INSIDE THE BLACK BOX OF SEARCH ALGORITHMS
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Asking for directions has never been easier
The takeaways from this program, coupled with the American Bar Association’s recent vote to urge the legal profession to address emerging legal and ethical issues of Artificial Intelligence (AI), make this month’s cover story “Inside the Black Box of Search Algorithms” extremely timely and relevant.

How AI and Data Science Are Revolutionizing the Delivery of Legal Services

For those of you who believe that AI and legal data science are still in their nascent stages, I strongly encourage you to adjust your mindset. In a recent Forbes article titled “Artificial Intelligence Further Exacerbates Inequality In Discrimination Lawsuits,” Patrick DiDomenico, CKO at Ogletree Deakins, is quoted as saying “LegalMation’s AI-powered litigation assistant is revolutionizing employment litigation by automating early discovery and litigation functions that historically have taken attorneys and paralegals several hours to complete … increasing the overall efficiency of our lawyers and lowering litigation costs for our clients.” (Read the Forbes article at bit.ly/ND19Forbes.) In fact, according to an article from Law360, the top three national labor and employment law firms (Jackson Lewis, Littler, and Ogletree) have already established legal data science departments, hiring chief data scientists and data analysts. These departments have implemented data analytics and AI tools that are not only being made available to firm lawyers to drive efficiency and better legal results, but are also increasingly being made available directly to clients.

In this issue of AALL Spectrum, we lay out an excellent vision for how law librarians and legal information professionals can translate data and analytics into insights and advisory knowledge to help law firms stay competitive. Just as critical, we also show how law librarians are leading the charge to help firms master legal data analytics and new legal technologies. Law schools such as Georgia State University College of Law are leading the way by teaching cutting-edge data analytics courses that prepare students for the legal jobs of tomorrow that will be using legal AI tools.

This fast-growing trend may well necessitate a discussion to incorporate legal data science and AI as core skill sets that all law librarians and legal information professionals will need to possess to be well equipped to instruct and support the next generation of lawyers. Let the debate begin!

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A behind-the-scenes look at the algorithms that rank results in Bloomberg Law, Fastcase, Lexis Advance, and Westlaw.
BY SUSAN NEVELOW MART, JOE BREA, ED WALTERS, TITO SIERRA & DR. KHALID AL-KOFAHI

PROMOTING DATA COMPETENCY IN LAW FIRMS
How law librarians can lead the charge to help firms master new legal technologies.
BY JOSH BECKER

LAW LIBRARIANS & THE FUTURE OF LAW FIRMS
Why law librarians and legal information professionals should translate data and analytics into insights and advisory knowledge to help law firms and clients stay competitive.
BY JORDAN FURLONG

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BY ANNE TUCKER & BEN CHAPMAN

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Christine M. Stouffer and Jamie J. Baker discuss how to prepare legal information professionals to incorporate data analytics into their research work product.

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Your Blueprint for Success

[BoK]

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.
am very excited about this issue of *AALL Spectrum*, as it covers how we in the legal profession use data analytics. As information professionals, data is at the core of what we do on a daily basis. We use data in our efforts to best opposing counsel, to advise on strategy, to increase transparency, and to advocate for resources. We are a data-driven society, and the skills that librarians and legal information professionals possess make us an essential cog in the proverbial wheel.

Personally, I like to use data to tell the story of my library. Storytelling mixed with data can be a great way to demonstrate progress. My library recently purchased the *AALL State of the Profession 2019* report to help tell the story of the field of law librarianship. (Purchase the report at bit.ly/AALLProfession2019.) I also recommend using data visuals to advocate for your library or to demonstrate return on investment to external stakeholders.

As an association for legal information professionals, AALL collects a lot of data, such as membership statistics. (View AALL’s membership data at bit.ly/AALLmemberstats.) We also collect salary information in the *AALL Biennial Salary Survey & Organizational Characteristics*, a resource many of us benefit from when negotiating salaries or keeping pay equitable. (View the full report at bit.ly/AALLSalary.)

This issue also commemorates AALL’s 30 years of advocacy efforts. As a participant in this year’s Lobby Day, I learned so much more about the efforts that AALL takes to ensure equal access to justice. AALL’s legislative priorities for the 116th Congress include access to justice; balance in copyright; greater access to government information; openness in government; and protection of privacy. These priorities get updated with each session of Congress. Detailed information on these priorities can be found under the Advocacy tab on AALLNET. (Learn more about AALL’s legislative priorities at bit.ly/116legislativepriorities.) To receive weekly updates from the AALL Government Relations Committee, be sure to subscribe to the AALL Advocacy Committee at bit.ly/AALLadvocates.

The AALL Executive Board, in conjunction with other AALL entities, approves policies and procedures. The Board is made up of 11 members: President, Vice-President, Immediate Past-President, Secretary, Treasurer, and six board members. AALL members elect new executive board members each October. To strategically govern the Association, the AALL Executive Board uses available data for informed decision-making. Sometimes this data is gathered through surveys; other times it is gathered through the work of a committee, special committee, or through a jury. AALL’s special interest sections and chapters each vote for one representative from each group to represent them at all Executive Board meetings. The Board meets three times a year and its meetings are open for any AALL member to attend. If you are ever curious as to what is on the agenda for a particular board meeting, the Executive Board Book is always available on AALLNET. (See past Board Books at bit.ly/AALLBoardbook.) Actions from each meeting are available in *AALL Spectrum* and in the monthly eNewsletter.

I encourage everyone to take advantage of the Association’s data-rich resources and make them part of your advocacy and storytelling efforts.
INDEX TO FOREIGN LEGAL PERIODICALS

Index to Foreign Legal Periodicals (IFLP) is a publication of the American Association of Law Libraries (AALL), compiled and edited by IFLP staff at Berkeley Law Library at the University of California.

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TRENDING INSIDE LEGAL RESEARCH

There has been an extraordinary surge of developments in the transformation of the legal profession in the last couple of years. In an effort to capture data on this surge, the American Bar Association (ABA) took a comprehensive look at some of the most relevant changes within the profession. Below are a few highlights from the ABA Profile of the Legal Profession survey that look at the amount of time lawyers spend on legal research, where lawyers start a research project, and free websites used most frequently to conduct legal op-research.

PREFERRED ONLINE SERVICES FOR LEGAL NEWS AND RESEARCH

When it comes to getting legal news, Law360 is the most used paid online legal news source, followed by the Wall Street Journal (29% and 27%, respectively). Nearly all lawyers (90%) say they use free online resources to conduct legal research, and a large majority (72%) use fee-based online resources for research. The most popular resources:

- Westlaw is the most-used paid online legal research service, used by nearly two-thirds of all lawyers (64%) and preferred over other paid online services by nearly half of all lawyers (46%).
- When asked which free website they use most often for legal research, 19 percent said Cornell’s Legal Information Institute, followed by Fastcase, FindLaw, and government websites (17% each).

The typical lawyer spends, on average, 18 percent of his or her time conducting legal research, according to the ABA 2018 Legal Technology Survey Report—up slightly from 16 percent in 2017, but down slightly from 19 percent in 2016.

When lawyers begin a research project, one-third (37%) say they start with a general search engine such as Google. Another third (31%) start with a paid online resource, and 11 percent start with a free state bar-sponsored legal research service.

View the full survey at bit.ly/ND19ABAProfilesurvey.

LEARN MORE

Order AALL’s State of the Profession 2019, a data-driven exploration of the current legal information landscape, to get quantitative insights on user services, technology management, operations, budgets, and partnerships within the profession, at bit.ly/AALLProfession2019.

Data compilation produced by the ABA Media Relations and Strategic Communications Division. Statistics within the survey were gathered from authoritative sources, primarily within the ABA, but also from the federal government and nonprofit groups that work closely with the profession.

*Information reprinted with permission from the American Bar Association.
MEMBER PROFILE

VANTAGE POINT

ALEX BERRIO MATAMOROS
- MANAGER OF KNOWLEDGE MANAGEMENT
- DEBEVOISE & PLIMPTON LLP
- NEW YORK, NY

FAVORITE THING ABOUT YOUR JOB? Although I’m relatively new to the field of knowledge management, I enjoy constantly learning and finding new ways to apply my skill set to the tasks and projects I work on.

IF YOU WROTE AN AUTOBIOGRAPHY, WHAT WOULD ITS TITLE BE AND WHY?
August and Everything After. In August 2006, I was diagnosed with a neurological disorder and the events that followed changed my life for the better. (The title comes from an album by my favorite band, Counting Crows.)

FAVORITE TRAVEL DESTINATION?
Medellín, Colombia, the City of Eternal Spring. The weather is wonderful, the people are friendly, and the city has experienced an immense urban renewal since the times of the cartels.

A SKILL YOU’D LIKE TO LEARN?
Airplanes, big and small, are my happy place, and it would be a thrill to learn how to pilot one.

WHAT’S YOUR GREATEST ACHIEVEMENT AND HOW HAS IT SHAPED YOU?
Last year I published my first book, which is based on years of my work in educational technology and pedagogy. I learned that your work has the potential to impact not only those you interact with, but also your professional community and those they work with. That motivates me to keep innovating and sharing what I’m doing.
NEWS & NOTES

2019-2020 CALENDAR

NOVEMBER 2019

01  AALL Executive Board election results announced

07  AALL Fall Finance & Budget Committee Meeting, Chicago

07-08  AALL Executive Board Fall Meeting, Chicago

15-16  AALL 2020 AMPC Team Leaders Meeting, Chicago

20  Town Hall/AALL Update

DECEMBER 2019

01  AALL Research Grant applications due

FEBRUARY 2020

01  AALL Awards Program nominations due for:
   ▶ Marian Gould Gallagher Distinguished Service Award
   ▶ Joseph L. Andrews Legal Literature Award
   ▶ Hall of Fame Award
   ▶ Emerging Leader Award
   ▶ Innovations in Technology Award
   ▶ Minority Leadership Development Award
   ▶ New Product Award
   ▶ Public Access to Government Information Award
   ▶ Robert L. Oakley Advocacy Award
   ▶ Volunteer Service Award

02-04  AALL Executive Board Spring Meeting

20  Continuing Professional Education Program Grant proposal deadline

JULY 2020

09-10  AALL Executive Board Summer Meeting

11-14  113th AALL Annual Meeting & Conference, New Orleans, LA

QUICK LINKS

AALL ANNUAL MEETING
bit.ly/AALL2020

AALL EDUCATION
bit.ly/AALLeducation

AALL LEADERSHIP ACADEMY
bit.ly/AALLacademy

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*Members who upgrade before June 12, 2020, will receive 2020 AALL Annual Meeting recognition, a complimentary Association Luncheon ticket, and will be listed in the September/October 2020 issue of AALL Spectrum.

learn more at bit.ly/AALLchampion
INSIDE THE BLACK BOX OF SEARCH ALGORITHMS

BY SUSAN NEVELOW MART, JOE BREDA, ED WALTERS, TITO SIERRA & DR. KHALID AL-KOFAHI

A behind-the-scenes look at the algorithms that rank results in Bloomberg Law, Fastcase, Lexis Advance, and Westlaw.
Algorithmic accountability means different things in different contexts. In legal search, accountability means sufficient transparency to establish trust between the legal database providers and the researcher; and it means providing sufficient help in understanding how algorithms affect search results to ensure that legal researchers can be effective in their search strategies. Satisficing is a compelling strategy for online legal researchers used to determinate responses to their general queries in Google or other search engines. Algorithmic accountability is one way of enabling researchers to move beyond a single search and its top results. During the 2018 AALL Annual Meeting program “Inside the Black Box,” Fastcase and Lexis Advance lifted the hood on their algorithms to help legal researchers better understand their unique algorithms and why results vary so much for the same search in the same jurisdictional database across platforms. In this article, Bloomberg Law and Westlaw join Fastcase and Lexis Advance to continue that conversation.

An Overview of Basic Search Relevance Factors

Although there are many ways search is implemented in legal databases, there are some common ingredients in how search relevance is calculated. Knowing about these ingredients can be helpful in understanding why searches work the way they do.

TF-IDF

Most full-text search engines, including legal search engines, use query-document term similarity as a foundational element in relevance ranking. The most commonly used approach for calculating query-document term similarity is TF-IDF (term frequency/inverse document frequency). Term frequency is a count of the presence of the user’s search
terms in matching search documents, with the assumption that documents that include the user’s queries more frequently are more relevant to the query. To avoid having commonly occurring terms in the documents dominate ranking, the scoring contribution for specific terms is typically discounted by the overall frequency of the word across all searchable documents (inverse document frequency).

**A Rose by Any Other Name**

Anyone who has constructed a complicated Boolean search has probably employed something that looks like this: “… AND (suit OR claim OR action OR petition)…” Modern search engines will expand the user’s query to include potential synonyms for the terms provided by the user. A more sophisticated variation of this approach will expand search terms or provide suggested terms using algorithms developed over the corpus that identify relationships between words in the corpus.

**Terms of a Feather Flock Together**

Another potential input that affects search results ranking is how close the query terms appear in a document (“proximity”). Consider a search for “financial disclosure”—one would expect a document containing these terms in that exact order would be more relevant than a document where “financial” and “disclosure” appear in entirely different sections. Proximity of terms is particularly important for legal phrases that appear frequently in legal texts.

**Rank and File**

Legal search engines frequently provide additional inputs that determine the ranking of results. When ranking court opinions, for example, a decision’s precedential value can impact its relevance. Matching text found in the majority portion of a recent U.S. Supreme Court decision will likely (but, admittedly, not always) be more relevant than a dated circuit court dissent. The frequency with which a given document is cited by other documents is also valuable in ranking.

**Algorithmic Insights, Implementation Guidance, and Usage Tips from Search Database Providers**

**Bloomberg Law**

The goal of any search system is to get users to the answer they seek as fast as possible. Bloomberg Law employs standard techniques to optimize the relevancy of natural language results. Our search system parses user queries to identify legal phrases and entities and then prioritizes documents containing these items. In measuring the relevance of matching documents, we also consider the proximity and distribution of matching keywords. To ensure that the most relevant documents are appearing at the top of our search results, subject-matter experts periodically evaluate the results of queries and provide explicit feedback that is used to fine-tune our scoring algorithms.
Bloomberg Law is also implementing context-specific search experiences that help the user more easily identify content specific to their practice area or topic of research. For example, a user using Bloomberg Tax would receive search results customized to that practice area, based on the search system’s understanding of the terminology in that area of law. Our empirical research shows that attributes of relevancy vary by context, so by offering a specialized search experience based on the user’s context, Bloomberg Law can offer better, more relevant results.

It is important to remember that legal information systems offer a great deal more than a searchable content database. We also use global search fields to help users discover functionality and navigate the platform. When a user enters a query in the “GO Bar” found at the top of the Bloomberg Law website, the search system examines the entered terms and generates a list of suggestions, based on degree of match and popularity, to help users discover useful platform features.

**Fastcase**

Many services are trying to make legal research more “Google-like.” Fastcase is trying to empower deeper research, and its tools are designed to be less Google-like. Fastcase’s search engine uses 16 different factors to rank search results, including TF-IDF keyword relevance, proximity, authoritativeness (citation counts), recency, and the aggregate history of more than 100 million searches on the system.

Fastcase’s ranking algorithm automatically gives a different weight to each of these factors to bring the most authoritative results to the top of the list. One problem with all algorithms is that they are optimized for the best overall results, but no search engine can be optimized for every kind of search. For example, the researcher may want to look at a subset of documents that are rarely cited or may want to privilege documents from the 1980s and 1990s.

Fastcase exposes the levers and allows power-users in Advanced Search to customize their own relevance algorithm for the particular research task. There are a few other unique features for power users inside the “black box” at Fastcase. Researchers frequently do not read past the first page of results. Fastcase’s search results are “infinite scroll,” so that researchers can read seamlessly without paging through the application.

Fastcase’s citation analysis algorithms allow researchers to re-sort search results to bring the results most cited by other documents in the search results to the top of the list, and it can even find cases that should be in the results but aren’t. The algorithms identify cases frequently cited by the search results that don’t contain some search terms but are nevertheless important to the research query.

**Lexis Advance**

To deliver high-quality search results for all users, search tasks, and search methods, the Lexis Advance search engine
utilizes a suite of algorithms to identify the user’s search intent, select the most relevant matching documents for this intent, and apply the best possible relevance ranking to these results.

Identifying user search intent is a critical first step in delivering high-quality search results. This step involves parsing the user’s query to identify search intent. For users that prefer more control, Lexis Advance supports an extensive set of search commands, including Boolean operators, proximity operators, wildcards, and quoted phrases. For queries without search commands, Lexis Advance applies natural language processing to identify user search intent. This includes identifying specific legal citations, legal topics, jurisdiction names, semantic concepts, named entities, and other signifiers of intent. Term and phrase equivalents are also added to increase recall of relevant documents.

The next step is returning search results aligned with the user’s intent. For Boolean searches this is largely a mechanical process of honoring the search, matching criteria specified by the user. For natural language searches, an algorithm is applied to determine what terms in the user’s query are required in matching documents. These results are then ranked for relevance. Relevance ranking on Lexis Advance uses a combination of factors, including term frequency in document, term proximity in document, and many content type-specific relevance weighting factors. For example, citation activity is used for case law content search, and publication date weighting is used for news content search. LexisNexis optimizes relevance ranking for each content type.

LexisNexis continually invests in its search technology, increasingly utilizing natural language processing and machine learning algorithms to deliver relevant search results. Prior to releasing an algorithm update, LexisNexis employs a comprehensive testing process to ensure that search changes are both impactful and a measurable improvement to using industry-standard search quality measures. The significant investment in search testing and evaluation ensures that the Lexis Advance search quality gets better and better with every release.

**Westlaw**

Westlaw relies on a set of vertical search engines. Each one is tuned to one or more content types. For example, citations, key numbers, and treatment history play a larger role in the search engine for case law documents than those for statutes and regulations, while...
document structure plays a larger role for regulations and statutes engines.

Unlike horizontal search engines, which mostly rely on query-document term similarity, vertical search approaches allow us to codify how we think about a problem and represent it in a way suitable for algorithmic computations. For example, a decision is often not only meant to resolve the dispute at hand but can also be used to resolve similar disputes in the future. The ramifications of a decision are not fully contained in the decision’s words and phrases; rather, the decision can only be fully understood after the fact, as other courts apply it and interpret it. A search engine, therefore, must capture this ‘meaning’ that did not happen yet, or for older decisions, a meaning that is distributed across many decisions (i.e., the citation network of a case).

To solve this problem, Westlaw uses machine learning algorithms called learning to rank, which combines a diverse set of factors in its ranking function and represents the challenge as an optimization problem. In the case of Westlaw, it minimizes the number of pairwise inversions, where a lower-quality result is ranked before a higher-quality result. To ensure this is not a popularity contest, where highly cited decisions dominate the results, Westlaw algorithms use normalized features to level the playing fields. In addition, we use a number of stratified sampling strategies to ensure the long tail of the law is represented in both the training and the evaluation of the algorithms.

Recently, Westlaw Edge extended those capabilities through a set of proprietary natural language processing algorithms that aim to “understand the meaning of a query” and, when appropriate, provide answer-like results.

The Researchers’ Challenges with Any Algorithm

Boolean (“terms and connectors”) searching is satisfying in its simplicity. Although there are minor variations in the way Boolean searches are processed in each database, the results of a Boolean search may be cleanly divided into two buckets: those with a precise literal match to the search query are returned as results, and those without a precise literal match are not.

The operation of such a search is easy to understand, and results can be verified with certainty. Another benefit is that the intent of the search is known to the researcher. A Boolean algorithm is simple: The primary search syntaxes at work are proximity and field limiters. Skill is needed: A Boolean search presupposes the researcher is able to effectively translate a concept into an often complex search query that captures all of the concept’s possible expressions within an increasingly large corpus of data.

Semantic or “algorithmic” search approaches search results differently. Rather than deterministically dividing results into matches and non-matches, modern search engines take a probabilistic approach. Effectively, the entire corpus is ranked from “most likely to be responsive” to “least likely to be responsive.” The benefit is that multiple search syntaxes and formulas are applied to the query. But the algorithm is probabilistically guessing at intent. Therefore, skill is needed: The researcher still needs to formulate a sufficiently targeted search to help the algorithms do their work.

Serious thinking about the legal problem is the best first step for every search. Both types of searches set algorithms to work to bridge the gap between the researcher’s query and the documents in the system. The human researcher still plays a vital role in priming the algorithm that closes that gap.

AALL2go EXTRA


READ

GSU COLLEGE OF LAW’S CUTTING-EDGE DATA ANALYTICS COURSES PREPARE LAW STUDENTS FOR THE LEGAL JOBS OF TOMORROW.

BY ANNE TUCKER & BEN CHAPMAN
The program offers JD students a range of learning opportunities, including:

- traditional law school courses
- experiential-credit labs
- courses in the Master of Science in Analytics program
- foundational STEM (Science, Technology, Engineering, and Math) graduate courses
- extra-credit workshops

Students can take one course, all courses, or complete the new 21-hour Legal Analytics Certificate program. Advanced Analytics course content is scaffolded by building on introductory courses (that students with a demonstrated proficiency can skip), making the curriculum approachable for law students without a strong STEM education, while at the same time challenging for students who possess a strong STEM background. The curriculum, especially the open workshops, reflects our commitment to “whole building” education, which is designed to reach as many students as possible.

**Analytics and Georgia State Law**

“Legal analytics” refers to the software-enabled analysis and visualization of various kinds of legal data—court opinions, contract terms, or regulatory filings—to help lawyers make more informed decisions. With text mining technologies, researchers can identify and extract relevant text within a document. Thereafter the text is converted to a numerical representation (referred to as a vector in data science) in order to perform computations such as linear algebra and advanced algorithms as a way to learn about the content of the text and its relationship to the text of other documents. Using machine learning algorithms, researchers can replicate data labels previously generated through an individual reading and labeling (coding) a document’s attributes. Say, for example, you cared about the presence or absence of the “fair use” defense in copyright cases. Traditionally, a researcher would read each opinion and label the case as one with or without a fair use defense. With machine learning algorithms, researchers only have to hand-label a subset of the cases sufficient to train and test a computer algorithm. At that point, the algorithm can apply the appropriate label (fair use...
There has been an explosion of interest in legal analytics in the last few years, as both data sources and computing and storage power have grown exponentially. Legal scholars, law firms, and legal technology entrepreneurs have begun to exploit advances in artificial intelligence, coding, and computing power to process large data sets and glean new insights from unstructured data. Suddenly, the study and practice of law are areas ripe for disruption and innovation.

In response to these changes, opportunities, and the uncertainty created by the data science revolution, the GSU College of Law developed a unique Legal Analytics curriculum. The courses teach students the underlying technologies (such as text mining and machine learning) and tools that drive legal technology, from e-discovery to judicial analytics, to technology-assisted content review of contracts. Students are also taught traditional research design and quantitative methods. With an emphasis on computational thinking, legal analytics students will be practicing the timeless legal tradition of problem solving, only now with an expanded set of tools. The Legal Analytics curriculum is tailored to equip graduates with unique and highly marketable skills, such as the ability to appropriately (and critically) evaluate new technology solutions, collaborate with data scientists to build or implement legal technology for a firm or client, and to evaluate processes to identify efficiency and technology interventions. Preliminary results based on pilot students who took our first classes and graduated before implementation of the certificate program confirm this outcome; many are now employed in analytics-related positions, both in law firms and in analytics departments in businesses.

Certificate and Curriculum
In the fall of 2019, the College of Law officially launched its 21-credit certificate program in legal analytics. The technologically sophisticated program is made possible by a partnership with the Georgia State University J. Mack Robinson College of Business’s Institute for Insight—an applied data science lab within the business school—which runs the Master of Science in Analytics (MSA) program.

The JD certificate requires 15 credits and an additional six credits from electives. In addition to the 21-hours of required coursework, students are also required to meet the upper-level writing requirement by writing on an analytics topic. Six of the required credits must be taken in an analytics-related area outside of GSU Law. Students who already have a strong math and computer science background take advanced graduate analytics courses, such as Text Mining or Programming for Analytics; those without that background take sufficient...
math and programming courses to comprehend the technical foundations of legal analytics. All certificate students will take nine credits of required analytics courses (including six experiential credits) within the law school. Legal Analytics I is an introduction to research design, quantitative methods, and design-based thinking. The two follow-up courses, Legal Analytics II and Legal Analytics Lab, involve teams of graduate analytics students and law students working together, which exposes them to the kinds of interdisciplinary work that twenty-first century lawyers do. Students also learn foundational research skills applicable across all practice areas. For example, in collaboration with the library faculty who helped identify magistrate referral rules across all 94 federal district courts, students in the Applied Legal Analytics Lab read court rules and created a typology of referral practices in federal civil cases.

Legal Analytics and the Lab course leverage the unique partnership with the Institute for Insight, which has domain-specific labs, including the Legal Analytics Lab, chaired by Charlotte Alexander. Professor Alexander, who holds appointments at the Institute and the College of Law, was recently named to the Fastcase 50 for her work in creating and running the Legal Analytics Lab. The Lab acts as the engine of the Legal Analytics program because it is a vehicle for law faculty to incorporate data science methodologies in their research and gain personal experience and expertise, as is the case with co-author Anne Tucker, faculty director of LAII. Second, the Legal Analytics Lab provides interdisciplinary learning opportunities for both MSA and JD students. Working with the Legal Analytics Lab and MSA students, the JD courses (Legal Analytics II and the lab-based class) are experiential and built around research questions using real-world data (such as arbitration data and outcomes data from accountability courts) brought to our faculty by our external partners.

Research conducted by the Legal Analytics Lab and LAII is practice-oriented and grounded in real-world questions. Over the last two years, our research has examined the following areas:

- **Securities Litigation**: Analyze factors that lead to securities litigation with a goal to assist insurance underwriters to better predict litigation risk based on company filings.
- **Mutual Fund Disclosures**: Employ text analytics and machine learning to confirm whether investment company disclosures comply with SEC (U.S. Securities and Exchange Commission) regulations; analyze content of disclosures, identify patterns and explore relationships between disclosures and fund performance in 140,000 filings with over 300 million words.
- **Analyze Employment Law Cases**: Identify fact patterns in employment law litigation indicative of misclassification of independent contractors vs. employees and case outcomes.
- **Federal District Court Judges and Magistrate Judges**: Examine data with regard to rates of acceptance of magistrate reports and recommendations by federal district court judges through analysis of docket sheets and related information; explore relationships between magistrates and district judges.

Student participation exposes them to the practical issues that are associated with working with real-world data. Students learn valuable lessons in locating, cleaning, and managing large datasets. Additionally, students learn the science and art of selecting an appropriate analytics approach and managing workflow while navigating the dynamics of interdisciplinary teams. Further, through their presentations to the law school community, JD students practice translating the technical process and legal insight (including the current limitations of machine learning and other analytics tools in the law) to new audiences.

In addition to the certificate, GSU Law also offers a joint-degree program with Robinson College of Business for students who wish to obtain both a JD and an MSA. Finally, the College also offers an analytics concentration for LLM students.

With the Legal Analytics program, the College of Law is expanding its reputation of preparing practice-ready lawyers to include a commitment to providing future-ready lawyers as well. One of this article’s coauthors (Anne Tucker) often describes the program goals as giving students the skills to be a part of the legal practice change by knowing how to do it and how to ask the right questions, rather than merely observing changes and being current on what other people are doing. With the launch of the Certificate program in fall 2019 (13 students are already enrolled) and the addition of new faculty members (Susan Smelcer, with a JD and a PhD in Political Science, and Yanqing Wang, with PhD degrees in Mechanical Engineering and Statistics), GSU’s Legal Analytics & Innovation Initiative is poised for an exciting future.
When we consider just how central data and technology are to the legal profession, it becomes increasingly imperative to distinguish between data literacy and data competency. Data literate legal professionals understand that data analysis can help them make smarter decisions, are comfortable interacting with data, and occasionally use data-based insights to create a strategic advantage in a legal or business context. Law librarians and knowledge managers, for example, need data literacy given the nature of the work they do, and there is an increasing expectation that lawyers be data literate as well.
Data Literacy Is No Longer Enough

While most of us understand that data literacy is valuable and necessary, as legal work becomes increasingly data-driven, data competency will be the standard by which all legal professionals—not just information professionals—are measured. Legal professionals who are data competent have resolved to move beyond basic awareness and have placed data analytics at the center of their everyday activities. Data competence implies a high level of comfort with newer technologies and real expertise in applying them to real-world problems.

Data competent professionals make frequent use of a variety of advanced tools for finding, analyzing, and manipulating data in order to be able to make the best possible tactical and strategic decisions in particular use cases. They can immediately match appropriate tools to specific legal or business problems, and they can use those tools confidently and efficiently because they use them regularly, every day.

Many librarians have already attained data competence and are actively investigating new capabilities and new tools as an integral part of their jobs. The legal profession urgently needs their help, both in getting lawyers to grasp the importance of data competence and in providing hands-on training so lawyers can integrate data-based tools into their existing workflows.

Lawyers are trained to understand the intricacies of the law, but few have had any training in legal technology. When they are trying to size up opposing counsel, attempting to understand the litigation history of opposing parties, setting motion strategy before a particular judge, or trying to anticipate how long it will take to litigate a particular case, they are accustomed to relying on their own experience, anecdotal information from colleagues, and, sometimes, nothing more than a hunch. That needs to change.

Law Librarians Can Lead the Charge in Data Competency

How can law librarians take the lead in promoting data competency among lawyers?

First, they can take responsibility for due diligence when it comes to adopting technology tools. Forward-thinking law librarians are already driving adoption of data analytics in both the practice of law and business of law. To be effective in this role, they need to stay up to date on technology developments and marketplace trends. Data analytics in the legal industry is still in its infancy. Lawyers and legal executives need lots of help distinguishing between a bewildering array of products. Law librarians are perfectly positioned to compare and evaluate these resources. They can use their research expertise to develop sample search queries that will illuminate the strengths and weaknesses of specific solutions. They can also help the profession develop more objective criteria for evaluating factors such as ease of use.

A recent presentation at the American Association of Law Libraries (AALL) Annual Meeting described an example of the kind of leadership that law librarians can provide to a profession that is seriously in need of guidance. In the example discussed, a group of experienced information professionals from a variety of backgrounds and job roles collaborated on a project to provide law librarian colleagues with a deeper understanding of litigation analytics. They investigated the ways in which products are not comparable, established test parameters and developed sample questions, engaged in hands-on testing, published their results (with appropriate caveats), and provided honest feedback for vendors serious about improving their offerings. These are activities that very few lawyers have the time or interest in pursuing.

In any effort to evaluate legal analytics tools, it will be crucial to address the challenges presented by one of the primary sources of data for legal analytics solutions: Public Access to Court Electronic Records, or PACER, which is a massive dataset of federal litigation data that is growing by around two million cases per year. However, PACER has serious data gaps, its classification of cases and filtering rely heavily on its Nature of Suit (NOS) codes, and its raw data requires
Data-Based Tools are Not Interchangeable

To make intelligent buying decisions and perform effective research, it’s essential that consumers of analytics tools understand the tradeoffs that vendors make in addressing these issues, such as those presented by PACER, when they develop their solutions. What are their processes for tagging and coding, and to what extent are those measures tailored to the idiosyncrasies of individual practice areas and specific kinds of cases? Can a solution distinguish between ANDA (Abbreviated New Drug Application) and non-ANDA cases in searches of patent litigation, or file sharing and non-file sharing cases in copyright litigation? To what degree are individual vendors willing to invest in legal subject-matter experts, not only to help design their solutions but also to provide continual input that will “teach” machines to make better decisions and optimize algorithms? These are the kinds of questions that law librarians and other information professionals in the industry need to be prepared to ask. And then, after they’ve received their answers, share what they’ve learned with colleagues at their organizations.

Provide Training and Engage with Vendors

Law librarians can also take more responsibility for educating employees in their own organizations. Collaborating and sharing findings with other legal information professionals is an excellent first step, but the next step involves communicating those findings to the audience that needs them the most: lawyers and firm leadership. This may mean offering regular training sessions to which colleagues can bring their real-world legal and business challenges and learn the best way to address those challenges using tools that are already at their disposal. It may also mean organizing events for busy lawyers. While many experienced lawyers are reluctant to take the time to attend tech-focused “boot camps” or an occasional “Tech Tuesday” presentation, holding events is a good way to grab their attention for a defined period of time and get them to listen and engage. Law librarians can also develop training programs for summer interns, who are more likely to be open to data-driven approaches to the practice of law and who, after all, represent the future of the profession.

Law librarians can also consider engaging more regularly with vendors. Law librarians can help vendors develop more user-friendly interfaces, urge them to be more transparent about their data-handling practices, demand they provide honest assessments of the content and functionality tradeoffs they make in developing solutions, and advocate for product features that focus more narrowly and effectively on everyday use cases. They can also insist that leadership in their own organizations gives them a seat at the table alongside lawyers when vendors seek help testing their products. Legal culture is a persistent barrier to data competency. Law librarians must recognize that they have an important opportunity, as well as a responsibility, to help change that culture.

Risks and Opportunities Ahead

Data competent legal information professionals needn’t have advanced degrees in statistics or data science, nor must they have a detailed understanding of artificial intelligence, analytics, machine learning, natural language processing, and other data-parsing technologies. However, when specific questions arise during litigation, investigations, negotiations, client pitches, business development activities, or hiring talent, the use of advanced tools to answer such questions should be second nature.

As a group, lawyers still lack sufficient awareness of and hands-on experience with a bewildering assortment of technology tools that can help them answer such questions much more quickly and accurately. As tools get better and are more widely used, there is a serious risk that legal teams who are better-informed and more technologically savvy adversaries in a dispute will have the distinct advantage of having access to a broader base of factual information and deeper insights. While that presents a serious problem for some firms and their clients, it also presents an opportunity for law librarians to provide value and, ultimately, to enable better representation for those clients.
Why law librarians and legal information professionals should translate data and analytics into insights and advisory knowledge to help law firms and clients stay competitive.

By Jordan Furlong

This past summer, I gave the keynote address to the Private Law Librarians & Information Professionals (PLLIP) Special Interest Section Summit X: The Path to 2030, in Washington, DC, during the American Association of Law Libraries Annual Meeting. The title of the presentation was “New Horizons: How Law Librarians and Legal Information Professionals Can Redefine Law Firms in the 21st Century.” The following is a brief summary of those remarks.
The Legal Landscape

The gradual but unstoppable transformation of the commercial legal marketplace—including new client buying patterns, rapid technological advances, and a host of new providers emboldened by regulatory liberalization—is creating a state of “climate change” in the market. This poses an immense challenge to law firms, which developed and flourished in last century’s more sedate competitive climate and whose business model will now have to adapt in response to this change.

Among the most important consequences of this legal climate change is a growing bifurcation of legal work into two broad categories:

- “commodity” work (routine, repeatable, straightforward, traditionally given to associates), and
- “complex” work (intricate, challenging, high-stakes, traditionally kept by partners).

These two types of work have always existed in law firms, of course. But one of the profitability secrets of law firms is that they perform commodity work the same way they perform complex work: sequentially, laboriously, by-the-lawyer-hour. This is the key feature of the law firm leverage model: bill associates’ on-the-job learning efforts on basic tasks and reap the resulting profits.

Now, however, this law firm profitability secret is becoming a handicap. Commodity work is migrating from law firms and moving to more efficient and cost-appropriate platforms, including managed legal services companies and low-cost/offshore centers. These providers are winning this work because they have designed systems and trained people to carry out these tasks faster, cheaper, and more efficiently than law firms can.

Law firms could keep this work if they were to adjust their workflow, pricing, and profitability approaches; that is, if they would perform commodity work efficiently and systematically, as it should be done. But law firms just aren’t set up to do that, structurally or culturally, and few are even trying.

Where Do We Go From Here?

As commodity work leaves firms and associate roles go with it, many firms will start to shrink down to a core group of partners and a few partner-track associates, all chasing a decreasing amount of complex client work. That’s not a strategy for long-term sustainability and success, but it’s the strategy most firms seem to be adopting, and therefore, it’s what law firm libraries and legal information professionals will have to deal with.

How will law firms win the fierce competition for complex work?

Constantly poaching big-name partners from rival firms is an expensive game that nobody wins, except for the migratory partners who command ever-higher revenue guarantees at each stop. Evidence shows that laterally acquired partners tend to stay for shorter periods and are more likely to leave their new firms than home-grown partners.

And therein lies the problem for firms: If they want to pursue complex work, then they need to rely on experienced lawyers to do it. But experienced lawyers are an essentially mobile and unstable asset—they can (and frequently do) walk out the door anytime they feel like it. It’s like building your house on shifting sands, when what you really want is a solid, stable foundation underneath you.

The solution to this problem is for law firms to develop fixed capital assets—value-generating resources that won’t demand higher compensation or desert the firm for a better offer down the road. These kinds of assets must be grounded in the key feature that law firms use to perform complex legal work: “advisory knowledge,” insights that help solve the most challenging client issues and deliver the greatest amount of client value.

The best and most experienced lawyers possess a great deal of advisory knowledge—but even the most brilliant
Even the most brilliant lawyer can’t acquire and maintain the vast storehouses of information needed to serve today’s complex client needs. Individual lawyer brains need to be supplemented by large “institutional brains” that are always up to date and ready to contribute insights.

**Data and Analytics**
We’ve only scratched the surface of what kinds of legal data can be collected and what insights can be generated from analyzing that information. But we already know, for example, that judges’ propensities can be charted, litigation and negotiation outcomes can be estimated, and firms’ pricing habits can be enumerated, all of which is information that would be highly valuable to clients facing major litigation. There’s much more of this to come.

**Embedded Firm Knowledge**
Law firms have never done a great job of identifying, distilling, and leveraging the collective knowledge of their lawyers—mostly because lawyers have been very good at resisting these efforts and hoarding their insights. But renewed efforts to curate and deploy not just the firms’ knowledge, but also their experience and expertise, will separate the good firms from the outstanding ones.

**Going Forward**
Law librarians and legal information professionals might not be the primary sources for acquiring this raw data. Other members of the firm (finance, IT, marketing, etc.) could be the primary “miners” of information about the law, the firm, and its clients, while knowledge professionals could be the main “refiners” of that data, translating it into advisory knowledge to be distributed to lawyers (or even directly to clients). Truly sophisticated legal knowledge supply chains will anchor future law firms, and the law library should be the focal point of that process.

Law firms that want to win the highest-value, most complex work from clients will need more than just smart lawyers. They will need powerful knowledge engines to augment and amplify the skills of those lawyers, while also constituting capital assets that accrue in size and value every year. Law libraries and legal information professionals hold the key to assembling and growing such engines, and they are, therefore, the key to the future sustainability and competitiveness of the firms themselves.


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**Top Three Types of Advisory Knowledge**
Three types of advisory knowledge are particularly important for law firms:

**Client Intelligence**
Deep current knowledge of the client’s business, organization, strategy, markets, customers, competitors, governing regulations, pending innovations, etc. Major corporate clients are pressing their favorite outside counsel to be their partners and collaborators, which will require these firms to make serious long-term investments of time and effort into knowing their best clients inside out.

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For Patrick H. Butler, a career in libraries was a natural fit. He had always loved doing research, and after getting some solid advice from leaders within the American Association of Law Libraries (AALL), Butler decided that a career in law librarianship would be perfect for him. Now, with more than a decade of research experience in both academic and private sectors under his belt, he helps support the attorneys, business development team, and administrators of his firm by providing them with high-quality research, analysis, and guidance on using the most effective legal analytics tools available today.
“I want to see that individuals can be creative, take initiative, and come up with solutions, efficiencies, and new ways to contribute to the organization.” Patrick H. Butler

His first professional position was as an electronic resources and reference librarian and an adjunct professor at the University of Connecticut School of Law (his alma mater). After working in the academic environment for a few years, he made the switch to a private law firm. “The switch was actually circumstantial,” notes Butler. “I was moving across the country for my wife’s career, and my current role was the best fit for my skills. I am actually very happy I landed at a firm. I really enjoy the faster pace, new challenges, and the immediate impact I have on the success of the firm.” In his role as director of research services, Butler provides in-depth legal research and analysis, industry and company reports, and links intelligence with strategy. He procures the research and analytics tools to support the firm and provide it with a competitive edge.

After joining AALL in 2012, Butler has been active on a number of committees, including the Diversity & Inclusion Committee, Committee and Jury Chairs, and as the chair and member of the Leadership Development Committee, to name a few. He has also been a board member of the Computing Services Special Interest Section (SIS), active in the Private Law Librarians & Information Professionals SIS, and a member of the Social Responsibilities SIS. He is currently serving as vice president of the Minnesota Association of Law Libraries and is a former board member of the Southern New England Law Librarians Association.

Here, Butler discusses how he determines what products are a good fit for his firm, the value AALL has had in his career, and what skills he looks for in new hires.

How do you assess whether a product is a good fit for your firm?
There are so many factors, but first it’s important to understand what are the needs of the firm. I try to get to know each practice area by attending practice group meetings and speaking to attorneys informally about the work that they’re doing. I also learn a lot just from doing research with them. This helps me understand their needs and some of the issues that they’re facing.

I also consider the effectiveness, the value of the product, and whether it’s going to provide us as a firm with a competitive advantage and a strong return on investment. I also consider whether people will use it or not. For example, if there is a steep learning curve, it’s pretty unlikely that the tool will be adopted. People just don’t have the time to learn new products that are complicated.

Discuss your role in assessing and purchasing technology products.
It’s my job, first of all, to pay attention to what’s out there. It can almost be a full-time job to keep up with new and existing resources because of continuous development and new innovative products. As I learn about the products, I continuously assess their value in general as well as their potential value for the firm and for the...
LEADERSHIP

How do you stay on top of developments in legal technology?
I read a lot. I subscribe to vendor publications and have email alerts set up to keep me updated on product development. I pay attention to listservs and a number of different publications such as blogs and AALL Spectrum. The International Legal Technology Association (ILTA) is also a great resource.

I also stay aware of what’s going on by talking to colleagues and keeping a close relationship with the vendors. I have conversations internally with the practitioners in my firm, but I usually hear about newer developments in technology prior to the practitioners. I think it’s important to get out in front of development as well. I always look for opportunities to influence development, such as sitting on an advisory board. I want to see the best product possible, so if I can get an opportunity to influence its development, that’s ideal.

How has participation in AALL impacted your career and/or leadership capabilities?
Being active in AALL has been key to my professional development. I think, most importantly, it’s been the people I’ve met through all of the activities I’ve been involved in. There are so many people that are very bright in this organization, and I haven’t met anyone yet who wasn’t willing to help me in some way if necessary. People have assisted me by giving me career advice early on, advising me on committee leadership skills, and helping me think like a leader in the profession and in my office.

I’ve greatly benefited from each and every volunteer role that I’ve taken on, whether it was volunteering to be a greeter at a session during the AALL Annual Meeting or chairing the Leadership Development Committee. One of the most valuable experiences was actually attending the AALL Leadership Academy in 2014. Not only did I meet a great group of future leaders, but I also learned a great deal that impacted my day-to-day work and prepared me for my future roles, including my present position.

How has your past work experience benefited you in your current position?
I’m going to start by going back to when I was in middle school and I worked in retail. At that time, I primarily learned about work ethic and customer service, and those skills have been incredibly valuable throughout my life, including
in my current position. The work that I do today is nothing like what I was doing then, but that job taught me to do something very well, take pride in the work that I produce, and to be aware of the needs of those around me. My past library experience has directly helped me in my current position by giving me a well-rounded understanding of library functions and the needs and issues that libraries face. I’ve worked in acquisitions, cataloging, circulation, reference, and in electronic resource management. I have a lot of experience assessing products, reviewing and negotiating contracts, reducing budgets, and evaluating processes to increase efficiency. I’ve participated and led numerous committees and had the opportunity to teach legal research. I use each of the skills I’ve gained over the years in my current position.

What professional development opportunities would you suggest to students and law librarians just starting their careers?

Find a few things that interest you and look for opportunities to get involved. I think it’s important to start small and slow but to keep it up. It’s really important that those who are new to the profession participate actively. When you volunteer to be on a committee, you have to take it seriously and contribute. Then, as you gain more experience, you can take on additional roles and maybe volunteer for more than one committee. But it’s important not to overdo it, especially in the beginning. You need to be able to balance your work and your professional development. I would also add that students and newer librarians should do what they can to attend the AALL Annual Meeting. There are a lot of grants out there that can help fund your way, so take advantage of them.

What’s the value of attending the AALL Annual Meeting?

There’s so much value. The AALL Annual Meeting is a great place to meet and learn from others who face the same or similar issues as you. It’s an event that’s filled with fantastic educational programs that you can gain from and then take back and integrate into your everyday work. It’s a place to meet and learn about the community that we belong to. AALL is a fantastic community to be a part of.

When hiring, what makes a candidate stand out? And what’s a deal-breaker?

I value initiative above all else. I want to see that individuals can be creative, take initiative and come up with solutions, efficiencies, and new ways to contribute to the organization. I think the deal-breaker is just the opposite. I’m not interested in hiring someone who’s simply interested in clocking in and clocking out. I really want someone who is motivated to make a difference, seek new approaches to doing things, and who wants to actively contribute. For me it’s important to show the organization that we care about the value we bring to the organization and that we have a lot to offer. I think most people don’t understand what librarians can do in today’s legal environment.

What do you wish everyone knew about law librarians?

I wish that they knew that we are versatile problem solvers. I think the days of the stereotypical librarian are long gone. Now we’re a dynamic, innovative group of people.

What do you enjoy most about your job?

I really enjoy the challenges, particularly project management. I like taking an idea, concept, or even a product and seeing it through to completion in order to make things better for the firm as a whole. Whether it’s the assessment, acquisition, and implementation of a new product, increasing the efficiency of processes, or even managing a research project that brings clarity to a difficult issue, I enjoy all aspects of the job.
Data Analytics (DA), also known as “Predictive Analytics,” is used in nearly every context, whether we know it or not. As one of our library’s vendors told us several years ago, it gained widespread recognition with *Moneyball*, the 2011 Brad Pitt film that exposed a baseball team’s use of analytics to create a winning franchise. I’m not sure whether that colorful legend is true, but DA is certainly here to stay. How is it applicable to law libraries? Here are a few ways that we have been introducing DA in our law firm library over the past few years. Note: We are a multi-office firm of about 400 lawyers, currently in eight cities.

**Litigation:** Researching parties, adversaries, lawyers, law firms, and judges. There are analytics available on current dockets as well as on decisions, depending on the subscriptions you have. You can learn how many matters a specific party or company is involved in, and which law firms represent them, and discover patterns in representation, strategy, and disposition by...
Analytics will probably be available soon in other practice areas as well. There is already a tax analytics subscription available for tax controversies, and existing DA products are already in use in firms for areas other than litigation, including intellectual property, marketing, pricing, and recruiting.

As to library workflow, we have adopted a few procedures. We find that some lawyers are savvy to at least one of these types of products, largely due to the announcements and training the library conducted upon introducing our first analytics subscription a few years ago. These lawyers often specifically request analytics reports. Additionally, I have asked all of our research librarians to assess every question they receive and consider whether an analytics component would augment the result. It can be something as simple as saying we found that “X type of lawsuit is currently showing up on the docket of X court X number of times in the past year.”

This just means that another resource is on all the librarians’ checklist if they are handling a specific type of question (i.e., expert witness research, judge background research, lateral background information, motion practice, frequency of type of case in a specific court, etc.). In doing this, the library is being proactive on the research side and, at the same time, educating lawyers about the availability and use of analytics, in case they were not already aware of it.

In an academic law library setting, the librarian’s research work product often consists of performing faculty research and teaching students to perform research.

Performing faculty research. It is not uncommon for librarians to be asked questions that involve an analysis of court data, such as how many cases were pending in a time period and how cases on a specified topic were resolved. Historically, answers to these questions were cumbersome and time-consuming to produce, which is problematic given that many academic law libraries have seen reduced budgets and staffing, with most of us having to do more with less, including performing detailed faculty research. It has been quite a relief that the legal analytics sector has exploded in the past few years with so many more companies entering the market and providing resources to assist with pulling actionable information from large-scale data. With the recent advances in legal data analytics, there is likely a tool that can help answer these types of questions in a fraction of the time, leaving law librarians to use their precious time in other ways.

For example, Ravel Law’s Court Analytics tool allows users to search a jurisdiction, filtering over 90 types of motions and topics. The tool analyzes case outcomes, language patterns, and citation history to give insight as to how courts and judges have ruled on certain types of motions or cases.

Law librarians performing faculty research should have an understanding of the data analytics tools at their disposal and how those tools can be used to answer common faculty questions.

Teaching students to perform research. According to the American Association of Law Libraries recent State of the Profession 2019 report, librarians at over 96 percent of organizations surveyed teach for-credit courses. This generally comes in the form of training students to effectively and efficiently perform legal research in a world that is increasingly data driven.

Daniel Martin Katz and Michael J. Bommarito, the co-instructors of a newer Legal Analytics course, specifically mention the goal of “imbuing students with the capability to understand the process of extracting actionable knowledge from data, to distinguish themselves in legal proceedings involving data or analysis, and assist in firm and in-house management, including billing, case forecasting, process improvement, resource management, and financial operations.” (Learn more about the course at bit.ly/ND19Analytics.)

For any law librarian teaching the next set of new associates, these skills should absolutely be on their radar to incorporate into various classroom instruction opportunities and simulation activities.
Looking back and ahead at the Association’s legislative priorities and efforts to ensure greater access to government information, access to justice, government transparency, balanced copyright laws, and privacy for library users.

**BY TODD MELNICK**

This year the American Association of Law Libraries (AALL) celebrates the 30th anniversary of its government relations program and its advocacy presence in Washington, DC. Prior to 1989, AALL worked with federal departments and agencies—most notably the Library of Congress and Law Library of Congress—to make official government information more widely available to law libraries. Early in its history, the Association often joined with other professional groups, such as the American Library Association (ALA) and the American Bar Association (ABA) on policy issues of mutual interest such as copyright reform (a practice we still follow today). It wasn’t until 1989 that, upon recommendation of AALL’s Special...
Committee on National Information Policy, that the AALL Executive Board approved a restructuring of the existing Legislation and Legal Developments Committee into the Government Relations Committee. At that time, they also appointed Robert Oakley of Georgetown University Law Library and Joanne Zich of American University’s Washington College of Law as Washington representatives for the Association. Both Oakley and Zich had prior experience preparing congressional testimony, and Oakley had testified at several hearings. In 2009, the Washington Affairs Office was renamed the Government Relations Office.

During the entire 113-year history of AALL, and most especially in the last 30 years, AALL has been a national leader in the effort to ensure that the raw materials of democracy be authenticated, preserved, and widely and freely disseminated.

**AALL Lobby Day**

As part of the 2019 AALL Lobby Day, AALL celebrated its 30 years of advocacy with a proclamation given by Congressman Mike Quigley in the US House of Representatives, which was printed in the Congressional Record and included in the AALL Annual Meeting program, “30 Years on the Front Lines: The Past, Present, and Future of Information Policy Advocacy at AALL.” (View the program recording at bit.ly/AM19Gov and view the Congressional Record at bit.ly/ND19record.)

AALL Lobby Day took place on Friday, July 12, 2019 before the AALL Annual Meeting & Conference in Washington, DC. Sixty members of the Association (including members of the Executive Board) from 25 states and Washington, DC, participated in the program to advocate with their federal representatives for AALL’s legislative priorities; namely: seeking co-sponsorship and support for the Electronic Court Records Reform Act (ECRRA), which would eliminate PACER’s (Public Access to Court Electronic Records) pay wall; supporting net neutrality; and ensuring full funding for the Library of Congress and Law Library of Congress.

Following lunch, AALL members roamed the halls of Congress from one side of the Hill to the other, meeting their legislators and talking to them about the Association’s three legislative priorities. AALL 2019 Lobby Day participants attended 100 individual meetings with the offices of their members of Congress. These meetings almost immediately resulted in two new cosponsors for ECRRA and gained numerous statements of support for the Association’s legislative goals, creating relationships and pathways for future advocacy efforts. Most importantly, Lobby Day empowered 60 people to feel that they were a meaningful part of the American democratic process, dispelled any cynicism about that process they may have harbored, and inspired them to continue to make their voices heard.

**Thirty Years on the Front Lines**

Capitalizing on the momentum and positive energy generated by Lobby Day, AALL’s Government Relations Committee put on a conference program Sunday, July 14, to commemorate the 30th anniversary of AALL’s legislative policy activities and to tell the story of the history of advocacy at the AALL. The program, “30 Years on the Front Lines: The Past, Present, and Future of Information Policy Advocacy at AALL,” brought together three of the most active AALL leaders—Mary Alice Baish, Keith Ann Stiverson, and Sally Holterhoff—to talk about the specific ways in which AALL, its leadership, and its members worked tirelessly to foster relationships, marshal facts, and build coalitions that would ensure the free and wide dissemination of authentic government information, preserve that information for future generations, and support the entire
In my mind, the overarching theme of both Lobby Day and the 30th Anniversary program was that advocacy is an essential component of a career in law librarianship. Furthermore, any AALL member can become an advocate without first developing a sophisticated body of knowledge or an unfamiliar set of skills.

Advocacy Is for Everyone
In my mind, the overarching theme of both Lobby Day and the 30th Anniversary program was that advocacy is an essential component of a career in law librarianship. Any AALL member can become an advocate without first developing a sophisticated body of knowledge or an unfamiliar set of skills. All that is required for successful advocacy is a willingness to connect with a legislator to talk about one’s own experiences or the experiences of one’s patrons. Advocacy, at its most effective, is a one-on-one, personal interaction between a legislator and his or her constituent. The best advocates work hard to develop an ongoing professional bond with a legislator, offer that legislator a concrete, immediate, and compelling story about how that legislator can improve the lives of his or her constituents, and provide him or her with a narrative that he or she can use to enlist other legislators in the cause. I’m not suggesting that effective advocacy is easy, but rather that it is within the usual skill set of every AALL member.

Absolutely no superpowers are required. Some advocates—be they dentists, realtors, cardiologists, or military contractors—who work on behalf of professional organizations, need no greater motivation than to support and promote the goals of the profession that allows them to pay their bills. Others are motivated by situating themselves within a less self-serving narrative of progress and general improvement. How fortunate, then, that the professional values of law librarianship coincide with enduring democratic values such as government transparency, personal privacy, equitable access to government information, preservation and authentication of the documents of law, net neutrality, and the freedom to read. The institutions whose funding our advocacy supports—the Library of Congress, the Government Publishing Office, and the National Archives and Records Administration—are engines of information, access to justice, and democratic participation.

Take Action
If you have managed to reach this point in the article, you are ready to become an AALL Advocate. It’s as easy as joining the AALL Advocates Community on My Communities (bit.ly/AALLAdvocates). You’ll receive updates from AALL’s Government Relations Committee on news related to open government, access to government information, and privacy. You’ll also be notified of “urgent action” opportunities to contact your legislators on behalf of emergent policy initiatives. You can also read AALL’s Washington eBulletin (bit.ly/AALL-eBulletin), which is sent monthly by email to provide information about AALL’s advocacy efforts in support of the Association’s legislative agenda. You can visit the Government Relations pages on AALLNET (bit.ly/AALLadvocacy) to read about AALL’s legislative priorities for the current Congress, to read reports and issue briefs on initiatives recently or currently being considered by federal and state legislatures, and to access the Legislative Action Center (bit.ly/AALLLAC), where you can take direct action on many policy initiatives with no more than a few mouse clicks. Those interested in an even deeper involvement with the Association and its legislative priorities can apply to join the Government Relations Committee or the Copyright Committee—the primary conduits through which the Government Relations Office and the AALL membership communicate with one another.

As recently described in AALL’s Body of Knowledge, advocacy is an essential component of a career in law librarianship. (Learn more about AALL’s Body of Knowledge at bit.ly/AALLBoK.) You can do it. You are the beneficiaries of an extraordinary 30-year legacy of advocacy, and your time has come. Now more than ever, our profession and our democracy depend on you, your stories, your experience, and your passion. Join us!

READ

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TOPIC CATEGORIES
Professionalism + Leadership At Every Level
Marketing + Outreach

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Earlier this year, the European Parliament passed the Directive on Copyright in the Digital Single Market (Directive 2019/790) to reform copyright law in the European Union (EU). The Copyright Directive directly affects EU citizens, content creators, and online platforms, but it will also affect internet users, companies, and libraries outside of the European Union, similar to how implementation of the EU General Data Protection Regulation (GDPR) has affected internet users around the world.
How Does the Copyright Directive Adversely Affect Libraries?

Two controversial provisions—opposed by libraries, internet users, and online companies—made it into the final text of the directive:

Restricted Access to News

Article 15 (formerly Article 11) permits publishers to charge news aggregators for using news articles for up to two years. The provision is intended to encourage news aggregators and media monitoring sites to enter into licensing arrangements with copyright owners. If companies such as Google (with its Google News app) do not enter into licensing agreements with publishers, they will need to reduce the amount of content displayed in search results, which will hinder the ability of internet users to efficiently and freely gather news.

Substantive text snippets and preview images provide necessary context to assist internet users with quickly identifying whether certain articles are relevant and worth taking a closer look. Although Article 15 does still allow for “the use of individual words or very short extracts of a press publication,” the provision does not offer any guidance on the length of snippets permitted.

Law librarians are frequently asked to conduct news searches on recent developments and find news articles about certain topics or issues. Right now, librarians can rely on Google News to quickly skim through headlines, preview images, and read snippets to identify relevant articles. Once this directive is implemented, librarians likely will need to rely on subscription databases that license content from the publishers instead. Examples include Access World News, Factiva, and Lexis News. But many subscription databases do not add content in real time, whereas Google News currently provides access to content pulled from a wide range of news sources within the past hour, or even the past few minutes.

Article 15 will impede our ability to share breaking news and information and reduce the usefulness of free sources for gathering news.

Encroachment on Fair Use

Article 17 (formerly Article 13) imposes liability on service providers for distributing copyright-infringing content uploaded to their platforms by users. The directive requires online platforms such as YouTube to obtain authorization from rights holders prior to uploading works protected by copyright; otherwise they risk liability for copyright infringement. Where no authorization has been obtained, online platforms will be held liable for distributing copyrighted works to the public unless they can show that they “made best efforts to obtain an authorization” and “acted expeditiously” to take down the content upon being notified of copyright violations.

In the United States, the Digital Millennium Copyright Act (DMCA) requires online hosts to remove copyright-infringing content upon receiving a DMCA takedown request to avoid
Another exception that is good news for libraries is set out in Article 6, which allows cultural heritage institutions to make digital reproductions of works in their collections for preservation purposes. Preservation has always been a key mission for libraries.

These provisions empower libraries to ensure that they can provide continued access to works even if they are no longer available for sale.

**What Can the U.S. Learn from the EU Directive?**

The United States needs to modernize and adapt its own copyright law. Even though the EU Copyright Directive does not have legal force in the United States, the effects of this directive will be felt outside of the European Union as EU member states begin to transpose the directive into their national laws. When considering how to adapt U.S. copyright law to the digital age, Congress should consider carving out similar exceptions for libraries not yet addressed in the library exception (17 U.S.C. § 108) and also impose a provision similar to Article 7 to explicitly prevent copyright owners from using contracts or licensing agreements to circumvent either the library exception or other limitations on exclusive rights.

**EXTRA**

Learn more about European Copyright at bit.ly/5019IFLA.

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**Benefit Libraries?**

The directive does include some provisions and exceptions that are favorable to libraries:

**Text and Data Mining Exception**

The directive includes a new exception that allows libraries to engage in text and data mining of works for the purposes of scientific research. Article 3 provides a mandatory copyright exception for research organizations (including university libraries) and cultural heritage organizations (including publicly accessible libraries).

Text and data mining allow researchers to use automated techniques to analyze digital text and data to uncover and identify patterns, trends, and correlations across large datasets. Text and data mining generally require copying a large volume of copyrighted material. The content is then organized and analyzed using computer programs. For example, with text and data mining, a researcher can efficiently count how often a particular word or term is used throughout a large volume of documents and then draw inferences on how the usage of that term or phrase has changed over time.

**Preservation Exception**

Another exception that is good news for libraries is set out in Article 6, which allows cultural heritage institutions to make digital reproductions of works in their collections for preservation purposes. Preservation has always been a key mission for libraries. This provision will allow libraries to ensure that both history and culture can continue to be documented and maintained.

Publishers and copyright owners will not be able to circumvent this exception either, thanks to Article 7.

**Digitization of Out-of-Commerce Works**

Articles 8-11 make it easier for cultural heritage institutions to obtain licenses to digitize and make out-of-commerce works available to the public. Out-of-commerce works are works that are still protected by copyright but are not commercially available. Out-of-commerce works include both out-of-print works and unavailable digital-first works.

In contrast, Article 13 imposes more obligations on online platforms before the content is uploaded, rather than just requiring them to respond quickly to takedown notices after the content is uploaded. Although the directive does not explicitly require upload filters, content-sharing platforms will likely need to start relying on automated systems to filter content uploaded by users to avoid liability.

Exceptions still exist for quotation, criticism, review, caricature, and parody, which is similar to the fair use exception in U.S. copyright law (17 U.S.C. § 107). However, automated filtering systems will inevitably filter and block content that is not infringing and that fall within these exceptions from ever being posted online. The provision weakens the ability of users to share creative works that take advantage of these exceptions and will lead to blocking some speech before it occurs.

Article 17 does not strike an appropriate balance between the rights of copyright owners and the rights of individuals. The provision will prevent the free exchange of information and impede on users’ rights to receive information, which goes against the core tenets of libraries.

**How Does the Copyright Directive Benefit Libraries?**

The directive does include some provisions and exceptions that are favorable to libraries:
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**Learn more at bit.ly/AALLacademy**
In the digital age of legal research, the paradigm has shifted from the use of print resources to the use of online legal research databases.

These databases require that users must first obtain a username and password before being allowed access to them. Law librarians in academic, government, corporate, or firm law libraries are responsible for creating user credential (access control) requirements, and for maintaining and troubleshooting user access to these legal research platforms. User issues include password fatigue (from entering different usernames and password combinations) and reduced productivity (due to time spent re-entering passwords for the same identity). In addition to these user issues, law librarians receive a significant number of inquiries related to password requests or blocked access. My library alone has received close to two thousand tickets this year related to password and access issues.

Security and User Behavior
Electronic Resource Management (ERM) providers TRG Research Monitor, ITS OneLog, and Lucidea LookUp Precision

Using new password management tools and single sign-on (SSO) authentication to increase security and provide a better user experience.

BY ANDRE DAVISON

TALKING TECH
Powerful Password and Authentication Tools for Improving the Use of Online Legal Research Databases
SAML enables web-based security interoperability functions, such as single sign-on across sites that are hosted by multiple companies. Single sign-on (SSO) is an authentication process that allows a user to access various applications with one set of login credentials. SAML SSO works by transferring the user’s identity from one place (the identity provider) to another (the service provider).

The Benefits of Single Sign-On (SSO) Authentication
Security Assertion Markup Language (SAML) is a language protocol for handling authentication and authorization in a network. In November 2002, the Organization for Advancement of Structured Information Standards (OASIS) ratified SAML as the eXtensible Markup Language (XML) framework for exchanging authentication and authorization information among business partners, particularly through web services. SAML enables web-based security interoperability functions, such as single sign-on across sites that are hosted by multiple companies. Single sign-on (SSO) is an authentication process that allows a user to access various applications with one set of login credentials.

Security Is a Serious Concern When Dealing with Password Issues
In the data breaches that have occurred at eBay (145 million users), Adobe (36 million users), and JP Morgan Chase (76 million users), passwords were frequently the target. Law firms and corporations across the nation consistently deal with the risk of phishing. Phishing is the fraudulent practice of sending emails purporting to be from reputable companies to entice individuals to reveal personal information, such as passwords. Concerns about the reliability of username and passwords is not a new development. The topic was discussed back in a 1994 Washington Post article titled “The Secret Password is ... Obsolete” by John Burgess. Burgess opened the article with the statement: “Since the dawn of the electronic age, the computer password has been a trusted guardian of secrets large and small. For many people, obtaining their own password became a rite of initiation into computer culture itself. Now, growing numbers of security experts feel that the password in its common form is too old and unsophisticated for the job.”

In the 25 years since this article was written, technology has developed better forms of authentication. One such type is SAML SSO login authentication.
Law librarians are well suited to aid in the battle against cybersecurity threats by supporting and protecting password practices.

SAML SSO was not painful to implement. Blank Rome had the technology in place for another application used internally. If you are interested in this process, I would recommend talking to your IT team to determine if your organization is currently using SAML SSO. Also, technical team members for the online legal research vendors are great resources to educate you on the SAML SSO process. SAML SSO could potentially eliminate passwords, increase security, and increase productivity at your organization.

**Final Takeaways**

- Law librarians have the skill sets to be great user experience designers. They can use technology such as SAML to improve accessibility to online legal research platforms.

- Law librarians are well suited to aid in the battle against cybersecurity threats by supporting and protecting password practices.

- Don't let the acronyms intimidate you. Collaborate with your internal and vendor IT departments to understand the requirements to implement SAML in your organization.

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**Westlaw.** At Blank Rome, we have configured SAML SSO authentication for Westlaw. We worked internally with our IT team and externally with our Thomson Reuters technical client manager to set up SAML SSO. There are two ways for users to access SAML SSO. The first way is for users to click on a customized SSO URL to link your SAML account with your Westlaw OnePass account. Users then access SAML SSO by adding the customized SSO extension to their Westlaw URL to authenticate. Another option is for the user to click on the “Access with single sign-on” button and their organizational email address or group id. The benefits of the Westlaw SSO were immediately recognized. We were able to integrate the SAML SSO with our eLibraries. SAML SSO allowed users to bypass password authentication and client matter validation to take users directly to their preferred secondary sources.

**Practical Law.** We also implemented the SAML SSO authentication with the Practical Law platform. Practical Law is a non-billable resource that resides on the Westlaw platform. SAML SSO users bypassed logging in to Westlaw and validating their client matter number to get to PLC (practical law). Users were taken directly to their desired PLC content by adding the customized SSO URL to the Practical Law platform. We customized links for the different Practical Law modules and added them to our intranet to provide convenient access to our users.

**Lexis Advance.** We have also configured SAML SSO for Lexis Advance. We went through a similar process of working internally with our IT team and externally with the LexisNexis staff field systems engineers. Users don’t have to initiate the SAML process in Lexis Advance manually. The LexisNexis team adds the users to SAML SSO access. We have not launched SAML SSO into production for Lexis Advance. LexisNexis is currently in the process of migrating all their ancillary products to the Lexis Advance platform and we wanted to wait until that was completed to put it into production. One advantage to configuring the SAML SSO for Lexis Advance was that we were able to configure SAML SSO for the Wall Street Journal easily. Blank Rome users experienced several issues with the Wall Street Journal enterprise access due to a security protocol that required users to reactivate their access every 90 days. We have not experienced these issues since we implemented SAML SSO for the Wall Street Journal.

**Bloomberg Law.** The firm is in the exploratory stages of setting up SAML SSO with Bloomberg Law. We are working with their Enterprise Integration team on this process. The Bloomberg model requires you to enter a username to sign in.
The Law Librarians’ Society of Washington, DC connects legal research instruction and practice across all sectors of law librarianship to better prepare students and incoming associates for practice.

BY EMILY R. FLORIO & KRISTINA J. ALAYAN

As with most American Association of Law Libraries (AALL) chapters, the Law Librarians’ Society of Washington, DC (LLSDC) has a mix of members from across all sectors (e.g., academic, corporate, law firm, government). To accommodate the interests and needs of these different groups, LLSDC offers several special interest sections (SISs), which are listed on their website. (Learn more about LLSDCs SISs at bit.ly/ND19LLSDCsis.) For AALL members, this is a familiar model that allows SIS members to engage with one another and develop educational programming opportunities within mutual areas of interest and expertise. This model naturally led to more siloed conversations that may have benefitted from cross-pollination with other SIS and LLSDC members. One such exchange included the widely recognized need for law students to be better prepared for practice.

BRIDGING ALL THE GAPS: AN ONGOING DISCUSSION
Accordingly, an ongoing (and much needed) discussion about “bridging all the gaps” in legal research instruction and real-world practice is taking place, and it has brought together a diverse group of information professionals. The LLSDC has expanded this exchange—which sprang from a discussion between the first-year legal instruction team at Georgetown and some DC-area law firm librarians in 2018—by conducting meetings and joint programs that were made available to the entire LLSDC membership.

**Bridging the Gap**

Numerous strategies, programs, and pilots have been developed in law school libraries across the country to help law students distinguish themselves over the course of their summer associate or new associate terms. Law librarians are eager to leverage mandatory face-time with law students in order to arm them with the skills they will be expected to apply as soon as they leave the academic sphere. Many law libraries have developed targeted programming specifically designed to meet this demand. These sessions are often marketed as “bridging the gap” or “preparing to practice” sessions and are scheduled predictably toward the end of the spring semester. Identifying the elusive window when students are available for this type of programming remains a challenge for many libraries. In an effort to encourage attendance, certificate programs that integrate vendor swag, food, and prizes, have been offered across institutions. These sessions may be included in the required first-year legal research instruction program, but upper-level students may benefit from optional refreshers open to all students. Ideally, the sessions repackage what students have learned in first-year legal research, but often they include an emphasis on, or introduction to, more specialized resources students can expect to see in practice that may not have been covered in their required first-year legal research instruction course (e.g., litigation analytics).

In some DC-area schools, such as Howard University, the University of Maryland, and George Washington University, the librarians have organized panels featuring recent graduates, alumni working in law firms, and law firm library directors or researchers who offer practice-oriented guidance. Law firm library directors may review the types of legal or general research expected from new associates, along with outlining some of the specialty tools or offerings available. Some sample discussion points include:

- Are there research skills that new associates wish they’d acquired in law school?
- What role do information professionals play in your practice?
- What is one piece of non-obvious advice you would give to law students about research?
- What is a common mistake seen in new associates?
- How do associates distinguish themselves?

**Making a Change**

In March 2018, a lively and productive small group discussion on this topic occurred between the first-year legal instruction team at Georgetown and some DC-area law firm librarians. The three firm librarians in attendance represented diverse firms, including a one-office firm, a one-practice international firm, and a global giant. This helped facilitate discussion that included a wide range of opinions and experiences. The firm librarians agreed that students tend to lack a fundamental understanding of administrative and regulatory law, as well as legislative history. Students have also faced the wrath of a partner for failing to consult a secondary source before tackling case law research, or for running up a huge Lexis or Westlaw bill unexpectedly. The importance of sound judgment—both in analyzing legal materials and in navigating relationships with grace—cannot be overstated.

Soft skills, which are dominating discussions and literature across professions, were featured prominently in those conversations as well. Students who may otherwise be productive summer associates are at risk of not being hired if they fail to navigate the office wisely. As valued members of the team, support staff may be consulted during the hiring process and summer associates may put their hiring prospects in jeopardy by failing to appreciate the weight of these informal references. Alternatively, making the value offered by law firm librarians clear to students on the academic side can dovetail seamlessly with the law firm library branding in practice—whether it’s helping to track down a document or untangle a potentially harmful billing debacle.

**Creating an Initiative**

Thanks to the initiative and continued interest of the attendees, an August 2018 brown-bag lunch was scheduled to discuss how to better prepare students for practice, and was extended to the full LLSDC membership. The discussion was advertised as an informal opportunity to bring librarians together across sectors to describe what has worked for them, gaps they’ve identified, and trends that should be anticipated as we teach the next generation of legal researchers. Librarians shared examples of their new hire training materials, including binders...
and on-demand how-to videos, as well as tips and tricks that they offer to new associates to help them orient to, and successfully navigate, law firm life. Some of the best practices shared include:

- **Take advantage of the summer break.** Summer is a good time for students to explore the various databases and other tools available to them. This will allow them to better familiarize themselves with content at their own pace, rather than having to learn while under the pressure of a deadline.

- **Create a list of “no cost to the client databases” as alternatives to Lexis and Westlaw.** Explain the basics of how Lexis and Westlaw costs end up on the client bill; avoid using scare tactics. Students should provide feedback to the law firm librarians about what they teach the students and associates, along with what they think they should be learning before they begin working in the summer. The wish list was largely made up of practical applications (e.g., billing practices, use of secondary sources, having a basic understanding of copyright law, and an understanding that the librarians are a resource).

- **Offer a meet-and-greet with library staff at the start of the program.** Reiterate that the library and research teams are an essential part of the resources cultivated to ensure associate—and by extension law firm—success.

**Moving Forward**

After the success of the brown-bag program and in advance of the summer associate season, the LLSDC Private Law Libraries and Academic Law Libraries SISs combined for a joint program in March 2019 called, “Training Up the Summers.” This discussion had a special focus on what law schools are teaching their students in order to help inform how law firm and government libraries structure summer and fall associate training. Attendees shared details about what they teach the students and associates, along with what they think they should be learning before they begin working in the summer. The wish list was largely made up of practical applications (e.g., billing practices, use of secondary sources, having a basic understanding of copyright law, and an understanding that the librarians are a resource).

While this article is about the ongoing LLSDC discussion and related programming, there are similar conversations occurring throughout chapters and within AALL itself. The Law Library Association of Greater New York (LLAGNY) had a “Bridge the Gap” program in the 1990s, and more recently, the Atlanta Law Libraries Association (ALLA) finds these conversations occurring organically during their monthly programs or as roundtable sessions during their spring meetings.

According to Patrick Parsons, ALLA past-president, the roundtables focus on “firm vs. academic database and technology usage, curriculum coverage in law schools, and the necessary skills of new associates and summer associates.”

In mid-April, AALL’s Private Law Libraries & Information Professionals SIS hosted a webinar titled “Law School and Law Firm Collaboration: A Bridge Between the Law School and the Firm,” which tackled similar topics. The AALL Annual Meeting often contains programs on exploring these issues as well. For those interested in this discussion, consider listening to the recordings from the following 2019 AALL Annual Meeting programs:

- **Assessing Legal Research Competency: Bridging the Gap between Law School and Practice**
  bit.ly/AM19Gap

- **Behind the Bench: Preparing Judicial Clerks and Interns**
  bit.ly/AM19Bench

- **Let’s Get Experiential! Creating Strategic Partnerships to Develop Experiential Simulation Courses**
  bit.ly/AM19Experiential

Given the unpredictable and evolving legal landscape, discussions will continue to take place by committed librarians across sectors. Both scholarship and more formal programming ensure this conversation is ongoing at both the local and national levels.

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**Information Management**

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Six years ago, as a former in-house attorney at a large organization, LawInsider co-founder Preston Clark was convinced big data and artificial intelligence (AI) capabilities could transform the contract creation process.

After all, as Clark points out, attorneys rarely compose a new contract from scratch; typically, they begin by pulling portions of text from templates and clauses their firm or legal department has on file.

That system can pose some limitations, though. Attorneys can generally only use items their colleagues have created before, which may not be much help if someone is trying to draft a new type of document.

In addition, contract repositories tend to be found at larger law firms; small firms and solo practitioners may have fewer—if any—resources to draw from.

Clark, however, knew a significant corpus of public domain contracts was available for use, and he hadn’t seen any other organization truly focus on building a great research tool around the documents.

With that inspiration, LawInsider—a subscription-based contract and clause database designed to help contract managers, business owners, lawyers, and other industry members draft corporate agreements more efficiently—was launched in 2014.

The LawInsider website offers access to millions of contracts that have been extracted from U.S. Securities and Exchange Commission (SEC) filings and other publicly available sources. New documents are cataloged and indexed on the site on a daily basis.

“What we really wanted to do was make it easier for attorneys to build and negotiate complex agreements,” Clark says. “Attorneys have their own internal
templates and clauses they pull from as a starting place; we expand that library—and, in particular, make it easier to discover clauses that match to a specific or unique type of commercial agreement."

AALL Spectrum recently spoke with Clark about LawInsider’s early days, the company’s recent transition to a subscription-based service, and how the legal industry can expect to see AI technology evolve in the future.

How long did LawInsider’s development phase take?
We started building our online database in 2014. We were sort of in stealth mode for our first five years. The database was available for search purposes from Day One, but we weren’t offering any paid subscriptions or services.

We had over 100,000 registered users before we switched to a paid subscription model in January 2019. Today, it’s very easy for an attorney to find our site, start a free trial, and ultimately decide to upgrade to a paid subscription—all without speaking to a salesperson. We even make it easy to cancel. That’s pretty core to our business. We want to build products that get used and are worth paying for.

How does the paid subscription version of LawInsider differ from the free version?
LawInsider supports two user types—free and premium. Hundreds of people sign up for free accounts with LawInsider every day. It’s a fast way to access a single document or complete a quick research assignment. Admittedly, the free version is pretty ad-heavy and comes with lots of use restrictions on the number of pages you can view and download on a monthly basis. It’s similar to the New York Times model, in that your free access limits reset every month.

A premium account comes with unlimited, ad-free access to LawInsider for $30 per month, per user, or $300 per year. We also offer heavy discounts for team subscriptions of two people or more, as well as for students and international users.

What other industry members use this product?
A great aspect of our database is its broad distribution. Our primary users are attorneys, but we also serve law librarians, knowledge management professionals, legal ops, legal translators, paralegals, and contract managers.

More than 30 percent of our users are international. We have, on average, 40 attorneys from every Am Law 100 firm.

Did law librarians help develop the product at any point?
Not as much as we would have liked. The majority of our customers are individual attorneys who are paying directly out of pocket for access to our database, and those are the folks who have been most vocal about our product road map. That is starting to change as more law librarians are

Search results include a list of clauses that may relate to the topic users are searching.
hearing about us and reaching out. Our next chapter of growth will require a much deeper relationship with law librarians than we’ve had in the past. We’re looking forward to that.

**What would you say is LawInsider’s most unique selling point?**

We do one thing well. Most of the research tools available to law librarians and attorneys are bundled inside huge enterprise packages sold by billion-dollar businesses. Our focus is on contract and clause search, and we think that focus is our biggest differentiation. Drafting and negotiating complex commercial agreements is hard, and we’re a pretty inexpensive way for attorneys to do this hard work faster.

What’s also interesting, from a business perspective, is that we have a bottom-up business model—think LinkedIn—meaning we are primarily discovered and purchased by individual attorneys, not law firms. Because we have this bottom-up model, it enables us to build deep relationships with our end users and keep our prices down. If we were a larger corporate business model, we’d have to pay salespeople to get on airplanes. That materially affects the price of a product. LawInsider is $300 per user, per year. It’s really easy for an independent attorney on their own to pull out a credit card and say, “I want this product.” As a team, we’re really focused on making the product and buying experience better and easier.

**How have you marketed LawInsider to industry members over the years?**

Believe it or not, we’ve done zero advertising. No ads, no conferences, no partnerships. This will change going into 2020, but we were very intentional about creating a product-driven growth strategy. I’ve led large sales and marketing teams at other companies; it’s expensive, and as a fully bootstrapped business, we wanted to focus on building a product that—at least in the beginning—didn’t require a big sales organization to get off the ground.

**What are some of the most popular product elements?**

Our two most popular user-driven features are the lists and split view functionalities. Lists is a simple tool that enables attorneys to easily sort and assemble new agreements by clicking on the save button within documents and clauses they discover on the site. One of the biggest complaints we had in the early days of the site was that attorneys would lose track of the numerous clauses and contracts they discovered when searching. Lists was designed for attorneys to keep track of their favorite search results.

Split view is a brand-new tool we built for power users of our clause search feature. The common use case for attorneys searching for a particular type of clause on our site is to look through a set of sample clauses. But invariably, they also need to verify the source of the clause. With split view, you can search through thousands of clauses and quickly review their source without leaving the page.

**Did the legal industry’s emphasis on delivering services in a more cost-effective manner since the Great Recession influence how you designed the product in any way?**

Yes! In business, there are cycles of bundling and unbundling—our phone services, cable, and internet are the most common examples. Netflix was an unbundled version of what cable companies were providing us for years. The big players in the legal research market are the classic bundled model. They buy the smaller competitors, and the bundle gets bigger and more expensive. Ultimately there are very few

**What do you feel the future of legal research will look like?**

There are probably way smarter people than me to give an opinion on this. That said, I think we are in this frothy, ambiguous moment of AI and machine learning. Everyone likes things that have AI and machine learning attached to them. Need a new product? Just add AI at the end of the name, right?

In reality, we are still three to five years away from AI being where we want it to be in legal research, and there’ll be a lot of puffery, claims, and promises before it gets good. At LawInsider, we think and talk a lot about how machine learning can improve the drafting and negotiation of commercial agreements in the future. We also think the platform we’re building will enable some incredible innovations in that direction—but the reality is that we’re still on Chapter One of that type of innovation. So, we’ll do our best to avoid giving any of our products AI-ish names in the meantime.

**What else is next for LawInsider?**

Staying focused on offering search capabilities is what’s next for us—and as our search capabilities improve, we want a larger database to work with. To that end, we’re working hard to expand beyond our current corpus. Multilingual search and integration partnerships are on the horizon for 2020.

Also, right now, it is very difficult for law librarians to enable 10 or more attorneys within their firms to use our product. One of our biggest focus areas in the coming year is to make corporate accounts a more central part of our business.
We are all familiar with using checklists in our daily lives. Examples can include grocery checklists, to-do checklists, or checklists for planning a trip. Checklists keep us focused on the steps or elements needed to complete a task, and they help us verify that critical information has been collected. Whereas most general checklists usually are not used to create a report, CI checklists are used to create reports and can be very effective.

CI Checklists Are CI-Specific

Competent CI professionals rely on checklists to plan and complete competitive intelligence reports; CI checklists outline and guide CI reports. The three essential qualities of a CI checklist are that it must be pliable, procedural, and purposeful. Pliable means the checklist can be adjusted; steps can be added or subtracted. Procedural means the checklist is built step-by-step within an order, forming touchpoints for your report. Purposeful means the report is not a data dump, but rather, it answers specific questions. You may have to ask the attorney three different questions to determine what the attorney wants to know, how the attorney will use the information, and what the deadline is for the report.
Model CI Checklists

CI reports range from background reports about officers and directors, companies, and industries, to websites, litigation, transactions, and other activities.

As we discussed in the September/October 2019 issue of AALL Spectrum, CI checklist questions can be grouped into six categories:

1. People
2. Company
3. Litigation Parties
4. Intellectual Property
5. Industry
6. Other Activities

Let’s look at a few model CI checklists, which have been condensed here for purposes of illustration. Copies of the full versions of these models are available on practical.ciblogger.com and On Firmer Ground at bit.ly/ND19checklist. Feel free to adapt or modify them to suit your purposes.

People Checklist
- Name of person
- Address
- Telephone
- Email
- Social media presence
- Workplace
- Education
- Additional business relationships
- Who knows whom

Company Checklist
- Company name
- Company address
- Industry
- Officers & directors
- Social media
- Mergers & acquisitions activity
- Subsidiaries
- Law firm contacts within the company
- Locations in the world

Litigation Parties Checklist
- Plaintiff/Defendant ratios
- How many times in litigation?
- Win/Loss/Settle ratios?
- Which courts have they appeared in?
- Which judges have adjudicated this company?
  - By name
  - By percentage
- Which law firms/attorneys represent them:
  - By name
  - By percentage

Intellectual Property Checklist
- What is the composition of the IP portfolio?
- How many patents are:
  - Granted
  - Licensed
  - Sold
  - Expired
  - About to expire

Industry Checklist
- What is the overview of the industry?
- What are the names of the companies in the main industry?
- How do they rank in terms of size?
  - Number of employees
  - Revenue
  - Profit

Other Activities Checklist
- Is the company involved in Foreign Corrupt Practices Act (FCPA) activities?
- What are their political contributions?
- Is the company on a watch list?
- What are their real estate holdings?
- What are their cybersecurity policies?
- Have there been data breaches?
- What information can be gathered from the website?
- Are there any Environmental Protection Agency (EPA) violations?

Now, Begin
Developing a CI checklist is the first step to gathering information for the CI report. Checklists create consistency for your reports and ensure that everything that needs to be included is incorporated.

READ

COMING SOON
AALL Competitive Intelligence Strategies & Analysis, May 2020. Details will be forthcoming.

AALL2go EXTRA
Listen to the 2016 webinar “Advanced Competitive Intelligence: Best Practices in Conducting CI Research,” at bit.lyAALL2go0616CI.
I like my boss, but they often micro-manage me and my projects. How can I work more effectively with them, so I don’t feel that someone is constantly looking over my shoulder?

Maribel: Leading someone you report to, or managing up, can be necessary whether you have a great or terrible relationship with your manager. To be clear, managing up is not about manipulating your boss. It’s about determining how to work with someone to whom you report in a way that will produce the best possible results for your organization. It is about making it easy for your boss to be your boss.

Try to establish communication systems early on for checking in and getting questions answered. Agree on how and when to update your manager on your work. You might have a manager who is a phone person, while you are not. You might have a manager who likes to be updated way more frequently than you prefer to update. Rather than labeling them a micro-manager (or risking them labeling you a slacker), have a conversation in which you establish the rules of engagement directly with your manager, and then follow them.

It also helps to pay attention and to be a bit of a mind reader. The better you anticipate your boss’s needs and demonstrate your understanding of them, the more confidence and influence you will build with your manager.

Make it easy for your manager to give input. If you have a problem, try to give a proposal or suggested solution rather than an open-ended “What should I do about …?” which puts the onus back on your boss. If you give options and allow your manager to give you a quick yes or no answer, you make it easier on both of you, and you also have quietly demonstrated that you are an independent, critical thinker and a capable employee.
Most importantly, try not to take things personally and don’t overstep. Sometimes you will have a different point of view on something where your manager is the ultimate decision maker. When that happens, advocate for what you believe, but have a thick skin and check your ego at the door.

Remember that your manager is human. Realize that in the same way you might have sensitivities about your relationship, they might have them as well, and be thoughtful of how you approach your relationship with them.

Scott: It’s worth keeping in mind that there is a perfectly healthy version of active, detail-oriented supervision that amounts to plain old “management.” It’s unreasonable to chafe at your supervisor checking in on the status of a project or wanting to discuss your methodology. Your performance ultimately reflects on your supervisor, and they are often responsible for reporting to their own superiors on projects being worked on by those they supervise. When management turns into micromanagement, however, productivity and morale can start to slip.

So, what can we do when a supervisor’s management style crosses the threshold from collaborative and constructive to overbearing and counterproductive? This is where we get into the concept of managing up. This will involve communicating with your supervisor that you would benefit from a different style of management. How you communicate that message is up to you. Like so much that we talk about here, this all boils down to developing interpersonal and business intelligence to create scenarios where you feel best able to do your job in a happy and productive manner.

**The direct, but gentle, approach.** For those who are most comfortable with a direct approach, consider gently addressing the issue by asking whether there are any issues with your work product. Ask if your performance has been satisfactory, or if there are improvements that you can make in your methodology or end results. If your performance is indeed satisfactory, let your supervisor know that the degree of scrutiny that you believe you’ve been placed under makes you feel like you are doing something wrong. In most cases, this approach will result in less micromanaging, as your supervisor sees how their approach is being received.

**The behaviorist approach.** If you prefer a more behaviorist approach, consider gently showing your supervisor that it is safe to give you a longer leash. As I mentioned above, you are going to have to report to your supervisor—it’s just part of the job. Instead of forcing your supervisor to be the one initiating those check-in sessions (and determining the nature of those interactions), consider being proactive about updates. If you are the one initiating these conversations, you can likely change the nature and tone into something you’re more comfortable with. Check in at reasonable intervals, make sure deadlines are being met, and request feedback on completed assignments.

Most supervisors just want to know that your work is being completed at a high level, and that they can speak intelligently about it if pressed. Show that you can check those boxes without additional prodding and there should be no need for micromanagement!

Dolly: Maribel and Scott have laid out a number of great ways to work with any boss—not just a micromanager. For those who like to run free, it can be difficult to be “managed” at all. The key is to build a relationship with clear communication and find a way to work within your boss’s needs and expectations. Are they micromanaging because of a lack of trust, or because they need to have information in order to manage their own bosses? As Bob Dylan once noted, we all “have to serve somebody.”

I once had a boss who was an absolute pro at managing up, but conversely was not great at managing their employees. When I understood that I was working with someone who needed to be able to show their bosses how well they were performing—even when they weren’t—it became a lot easier to anticipate the needs of my boss, and to do the type of work they were looking for. Until that point, however, I had been deeply frustrated, wishing for more engagement and leadership. Ultimately, that was not something this boss could give me—their priorities were elsewhere.

From this example, I learned a lot about how to manage up effectively, but I learned even more about how to communicate with my own direct reports. Had my boss been clear from the outset about their needs, we might not have struggled as hard as we did. Once I understood what they needed, we made a successful team until I was able to find a better role elsewhere. And this, I think, is the most vital management lesson of all: sometimes the best way to manage your boss is to not have them as a boss anymore.
AALL’s director-only Executive Leadership Institute took place July 17-18 in Washington, DC, at Georgetown University Law Library following the 112th AALL Annual Meeting. The Institute provided those in director-level positions with the opportunity to connect with fellow colleagues in similar positions and engage in strategic conversations. During the two-day Institute, 50-plus librarian directors expanded their leadership skills and shared knowledge needed to become exceptional leaders within their organizations.

**DAY 1** focused on Design Sprints with Catherine Moon. Attendees tackled the human-centered design sprint model in 10 short phases that included discussing specific challenges/problems, determining which challenges are most pertinent to solve, creating as many solutions to the challenges as possible, prioritizing solutions, and creating actionable steps to take to implement and test a solution.

**ON DAY 2,** Speaker Risa Mish took on the topics of credibility, persuasion, and influence. She focused on structuring your pitch, emotional connection, and working on your rapport. Mish also talked about the importance of listening and critically thinking about your core values.

"Librarians are among the group of professionals most deserving of more influence because they will wield it with care and wisdom." — Risa Mish
Released in April 2019, the *AALL State of the Profession 2019* is a data-driven exploration of the current legal information landscape. The publication provides quantitative insights on:

- user services
- technology management
- operations
- budgets
- partnerships

Additionally, this report features an inventory of expertise—including current skills and professional development planning for law librarians and competencies for library and law school graduates.

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