non-standard resources in CI, Special Purpose CI reports, the use of graphics and the use of statistics, and models for CI reports.

The Guiding Principles of Successful CI Reporting
As we all know, when an attorney requests information about any of the categories listed above, you must “peel the onion,” or do a reference interview, in order to return relevant information, not just a data dump. Attorneys do not want to read a phone book; they want a succinct report. Here are three guiding principles of competitive intelligence reporting:

What CI is and how law librarians and information professionals can use it.

BY KEVIN MILES
1. Determine what the attorney wants to know.
2. Determine how the attorney will use this information.
3. Determine the deadline for the report.

With these principles in mind, let’s examine some typical CI questions and statements, with a focus on tactical or strategic competitive intelligence that law librarians are likely to face.

**People**
- Does the person serve on other boards?
- If the person is already an expert witness, what else has he/she written?
- Has this person served as an expert witness before, and what is his/her scorecard?
- Has this person litigated before? If so, what are the cases?
- Is there any adverse news about this person?

**Company**
- What does this company do, where are they located, and what are its subsidiaries?
- Who are the officers and directors?
- Identify any recent mergers & acquisitions (M&A) activity.
- Has this company been involved in restructuring?
- Who are the closest competitors?

**Litigation Parties**
- How many times has this party been in litigation as a plaintiff, defendant, or other role?
- What are the results of the litigation?
- How many times has this party appealed and what are the results?

**Intellectual Property**
- Which law firms and attorneys have represented the litigation party?
- Rank the topics of litigation by name and percentage.

**Industry**
- What trends are emerging in a specific industry?
- What are the emerging regulations and legislations that face this industry?
- How are different states regulating a specific technology? Which states are friendly, neutral, or unfriendly?
- What is the recent M&A activity in the industry?
- Are any international factors impacting the industry?

**Other Activities**
- May I have a report to compare the judicial activities of judges in the same jurisdiction?
- Which cases have removed any number of patents and continued with the case?
- How many private equity companies are domiciled in this state, and what are their investments?
- How many new businesses have moved to this state?
- What are the current or pending investments of a private equity company, showing the details and representatives of each transaction?

If you are being asked to answer any of these types of questions, you are a competitive intelligence librarian. By keeping the three guiding principles in mind as you answer such questions, you will be more likely to produce successful CI reports.

Stay tuned: In the November/December issue we will explore the use of checklists when conducting CI research.

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**ATTEND**
AALL’s Competitive Intelligence Foundations
October 18, 2019, at Sidley Austin LLP in Chicago. Learn how to establish and maintain a strategic CI function—from development to implementation—for your organization. Register now at bit.ly/AALLFoundations.

**READ**
Zena Applebaum’s article “Competitive Intelligence and Your Library: 10 Best Practices for Starting (Or Growing a CI Function for Small and Medium Firms),” from the September/October 2016 issue of AALL Spectrum at bit.ly/SO16CI.

**AALLgo EXTRA**

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**KEVIN MILES**
MANAGER OF LIBRARY SERVICES
Norton Rose Fulbright US LLP
Dallas, TX
kevin.miles@nortonrosefulbright.com

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REFERENCE DESK

Co-Worker Conundrum: The Slacker

BY DOLLY M. KNIGHT, MARIBEL NASH & SCOTT VANDERLIN

Sometimes it feels like there is never enough time to complete all of your daily job duties and responsibilities, not to mention other duties and special projects as assigned. But when those special projects have you working with a colleague who isn’t pulling their weight, your workload can get out of hand pretty quickly. What to do? Our Reference Desk columnists offer their advice on how to handle a slacking team member.

Q I have a co-worker who never seems to pull their own weight. In groups, they constantly pass tasks onto others or say, “that isn’t my job.” I suspect their individual work isn’t getting done, either, as they frequently pass assignments delegated to them to others. It’s annoying and creates more work for other people. How can I handle this situation without losing my cool?
Dolly: There’s a reason no one ever wants to do group projects. Trying to understand how and why other people work the way they do can be an endless source of frustration, even if they’re doing their best. And when you’re trying to accomplish something together, it’s a recipe for disaster to have a co-worker who is shirking their responsibilities.

An important maxim to keep in mind is that you can only control your own behavior. Since your colleague isn’t under your supervision, you don’t need to feel responsible for their apparent performance issues. (Like Elsa said, “Let it go.”) What you can control is your response to them and your exposure to their frustrating behavior. On those group projects where they are insisting, “That’s not my job,” try gently pushing back with: “We’re all taking on different aspects of this project. Is there a reason you don’t want to do this portion? Is there another area you feel comfortable working on?” Perhaps the issue is tied to a lack of knowledge or fear of failure on their part.

On the subject of your co-worker not doing their own work, it can be hard to point out when things aren’t getting done, unless their work intersects with your own. You don’t want to be the person pointing fingers at someone else not doing their work, only to have it turn out that they are working on a project you didn’t know about, or they are on reduced duty hours, or any number of other things. What you can do, since their behavior does create an increased workload for others, is to calmly point out to your supervisor where others are having to fill in for your co-worker’s lapses, or where tasks are being improperly delegated. If your supervisor isn’t responsive to this information, it may mean they aren’t capable of managing a low-performing employee, and this definitely indicates deeper workplace issues.

Maribel: Good for you for acknowledging this problem and for wanting to do something to handle this situation. How many people have dealt with an underperforming colleague by staying quiet and covering for (enabling) them, and then finally blowing up when they’ve had enough? That route rarely ends well.

The first thing I would ask you to do is to reserve judgment and to communicate early with your co-worker to try to figure out why they aren’t pulling their weight. Rather than laziness, there may be a personal issue or something else that might be pulling their attention away from work. Or, it may be that your co-worker doesn’t know how to do a particular task and needs training. If there is something going on, proactively offering to help your colleague might inspire them to respond more positively in future interactions.

Having tried that, you might have to take other approaches. Have team members talk about their roles and progress on projects during regular team meetings. Peer pressure can often go a long way—your co-worker may not want to be the only person not to report anything. Rather than being a tattletale, approach this person’s slacking is affecting the team’s productiveness. If your manager has been paying attention, it probably won’t be a surprise. However, it is still important for your manager to know, firsthand, from you, how it is affecting your work. Remain calm and explain what has been going on, and let your supervisor decide how to proceed. Best of luck!

Scott: Conversations involving the performance of a co-worker are uncomfortable at best and counterproductive at worst (if you lose your cool, you might find yourself in a weakened position due to a perceived lack of professionalism). Many of us are conflict-averse, and the thought of having to approach a colleague about...
their attitude or effort level is unpleasant enough that it seems easier to take on the extra work yourself just to avoid the conversation. While this might seem tempting, and may even work in the short term, I think that you know that it is untenable long term.

I agree wholeheartedly with the strategies laid out by Dolly and Maribel. Asking your colleague to assist you on joint projects, encouraging them by pointing out tasks that they do well, creating situations where team members report on the progress of various projects, or trying to identify and consider factors outside of work that might be contributing to your colleague’s work performance can all be effective techniques. I think of these as good, relatively low-impact ways to gently nudge your co-worker to put in a little more effort. Maybe it really is true that they just don’t realize how their own lack of effort affects the rest of the team.

If you are dealing with someone who truly does not have respect for the other members of the team, however, that’s a different issue entirely.

Speaking of something “not being your job,” it’s also not your job to have to figure out ways to cajole your colleagues into doing their work. There is a reason your supervisor gets paid more than you do—because they have the added headache of having to deal with issues just like this. A good supervisor will identify and deal with underperforming team members long before you have to enroll in Workplace Psychology 101. There’s certainly something to be said for being a professional by attempting to handle minor workplace issues on your own. Maybe you can even look at it as practice for your own future supervisory position.

Good luck with your workplace headache. And, between you and me, I think it’s pretty clear who the real star of the office is. The most important thing you can do is to keep doing your own work well. If you do that, I have no doubt that you will be rewarded in due time—both for your own output and for your high level of professionalism.
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(1) AALL Lobby Day: 60 AALL members, including members of the Executive Board, gathered on Capitol Hill for meetings with members of Congress and their staff. (2) CONELL: Held every year to welcome newer members, introducing them to AALL and its leaders; (3) Opening General Session: Keynote speaker Shon Hopwood shared his story of going from prison inmate to criminal justice advocate—a truly inspirational story of determination; (4) Association Luncheon: Colleagues came together to honor AALL members for their outstanding contributions to law librarianship; (5) Innovation Tournament: Winners were awarded $2,500 each to implement their innovations. Congratulations to: Judges Choice Winner: Allison Reeve from Littler Mendelson (Tentative Rulings Database), and Audience Choice Winner: Andre Davison from Blank Rome LLP (Integrated Library System EOS); (6) AALL’s Member Services Pavilion: Attendees got up close and personal with the 2020 AALL Executive Board candidates; (7) Exhibit Hall: Attendees chatted with 80-plus exhibitors about the latest products and innovations.

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Zena Applebaum is a competitive intelligence strategist, legal industry observer, and personal brand advocate. Having pioneered the discipline of law firm competitive intelligence nearly 20 years ago, Applebaum was inducted as a Fellow of the Council of CI Fellows in 2015. She honed her CI skills as the director of competitive intelligence at Bennett Jones LLP for more than a decade prior to taking on her current role as national director, market insights and engagement at Thomson Reuters in Canada. In her role, she is responsible for client intelligence, market insights, and sales enablement.

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