Research is more effective with PLI PLUS

4,000+
Treatises, answer books and other titles

25
Practice areas

3,000+
Downloadable, searchable legal forms

PLI PLUS members have online access to the entire collection of authoritative mainstays and practical commentary on emerging trends published by PLI PRESS.

Legal professionals embarking on a new matter, looking for new developments or exploring a new area of law benefit from an exhaustive digital library of expert scholarship when they become PLI PLUS Members.

Value for any practice, big or small
• Digital versions of all treatises, answer books, course handbooks and journals from PLI Press
• Links to state and federal case law through PLI’s partnership with Fastcase
• Downloadable, searchable and editable legal forms
• MARC records
• Memberships tailored to 7 distinct practice areas

New Feature: Search Alerts available now.
You can now set up an alert and receive an email notification when new content is published by PLI Press on whatever topic you choose.

Sign up for a free two-week trial:
pli.edu/qliPLUStrial
Welcome to the May/June issue of *AALL Spectrum*. This issue places an emphasis on technology, a topic that is constantly evolving. Earlier this year, I told a colleague that I felt overwhelmed by the amount of information available concerning new technology, and that I didn’t feel confident choosing which technologies to learn more about.

More recently, the societal changes brought about by the COVID-19 pandemic have led to many of us working from home, managing the collision of our work lives with our home lives. This radical change in circumstances has made technology—and keeping up with technology—even more important to all of us.

In February, I attended the Professional Engagement, Growth & Advancement Special Interest Section (PEGA-SIS) webinar from their “So You Wanna …” series on being a law techie. This webinar was brief, but it let me know that there is a lot of noise out there in the legal technology field, and you have to find what is right for you and what meets the needs of your workplace. So, this issue will help you navigate through the noise as well as keep you updated on emerging trends.

Featured in this issue is an article on artificial intelligence (AI) and implicit bias. Human biases creep into technology, so how can we as a profession combat that? To learn even more about this issue, listen to the program that inspired the article, from our 2019 AALL Annual Meeting at bit.ly/AM19Albias. In addition, the Caselaw Access Project is also featured within the pages of this issue. I was amazed to learn more about this project, which was developed by the Library Innovation Lab at Harvard Law School. It excites me that an academic institution is taking the lead in expanding access to U.S. law.

I also want to mention that we are just a few months away from our 113th AALL Annual Meeting, which will be held this year in New Orleans, Louisiana. Our March/April issue highlighted some of the exciting educational programs taking place and gave you a taste of the rich multicultural heritage and Old World charm of New Orleans. This issue delivers a fantastic interview with our keynote speaker, Jim Kwik. Jim embodies the theme for this year’s meeting, “Unmasking our Potential,” as he overcame a traumatic brain injury that he received as a young child and is now one of the world’s leading experts on both how to improve your memory and your speed-reading skills. Learn more about Jim and his history on AALL’s Annual Meeting site at bit.ly/AALL20keynote and come hear his talk “Master Your Mind: Learn Anything and Become Limitless,” on Sunday, July 12, at the AALL Annual Meeting. I have no doubt his keynote will be very special and that it will inspire us all to train our brains and, hopefully, become limitless. As Jim says, “our brains are our superpowers.”

Michelle Cosby
michelle.cosby@temple.edu
ARTIFICIAL INTELLIGENCE & IMPLICIT BIAS: WITH GREAT POWER COMES GREAT RESPONSIBILITY
Addressing the biases inherent in the datasets that drive AI applications and their algorithms.
BY KIM P. NAYYER, MARCELO RODRIGUEZ & SARAH SUTHERLAND

PITCHING FOR HOME RUNS: VICTORY AT AALL’S INNOVATION TOURNAMENT
The 2019 AALL Innovation Tournament winners share their experiences and explain the benefits of participating in the tournament.
BY ANDRE DAVISON & ALLISON C. REEVE DAVIS

A CLOSER LOOK AT THE CASELAW ACCESS PROJECT
Tips for building and using case datasets.
BY TINA S. CHING, JASON EISEMAN & SHAWN G. NEVERS
UPFRONT

TRENDED
The rapid rise of Chief Innovation Officers.

MEMBER PROFILE
Meet Avery Le of BakerHostetler.

NEWS & NOTES
AALL Treasurer’s Report, and important 2020 dates.

SHELF LIFE
What are you reading to keep up with new legal technologies?

LEADERSHIP

LEADER PROFILE
Casandra Laskowski on the importance of innovation and the role of law librarians.

ASK A DIRECTOR
Greg Lambert & Shabeer Khan share best practices in information security.

COMMUNITY

CLAIMING OUR DIVERSITY
How AALL’s Latino Caucus creates educational, networking, and visibility opportunities.

TECHNOLOGY

TALKING TECH
Exploring the First-Sale Doctrine, licensing agreements, and concepts of ownership.

EDUCATION

MEET JIM KWIK
The 2020 AALL Annual Meeting Keynote Speaker discusses his revolutionary strategies and shortcuts for supercharging your brain.

LEVERAGING OPEN EDUCATIONAL RESOURCES & AFFORDABLE COURSE MATERIALS IN LEGAL EDUCATION
Academic law librarians drive change that reduces costs and benefits law students.

RETHINKING THE SCHOLARLY LEGAL PUBLISHING LIFE CYCLE
Open-source alternatives to vendor solutions.

BUSINESS EDGE

VENDOR VOICE
LegalMation’s AI-fueled journey.

PRACTICAL COMPETITIVE INTELLIGENCE: USING GRAPHICS IN CI REPORTS
Incorporating graphics to enhance your competitive intelligence reports.

REFERENCE DESK
Surviving an open office environment.
As stewards of the information systems our lawyers, judges, faculty, and students use to conduct legal research, it is critically important that law librarians be intimately familiar with the biases inherent in the datasets and algorithms that are driving the artificial intelligence (AI) tools we are deploying in our law libraries. As legal research educators, it is the ethical duty and responsibility of law librarians to inform our patrons about the wide range of potential biases that may be hiding under the hood of these new tools.

This month’s feature article “AI & Implicit Bias: With Great Power Comes Great Responsibility,” provides information professionals with a roadmap for using and applying AI in our legal system. To learn more about this topic, please refer to the chapter “Ethics in the Use of AI” published in Law Librarianship in the Age of AI, a new ALA Editions book edited by Ellyssa Kroski and authored by several law librarians. Read the Shelf Life review of this book on page 13. Also, plan to attend the “Legal Ethics in the Use of Artificial Intelligence” program at this year’s AALL Annual Meeting in New Orleans. (Read the program description at bit.ly/AALL20AI.)

According to AALL’s State of the Profession 2019 report, virtually all law libraries rely on a digital platform to deliver legal research services to patrons. (Purchase your copy of the State of the Profession at bit.ly/AALLProfession2019.) So, when we talk about technology in law libraries, our patrons’ ability to access our digital resources 24/7 from anywhere is critical to our ability to serve and perform our jobs.

Crisis Response and Business Continuity Planning
As I sit in my office in New York City planning for the global COVID-19 pandemic, the number of coronavirus cases in the tri-state area has nearly quadrupled from 49 cases to 186 overnight and the Governor has just deployed the National Guard to the suburb of New Rochelle to set up a containment area. I have been updating the crisis response and business continuity plans for our law library and my law firm, which is comprised of over 1,500 lawyers and support staff globally. Our law library (Knowledge Management Services) must ensure that, as we anticipate working remotely for an extended period of time (some of us in self-quarantine), my team of professionals and I can continue to provide research, instruction, intranet, circulation, and KM services to our lawyers, and that our digital platform of legal research tools is accessible via remote access to our firm network.

Does your law library have a comprehensive crisis response and business continuity plan in place? Can your staff provide services to patrons remotely for an extended period of time? Is your technology platform robust enough to allow all users to access your platform remotely, simultaneously? If the answer to any of these questions is “no,” you are making your law library, your institution, and your patrons vulnerable to a disruption in the critical services you provide.
So, What Can You Do to Assure Continuous Service to Library Patrons?

If you don’t have a crisis response and business continuity plan, sit down with your staff and create one. If you have one but have not reviewed it in the past year, please pull it out and review and revise it as necessary. Consider these thoughts and questions as you do so.

- Consider a tabletop exercise to walk through various scenarios so you can prepare for different types of disruptions.
- Allow your staff to work from home at least once a quarter so that they can get comfortable working remotely and can identify potential issues.
- Do you have a list of key personnel with their contact information?
- Have you created a vendor contact list for your critical vendors?
- Do you have remote access to a password management system for your staff and your patrons?
- Do you have access to video conferencing so that you can continue to conduct staff meetings with your team and triage work?
- Have you developed a communications plan to keep your staff and your patrons apprised of disruptions?
- Do you have a disaster recovery site, also known as a backup site (this is a place that your organization can temporarily relocate to) following a security breach or natural disaster that includes the ability to fail safe over to a redundant network comprised of all the research services and other software your patrons would need to continue to work effectively?

Helpful Resources

Below are helpful resources that can aid you and your staff in preparing for any disruption, including the COVID-19 pandemic, which most of our communities are facing.

- “Disaster Planning in an Hour,” 2017 AALL Annual Meeting program bit.ly/AM17disaster
- “We Made it Through! Before, During, and After the Disaster Hits: Improving the Disaster Plan After the Event,” 2019 AALL Annual Meeting program bit.ly/AM18disasterplan

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

- Networking
- Publications
- Leadership Opportunities
- Advocacy

* Does not include SIS memberships

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

Learn more at bit.ly/AALLencore.
TRENDING
RAPID RISE OF CINO
s

Recently, several firms have added a new category of C-suite executive—the chief innovation officer, or CINO—to help improve services and drive growth. Mark Yacano, global practice leader at Major, Lindsey & Africa, recently told Bloomberg Big Law Business that the role of the CINO “soon will become mission critical for the legal industry.” As of 2019, 57 top Am Law 200 law firms have added this job title to their arsenal. According to a study done by the Cowen Group, currently 32 law firms in the U.S. and Europe have staff with CINO titles. These firms include BakerHostetler, Thompson Hine, Littler, Sheppard Mullin, and DLA Piper. Following are highlights from The Cowen Group’s report.

TOP 10 FASTEST-HIRING C-SUITE JOBS
Looking to land a job in the C-suite? These are the top 10 fastest-hiring corporate titles.

<table>
<thead>
<tr>
<th>Job Title</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Growth Officer</td>
<td>42%</td>
</tr>
<tr>
<td>Chief People Officer</td>
<td>32%</td>
</tr>
<tr>
<td>Chief Revenue Officer</td>
<td>28%</td>
</tr>
<tr>
<td>Chief Experience Officer</td>
<td>27%</td>
</tr>
<tr>
<td>Chief Delivery Officer</td>
<td>24%</td>
</tr>
<tr>
<td>Chief Commercial Officer</td>
<td>22%</td>
</tr>
<tr>
<td>Chief Customer Officer</td>
<td>21%</td>
</tr>
<tr>
<td>Chief Diversity Officer</td>
<td>17%</td>
</tr>
<tr>
<td>Chief Clinical Officer</td>
<td>16%</td>
</tr>
<tr>
<td>Chief Innovation Officer</td>
<td>15%</td>
</tr>
</tbody>
</table>

*Percentages represent the compound annual growth rate (CAGR) in hiring from 2015 through 2019.

CINO CORE SKILLS

- Make decisions.
- Invest in activities and assets that aren’t a sure thing.
- Persuade others to support a mission with a non-guaranteed outcome.
- Embrace the work of doing things that might not work.

WHY HIRE A CINO?

- Move the needle.
- Drive new market share and net new revenue.
- Design and develop client-first initiatives and new solutions to client issues/challenges.
- Establish a research and development function (i.e., Sandbox, NextGen Technology, artificial intelligence).
- Identify and scope NextGen business models.
- Address client expectations, improve the client experience.
- Elevate cultural change.
- Design and align internal strategy with structure.

READ
In our March/April “Ask a Colleague” column, two AALL members with CINO titles—Catherine Monte and Gina Lynch—explain their job functions and responsibilities. Read the article at bit.ly/MA20CINO.

For more information on the CINO trend visit bit.ly/MJ20CINO.

Data compilation produced by The Cowen Group and reprinted with permission.
AVERY LE

- LEGAL RESEARCHER
- BAKERHOSTETLER
- ATLANTA, GA

**FAVORITE THING ABOUT YOUR JOB?** The quick turn-around time needed by our attorneys forces me to be laser-focused and provide a quality answer within minutes. I taught my students at the University of Florida to know when to stop your research and move on, and I now use that same skill! It is my favorite thing because I can contribute a small piece to the firm’s success and start each day with a clean slate.

**IF YOU COULD BE ANY CHARACTER IN FICTION, WHO WOULD YOU BE?** Olaf. He’s got funny one-liners, unintentional words of wisdom, and unassuming charm all rolled into one. He’s the animated version of me.

**ADVICE TO YOUR 20-YEAR-OLD SELF?** You don’t have to follow the crowd to fit in. You’re destined to lead the way by standing out.

**WHAT’S YOUR GREATEST ACHIEVEMENT AND HOW HAS IT SHAPED YOU?** Teaching law school students when I was 27 years old at the same law school I graduated from just a few years prior. Just an unbelievable experience, and those students taught me far more in return.

**WHAT INSPIRES YOU MOST?** My father. He served as a captain in the Vietnam War for South Vietnam and was held captive for seven years when it ended, not knowing if he would ever reunite with his wife and kids. He never complained, which ultimately gave our family refugee status to come to America. He would trade in his freedom all over again to give me and my brothers this chance to live authentically without fear of persecution.
RENEW YOUR 2020 AALL MEMBERSHIP

**$270 Annual AALL Membership Dues**

**ANNUAL MEETING REGISTRATION**
- Discount on the premier educational and networking event for legal information professionals.
  - $300 Value

**EDUCATION**
- Free access to monthly webinars.
  - $720 Value

**NETWORKING**
- Unparalleled connections to colleagues and peers.
  - Invaluable

**PUBLICATIONS**
- Access to:
  - AALL Spectrum
  - Law Library Journal
  - AALL Biennial Salary Survey & Organizational Characteristics
  - AALL State of the Profession 2019
  - $400+ Value

**OTHER BENEFITS**
- AALL2go recorded webinars
- CALI Lessons
- Advocacy for the profession
- Grant and scholarship opportunities
- Career resources
- Mentoring
  - Invaluable

**LEADERSHIP**
- Intensive learning experiences through:
  - The Management Institute
  - Leadership Academy
  - Innovation Bootcamp
  - Competitive Intelligence Series (Competitive Intelligence Foundations and CI Strategies & Analysis).
  - $400+ Value

**TOTAL VALUE**
- $2,120+

**THE NEW MEMBERSHIP YEAR STARTS JUNE 1**

ONLINE
bit.ly/AALLrenew20

PHONE
312.205.8022

YOUR LEGAL KNOWLEDGE NETWORK™
The start of a new decade is a time for reflection in our personal lives, our work lives, and also in the corporate lives of the groups and associations we belong to. Ten years ago, the AALL Treasurer reported that the Association had another healthy year. Ten years later, in 2020, we are stronger than we were in 2010.

The Finance and Budget Committee is charged with, among other things, the duty to review and modify the proposed annual budget before presentation to the Executive Board, to oversee all Association funds, to meet annually with the investment manager to review the performance of the Association’s investments, and to review the results of our annual audit. In March 2020, the AALL Finance and Budget Committee met in Chicago to review and analyze AALL’s year-end financial statements and audit report. The Committee also heard from representatives of AALL’s audit firm and investment advisors. As part of this meeting, the Finance and Budget Committee also approved additional funding requests for FY 2019-20 and reviewed the proposed budget guidelines for FY 2020-21. This is the start of the next fiscal year’s budgeting process.

**FIGURE 1: FY 2018–19 ASSETS**

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Investment Funds</td>
<td>$316,150</td>
<td>52%</td>
</tr>
<tr>
<td>Cash and Cash Receivables</td>
<td>$241,737</td>
<td>39%</td>
</tr>
<tr>
<td>Accounts Receivable</td>
<td>$249,357</td>
<td>40%</td>
</tr>
<tr>
<td>Prepaid Expenses</td>
<td>$26,847</td>
<td>5%</td>
</tr>
<tr>
<td>Other</td>
<td>$427,721</td>
<td>70%</td>
</tr>
<tr>
<td><strong>Total Assets</strong></td>
<td><strong>$6,084,845</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>
long-term financial security. One of the goals of this meeting is to ensure continued compliance with AALL’s investment policy objectives. See AALL’s Permanent Investment Fund Policy at bit.ly/AALL-PIF.

The Finance and Budget Committee, as well as the Executive Board as a whole, take seriously the fiduciary duty we have to the Association. As a result, moderate investment objectives drive AALL’s investment strategy. We seek to balance the possibility of increased gains with a desire to avoid substantial risks. AALL’s investment portfolio with Chevy Chase Trust is very diversified and includes various sectors such as Energy, Healthcare, Financials, Utilities, etc. As you know, although the U.S. economy grew late last year along with AALL’s investments, the COVID-19 pandemic has had significant impact on everyone’s investments this year. Chevy Chase Trust is ensuring that AALL’s portfolio is defensive right now. As of September 30, 2019, $226,874 of our investment income was realized.

The largest fund within AALL’s investment portfolio is the PIF; it is invested in a variety of managed equities and fixed-income instruments, such as corporate bonds, securities, REITs, and municipal funds. Contributions to a variety of endowed funds form the basis of the REF. These funds include the Scholarship Fund; the AALL and Thomson Reuters George A. Strait Minority Scholarship & Fellowship Endowment; the LexisNexis/John R. Johnson Memorial Scholarship Endowment; and the Foreign, Comparative, and International Law Special Interest Section Schaffer Grant for Foreign Law Librarians. Like the PIF, this fund is also invested in a variety of fixed-income instruments and equities. The CRF fund serves as a short-term reserve for investing cash available from operations—essentially the Association’s short-term savings account. See figure 2.

**Audit Report**

Members of the committee were pleased to hear the conclusions of Legacy Professionals LLP, an independent audit firm. In the firm’s report, dated March 2, 2020, it rendered an unmodified opinion that the Association’s financial statements “present fairly, in all material respects, the financial position of the American Association of Law Libraries as of September 30, 2019 and 2018, and the changes in its net assets and its cash flows for the years then ended, in accordance with accounting principles generally accepted in the United States of America.” The audit report also states that the evidence obtained is sufficient and appropriate to provide a basis for the audit opinion.

During a closed session, the Finance and Budget Committee members had the opportunity to ask questions to Legacy Committee members about the statements, methods, records, and procedures utilized by AALL staff. The
auditor confirmed that AALL staff was well prepared and that AALL’s financial documents are correctly maintained. To request a copy of the full audit report, contact AALL Director of Finance and Administration, Natalia Pergamentseva.

Revenues
AALL saw total revenue of $4,063,267 in 2019, which was 3.5 percent less than the $4,212,302 in 2018. The three major sources of revenue for AALL are the Annual Meeting & Conference, membership dues, and the Index to Foreign Legal Periodicals (IFLP). This revenue funds most programs and activities. In reviewing how each of these revenue streams performed in the 2019 fiscal year, membership dues of $988,477 was the same as what was collected in the 2018 fiscal year. Membership dues constituted 25 percent of overall revenue. Revenue from the AALL Annual Meeting was up by 0.3 percent from the prior year, and attendance by AALL members was 42 percent. Income from IFLP was up by 18 percent from 2018. See figure 3. Overall, AALL’s net assets showed an increase of approximately 4 percent over the prior fiscal year for a total of $6,333,980.

Revenues vs. Expenses
AALL’s General Fund covers operational expenses, including salaries and benefits; rent; marketing; expenses related to committee and board administration; webinars; education programs; and publications. AALL staff continues to work with the Board to reduce overall expenses, while investigating income generating opportunities. Expenses for AALL Spectrum and the Law Library Journal have gone down as staff continues to find ways to reduce costs. However, both publications, considered a member benefit, operate at significant losses. Headquarters expenses have also drastically gone down as staff continues to explore ways to save money, including renegotiating contracts. Many expenses have been streamlined.

Looking Ahead
Supporting the membership is our top priority. Although it will never appear on a balance sheet, the membership is the Association’s most important asset. The AALL Executive Board along with staff continues to evaluate how specific programs support the professional growth and development of our members. The Finance and Budget Committee works with staff to ensure AALL’s budget is not only aligned with the 2019-22 strategic goals of Talent, Engagement, and Alliances, but is also consistent with AALL’s financial policies. During the 2019-20 fiscal year, AALL published the 2019 edition of the AALL Biennial Salary Survey & Organizational Characteristics report (the digital report is free to members) and published the State of the Profession report in spring 2019. AALL also implemented a subscription fee for nonmembers who wish to receive KnowItAALL to create non-dues revenue and also increase the value of AALL membership. AALL continues to offer the well-attended Competitive Intelligence (CI) Foundations and CI Strategies & Analysis courses. Since late last year, AALL staff has been working on creating eLearning, self-paced courses for AALL members with the hope that these courses will help members in their professional growth and, at the same time, generate additional revenue for the Association.

I thank you for the opportunity to serve as AALL’s Treasurer. I am extremely proud to be a 28-year AALL member and I hope the next decade will be just as exciting and beneficial for us all. If any member has questions or comments about the Association’s financial performance or policies, please don’t hesitate to contact me or AALL’s Executive Director, Vani Ungapen.

2020 CALENDAR

**MAY**
15 AALL grants and scholarships due
16 AALL/LexisNexis Call for Papers Award submissions due (student division)
21 Chicago Association of Law Libraries Annual Meeting, Chicago, IL

**JUNE**
15 2020 AALL Annual Meeting early-bird registration deadline

**JULY**
09-10 AALL Executive Board Summer Meeting, New Orleans, LA
11-14 113th AALL Annual Meeting & Conference, New Orleans, LA

QUICK LINKS
- [AALL ANNUAL MEETING](bit.ly/AALL2020)
- [AALL/LEXISNEXIS CALL FOR PAPERS](bit.ly/AALL-callforpapers)
- [AALL SCHOLARSHIPS](bit.ly/AALL-scholarships)
- VIEW MORE UPCOMING EVENTS AT [bit.ly/AALLevents](bit.ly/AALLevents)
What books, journals, or periodicals are you reading to keep up with new legal technologies?

   "I am intrigued by artificial intelligence [AI] and its exponential growth in recent years, particularly the advances that have been made with machine learning that are now driving some of our most useful legal technologies and research tools. Professor Calo’s primer offers an introduction and a foundation for those seeking to understand the complexities of AI from a policy standpoint by presenting some of the serious questions and challenges it raises, especially for industry and government. It is a concise and thought-provoking essay for users, creators, and regulators of this powerful and transformative technology.”
   Sherry Leysen; Associate Director for Library Services; Fowler School of Law; Chapman University; Orange, CA

2. AUTOMATING LEGAL SERVICES: JUSTICE THROUGH TECHNOLOGY
   by Hugh Logue (ABA Book Publishing, 2019). "I am particularly interested in learning about new legal technologies that increase access to justice for self-represented litigants and public legal services attorneys. Logue writes about legal automation from the perspective of someone who is aware of the justice gap and devotes several chapters of this book to how automation has, and can, improve access to justice. On the other side of the issue, Virginia Eubanks’s Automating Inequality: How High-Tech Tools Profile, Police, and Punish the Poor presents a well-researched investigation of how artificial intelligence negatively impacts poor and working-class communities.”
   Nicole P. Dyszlewski; Head of Reference, Instruction & Engagement; Roger Williams University School of Law Library; Bristol, RI

3. LAW LIBRARIANSHIP IN THE AGE OF AI by Ellyssa Kroski (ALA Editions; 2020). "This book is so good! Each of its 13 chapters is written by one or more of our law librarian colleagues and clearly explains (in plain language for those of us who are not technology experts) the development and use of artificial intelligence (AI) in the context of law libraries. The initial chapters define and identify AI tools and set the foundation for subsequent chapters on the application of AI to legal research, legal education, access to justice, legal ethics, and more. I have learned so much from this book and I highly recommend it to anyone looking for an efficient way to get up to speed on the current and future role of AI in our profession.”
   Loren Turner; Foreign, Comparative, and International Law Librarian; University of Minnesota Law Library; Minneapolis, MN

4. LAWSITES by Robert Ambrogi (www.lawsitesblog.com, 2002). "I have been following Robert Ambrogi’s LawSites blog for several years now as a way to stay current with the latest legal tech news and product information. Ambrogi is a leading writer on the topic of legal technology. His critical reviews of legal tech products give me a strong sense of how these products may impact actual legal practice. Postings cover many topics, including law libraries, electronic legal research, law practice management, etc. The blog site also links to his LawNext podcasts, which give me a sense of what’s coming down the pike in the future of law and legal practice.”
   Pat Newcombe; Associate Dean for Library & Information Resources; Western New England University School of Law; Springfield, MA
ARTIFICIAL INTELLIGENCE & IMPLICIT BIAS

WITH GREAT POWER COMES GREAT RESPONSIBILITY

ADDRESSING THE BIASES INHERENT IN THE DATASETS THAT DRIVE AI APPLICATIONS AND THEIR ALGORITHMS.

BY KIM P. NAYYER, MARCELO RODRIGUEZ & SARAH SUTHERLAND
We are all familiar with news headlines such as Fast Company’s “Biased AI is a Threat to Civil Liberties,” Wired’s “Algorithms Should’ve Made Courts More Fair. What Went Wrong?,” and the Washington Post’s “Algorithms Were Supposed to Make Virginia Judges Fairer. What Happened Was Far More Complicated.” Systems, procedures, and workflows using artificial intelligence (AI) are becoming more common at every level of our judicial system. Given their decisive significance and the life-altering decisions they often make, it is important that all of us understand what is really taking place when these automated systems become a standard and, eventually, indispensable part of our legal system.

Implicit bias can derive from the natural and normal subconscious or cognitive biases that invariably affect us all, as well as from long-term societal conditions and practices. In his booklet, “Invisible Influences: Basic Facts on Implicit Bias, Stereotype Threat, and Privilege,” presented during the 2019 American Association of Law Libraries (AALL) Diversity & Inclusion Symposium, Russell A. McClain identifies institutional bias, systemic bias, and subconscious bias as sources or vehicles of implicit bias in everyday decision-making.

Due to its pervasive and hidden nature, implicit bias forms what might be thought of as an invisible lens distorting what appears at every stage of the selection and curation of datasets, as well as magnifying imbalances in the perspectives of every person involved in creating these datasets. Moreover, until recently, the size, scope, and content of datasets used in the training of machine-learning algorithms were not well understood. Arguably, little attention was paid to the quantity, quality, and representativeness of the training data. It is recognized now that training data is likely replete with institutional, systemic, and subconscious biases. Developers, most likely inadvertently, have been creating AI tools that have been learning from data that magnify systemic biases and distort outcomes. When it comes to the use and application of AI in our legal system, the unseen implicit bias in datasets reflected in machine learning and automated decisions may accentuate patterns of discrimination. Automated systems and datasets do not tend to take into account the complexity that goes into judicial decisions, the concepts of fairness and due process, or the social context. Implicit bias in our judicial system is not a new phenomenon. However, the cognitive phenomenon of automation bias—the normal tendency to trust a computer to make decisions—is at play. The explosion of AI-based legal data products has brought these issues to the fore in explicit and dramatic ways: ignorance and idle consumption are not viable options.

What Should We Do?
Some academics advocate banning AI-based products or features from legal systems, while others advocate for “rigorous regulatory guidance” that will provide guidelines and a framework for all actors utilizing AI-based products. In contrast, some praise the transparency and potential accountability in datasets, which may subsequently be “fixed,” thus alleviating some of the concerns regarding bias embedded in the data.

In 2019, the American Bar Association (ABA) approved the following resolution: “The American Bar Association urges courts and lawyers to address the emerging ethical and legal issues related to the usage of artificial intelligence (AI) in the practice of law including: (1) bias, explainability, and transparency of automated decisions made by AI; (2) ethical and beneficial usage of AI; and (3) controls and oversight of AI and the vendors that provide AI.” The resolution encourages attorneys and law firms to not assume the effectiveness of AI products. Instead, attorneys are encouraged to ask vendors about the ins and outs of datasets and their application before acquiring AI products, and to conduct periodic audits into the datasets and their implementations. The ABA encourages its members to conduct themselves under the ethical duties of: (1) competence (and diligence); (2) communication; (3) confidentiality; and (4) supervision when operating AI products for litigation.

AI in the Justice System
Part of the problem with the application of AI in the justice system is that the structure of legal data itself makes it difficult to assess it and base statistics and predictions on it. These problems arise from multiple sources. The first major source of error is due to the data that is available for analysis. This data does not usually reflect the full set of similar situations, as it frequently excludes matters that settle out of court or where a judge issued only an oral opinion. The missing data tends to be the most common outcomes, because there are no unusual issues to litigate.

For valid outcomes, statistical analysis typically relies on data being in a normal distribution—that is, a pattern where the most common results are in the middle, and less common data points are more extreme. This pattern is found in many naturally occurring
situations, and it allows for comparisons of averages and identification of situations where it is not likely for differences in outcomes to be random. In legal data, the middle of the normal distribution is often absent from the set. So, while the calculations can be run against these sets and will give results, they may not be valid. If more statistical analysis were done on datasets that reflect all outcomes for everyone, it would allow for quantitative comparisons based on different variables and make bias more easily quantified. In the absence of this analysis, it’s difficult to assess whether the data is appropriate for use in AI systems or to identify appropriate AI-driven research questions.

A second major source of error is not due to mathematical or statistical errors. Instead, these errors arise because there are undesired patterns in existing data, and AI systems reflect and may even magnify them. AI systems frequently don’t display why certain outcomes are suggested, so this can make biased recommendations difficult to identify. To counter this issue, it is common to audit results based on outcomes to see how closely they conform to what we expect them to be.

Adjusting for or mitigating errors derived from biased or incomplete data in AI systems is complicated. It may require extensive testing and interventions such as addition or removal of particular data elements or adjusting recommendations to give statistically balanced results. That said, without the ability to break down the results from an AI black box, it is difficult to know whether the basis for a decision is fair or something that would be admissible in court. To improve this requires identifying the sources of bias in historical data and deciding what is fair in some of the most difficult decisions we make.

Is It All About the Lawyers?
We know that uncertainty exists in our ability to assess fairness and reliability. Where do these challenges leave us, the legal information professionals, the practitioners using AI-driven tools? What are the ethical implications for attorneys if functions such as predictive analysis, decision support, or legal research and analysis incorporate AI that may be subject to implicit bias? If available datasets are flawed, in that they are not representative and are too small to yield high-quality machine learning outcomes, and if our goals include assisting or replicating complex human reasoning that we know can yield multiple valid outcomes, and that same reasoning also reflects inherent biases of society, are we not then creating tools that are in turn perpetuating bias? Should developers continue to experiment and innovate, given the limitations of available datasets?

Attorneys clearly bear a range of strict professional ethical and non-discrimination obligations in licensing requirements and professional oaths. In our view, attorneys, or those accountable at the highest level, must also bear some measure of responsibility to understand tools that are in turn perpetuating bias? Should developers continue to experiment and innovate, given the limitations of available datasets?

Information Professionals Have Something to Say
We venture that such ethical concerns and responsibilities extend to legal information professionals who may be involved in acquiring, operating, or even building such AI tools and systems. Beyond this, our community of information professionals operates with its own ethical canons. Whereas the professional associations or bodies responsible for accreditation of our educational programs may not yet have offered specific ethics opinions on the use of AI in law libraries or on our role in the larger provision of legal professional service delivery, existing ethics expectations remain. We have a duty of competence and a duty to supervise, among other professional responsibilities, that may intersect with our work with AI tools that are subject to the impact of implicit bias in unknown measure. We suggest it may be time to add to these duties an expectation to prevent, minimize, or qualify AI applications to enable libraries to maintain high standards of ethical responsibility.

It is essential that innovators who create and use AI applications in law libraries be aware of the wide range of ethical implications that may arise as a result of embedded or entangled implicit bias. The ability to understand these impacts of AI systems—or, at a minimum, the realities of their current limitations, their outputs, and their potential impact on populations—is at least as important as our other professional responsibilities. Workers in law libraries cannot make ethical decisions and demonstrate conduct that is as free as possible of bias unless they recognize and are responsive to the challenges that are inherent in the datasets and algorithms driving AI applications.
The 2019 AALL Innovation Tournament winners share their experiences and explain the benefits of participating in the tournament.

Andre Davison and Allison C. Reeve Davis were the winners of the 2019 American Association of Law Libraries (AALL) Innovation Tournament. Davison received the Audience Choice Award and Reeve Davis the Judges’ Choice Award. Here, the two winners share their experiences as participants in the contest, their roles in the process of innovation, and their hopes to inspire readers to see innovation in their everyday work.

PITCHING INNOVATION

Leading Up to the Tournament

AALL’s inaugural Innovation Tournament took place in 2017 in Austin, Texas, and it was my first AALL Annual Meeting. The concept of an innovation tournament seemed exciting, yet intimidating, and I was eager to learn more. I had a conflict that prevented me from attending the conference, but I logged on to AALL’s website (AALLNET) to watch the recording of it later. I discovered that innovation was not as complicated as I had initially imagined: the tournament’s finalists had encountered issues at their respective institutions and addressed them with creative solutions. Ironically, a lightbulb, the most used symbol of an idea or innovation, appeared inside my head. I remembered that I had previously applied processes and technology to create an innovative solution to address a significant resource access issue at my firm.

A few years ago at Blank Rome, due to a massive reduction of the library print collection, attorneys no longer had access to secondary sources they could quickly retrieve from the library shelves. Attorneys would now have to rely on online legal research platforms such as Lexis Advance and Westlaw to access secondary
Innovation is analogous to the batter’s box in baseball. Law librarians are the batters and our goals are to hit home runs.

resources. Most attorneys who used the print resources were not proponents of using the online legal research platforms. Often, they had to first obtain a username and password before being allowed access to the platforms, or they had forgotten their passwords and needed them reset. Another challenge was that the attorneys would waste unnecessary time navigating the platform to locate a particular treatise.

Lastly, at Blank Rome, we required users to enter a client matter number anytime they logged on to Westlaw or Lexis Advance. This created a challenge as many attorneys did not want to charge clients for accessing a book they previously pulled off the shelf. Also, if they did not use a valid client matter number, they would also have to remember the non-billable practice group numbers.

Our technical services team met weekly to discuss this issue. We leveraged internal resources to create Seamless Access for Secondary Sources, allowing users easy access to secondary sources available on Lexis Advance and Westlaw. Technology would allow users to bypass password authentication, navigation of platforms to locate content, and client matter validation, and instead take them directly to the secondary source table of contents in curated non-billable zones. We used Security Assertion Markup Language (SAML) and Single Sign-On (SSO), in conjunction with our Lexis Advance and Westlaw eLibraries and an integrated library system (ILS), to accomplish this.

The Innovation Tournament Experience
I initially struggled with the notion of describing such a complex process, which was developed over two years, within the tournament’s allotted time of five minutes. I discarded my original presentation when I arrived in Washington, DC for the AALL Annual Meeting. It exceeded the time limit, and my pitch was not convincing. Three things inspired my new presentation: the Library of Congress Baseball Americana Exhibit; a conversation with a firm law librarian about a vendor product; and dinner with the founders of a legal technology company. My wife traveled to DC with me, and I asked her to pick up a baseball bat from Dick’s Sporting Goods. I was ready for my presentation. My pitch was simple.

I practiced the presentation multiple times the night before the tournament, timing myself each time. The closest I got to the time allotment was five minutes and 30 seconds. I figured I would ad lib some slides to save time. I spent so much time working on the project that I felt prepared for any question the judges would ask. Then, as I was presenting, my presentation clicker stopped working, so I was unable to advance my slides. Critically, 30 seconds went by before the timekeeper paused the clock so that the technical problem could be addressed. I restarted my presentation with a minute left but disappointingly did not finish my pitch. Later, I was both excited and honored to win the Audience Choice Award. The finalists were very gracious in congratulating me. Everyone had great ideas that added value to their organizations.

The Aftermath
My project continues to evolve. I shortened the name to Seamless Access and expanded the scope to include all information resources. I was able to work with vendors to address challenges that stalled the project. My goal is to launch Seamless Access firmwide in Quarter 1.

I also set aside use of the award money to fund professional development opportunities that champion innovation.
management team, consisting of Director of Research Services, Cynthia Brown; KM Innovations Manager, Erin Cockman; Assistant Librarian, Autumn Collier; and I, met several times to discuss the features of SCTR that make it most valuable, map out presentation highlights, and brainstorm potential questions from the judges. By July, I had a succinct presentation, great visual aids, and was hoping to convey the value of the product and my colleagues’ dedication.

The Tournament Experience

Once the tournament gets underway, it goes fast. Each presenter receives five minutes to explain their innovation and its value, followed by five minutes of questions from the judges. That’s it! Just enough time to get your nerves racing, but not enough to drift your attention from the awesome tools your peers have up against yours. Being the last to present, I sat through two amazing pitches that had sold me on the value of their innovations and reinforced that I had my work cut out for me.

Of course, what’s a competition with all of its practice and anticipation without a few challenges? Getting over a nasty summer virus, I was not feeling my best that day. My hearing was muffled, and I was suffering from a bit of vertigo (and grateful for my flats). They say, “fake it ’til you make it,” and I faked the picture of health.

Really, those five minutes were exciting and fun! I enjoyed the opportunity to show off SCTR and the work of my Littler colleagues. Fielding the judges’ questions was thought-provoking, generated ideas for next steps, and gave me some good practice in thinking on my feet. Of course, being announced as the Judge’s Choice Winner was icing on the cake. Having my supervisor and law library world friends around made the celebration even better.

What Came Next

Participating in and winning the AALL Innovation Tournament has provided many opportunities for the SCTR database team. Through the award funding itself and the spotlight our product received back at Littler, we have received monetary support to identify vendors able to supplement or partner with our data. Our product is highly specialized and provides a resource no third party has replicated, but new trial court databases are investing in these less often indexed and analyzed jurisdictions. We adopted Gavelytics and continue to monitor the offerings and discuss how we might leverage that data in ways most applicable to our attorneys.

One of the greatest advantages the tournament provided, though, was the sense of pride and validation of the SCTR database. Librarians and innovators at Littler contributed their time, expertise, and collaboration to build a tool highly valued by the firm’s attorneys. To have the product recognized by our peers and acknowledged as a worthy endeavor encourages us to keep going.

The Benefits

Our careers benefited from winning AALL’s Innovation Tournament, and the resulting opportunities have been limitless. Our names have cropped up in multiple blogs, articles, and emails. We have been invited to write articles, appear on podcasts, and present at conferences. Vendors are excited to partner with organizations supportive of innovation, and peers offer congratulations and ask for more insight into our experiences. We’ve received recognition in our firms. Allison was featured in Littler’s firmwide magazine, Rave, and Andre won Blank Rome’s Innovation Initiative contest in the Houston office. Our firms’ names are recognized as ones that encourage innovation and support librarian professional development. The Innovation Tournament win provided a platform to show the value of law librarians.

Innovation is analogous to the batter’s box in baseball. Law librarians are the batters and our goals are to hit home runs. Problems (balls) will be thrown our way and we have ideas (bats) to knock them out of the park. Sometimes we swing and miss, but to quote the great Babe Ruth, “Every strike brings me closer to the next home run.”

All law librarians benefit from AALL’s Innovation Tournament every year. AALL challenges us in the best ways possible, pushing us to look toward the horizon of legal information management, collaborate with colleagues, and build products meeting the needs of practicing legal professionals. Innovation is not synonymous with invention. It grows little by little through team meetings, solutions that help attorneys work more efficiently, and services that streamline resource access. In the end, we tend to take our innovations for granted, because they are just part of our jobs. We hope to inspire you to see the innovation happening in your day-to-day work and to share solutions with your peers. Support your colleagues and engage in the conversations about innovation and service solutions in law libraries. We all benefit from your great ideas!
Law librarians around the country cheered in October 2018 when the Library Innovation Lab (LIL) at Harvard Law School released digital copies of nearly 6.5 million state and federal court cases with its Caselaw Access Project (CAP).

CAP’s goal is to expand public access to U.S. law. However, its greatest contribution is presenting U.S. law in a standardized format that can be used in empirical legal research and text data mining. Previously, building a dataset of case data might require purchasing case records or using potentially unethical or illegal data scraping practices. With CAP, researchers can build comprehensive datasets to support their scholarship. New and emerging areas of study are possible with CAP. Law librarians should become familiar with CAP and text data mining as a potential resource for researchers seeking to analyze the text of court opinions.

Tips for building and using case datasets.
Text Data Mining

The full-text cases available from CAP make it an excellent choice for text data mining projects. According to Wikipedia, text data mining involves turning “text into data for analysis.” By analyzing the text in court opinions, researchers can track the development of legal concepts, study the use of language over time, detect patterns in legal arguments, and perform similar analyses. Here, we describe projects where law librarians are already using CAP and explain some basic techniques that can help librarians at all levels understand how to use the data.

Project Examples

Case Data for Discovery and Analysis

Jason Eiseman from Yale has been working with the Yale University Library Digital Humanities Lab to explore techniques for analyzing case data and find better ways to support students and faculty doing text data mining research.

He has been analyzing court opinions for complexity using metrics such as the Flesch-Kincaid readability tests, natural language processing (NLP), and stylometric analysis. This includes analyzing how factors such as a judge’s clerks, political affiliations, demographic characteristics, and education might affect their opinions.

This work will also inform the Lillian Goldman Law Library at Yale about how to catalog data for discovery, how to store, preserve, and deliver data for researchers, and what type of programming and empirical support to provide.

Corpus Linguistics

Shawn Nevers is part of a team at Brigham Young University (BYU) Law that has developed a law and corpus linguistics technology platform available at bit.ly/MJ20lawcorpus. The platform consists of several collections of text (corpora), along with corpus linguistics tools such as parts of speech coding, frequency counts, and concordance lines that allow users to bring corpus linguistic analysis to constitutional and statutory interpretation.

One of the first corpora released was the Corpus of Founding Era American English (COFEA), with relevant CAP data being added in June 2019. BYU Law plans to create a corpus of the entire CAP dataset to allow researchers to analyze language used in court opinions over time. CAP data provides an incredibly helpful trove of text central to the study of law and corpus linguistics.

Link Rot and Web Citation Analysis

Over the past decade, there have been several studies demonstrating the alarming rate of link rot and reference rot in court opinions for specific jurisdictions. Previously, this was a labor-intensive and manual process. Now, with CAP data available, this analysis can be conducted for all case law. Tina Ching, at the University of Oregon, in collaboration with a software and data engineer, is
working to make this analysis available. However, several challenges remain, such as identifying URL errors and using natural language processing to check for reference rot. Making link rot data and web citations available for all jurisdictions can help illustrate the need for archiving web pages and streamlining analyses on web citations in court opinions.

LIL provides additional examples, resources, and tutorials that can help librarians understand the basics of using CAP. To get started, librarians should have a basic understanding of the data and the techniques for analysis.

Building a Corpus

The first step in text data mining involves building a corpus of text. When using CAP, one must select the appropriate jurisdiction or reporter with the desired data. While CAP includes an application programming interface, which can be queried for data, the bulk data download is much more useful for large-scale text data mining projects. Currently, the jurisdictions of Arkansas, Illinois, New Mexico, and North Carolina are whitelisted (available publicly for download). However, by signing an agreement with CAP researchers may gain access to bulk downloads from other jurisdictions.

Cleaning the Data

After building the corpus of texts, data from CAP may have to be cleaned for analysis. The data contains numerous OCR (optical character recognition) errors, particularly for authors of opinions. With U.S. Supreme Court cases, this can be easily overcome because of the limited number of justices or through merging CAP data with Washington University’s Supreme Court Database data for definitive case metadata. However, errors may also exist at the source, as is the case with URLs, making cleanup more challenging.

Text Analysis

Natural language processing (NLP) can be used to analyze case data. Generally speaking, words and sentences may be broken into “tokens” and those tokens can be used to analyze patterns in text. This allows algorithms to make calculated guesses about what words mean, what parts of speech or language they represent, whether words are used in a positive or negative connotation, and more. NLP allows researchers to analyze large amounts of text at a level of granularity previously unavailable through traditional research methods. Common analysis techniques include named entity recognition and topic modelling.

Named Entity Recognition (NER)

NER algorithms attempt to recognize proper names in texts. Some NER programs may be able to tag people’s names, organizations, locations, crimes, laws, and more.
In the example above you can see some of the results of NER in Hamdan vs. Rumsfeld. The algorithm has recognized “bombing” as a criminal charge, “World Trade Center” as a location, and “New York City” as a city. The “text” field shows the text that has been “tagged,” and “ner” displays the named entity that the algorithm has identified. This analysis comes from a Stanford CoreNLP software analysis of U.S. Supreme Court opinions.

Topic Modelling

Topic modelling uses analysis of words in documents to identify topics in a corpus. Algorithms do not label topics the way a cataloger might; they simply identify terms that seem to appear together as a cohesive topic. In the example below, taken from topic modelling of all U.S. Supreme Court opinions from CAP data, “topic 6” has been identified by the model using the listed words, though a human may label this topic as “tax.” Other clearly defined topics also appear; however, some may not be as well defined or as easy for humans to understand.

With metadata associated with files, additional analysis may be possible. For example, the timeline graphs above show the extent to which these topics appear in those CAP U.S. Supreme Court opinions over time.

Moving Forward

With CAP data available to researchers, a wide range of analyses can be done on the text of court opinions. From linguistics analyses to link rot identification, questions that were previously unapproachable can now be examined. Librarians doing their own research or consulting with clients engaging in data analysis can benefit by learning more about this important resource.
Casandra (Cas) Laskowski has a unique background—she served in the United States military for five years as a geospatial analyst, including a 15-month tour of Iraq before attending college and law school, then ultimately ending up in law librarianship. But her time spent in the service afforded her several critical life lessons about leadership, inclusion, and patience that she values and carries with her in everything she does. Whether blogging or writing a chapter on an important topic, serving on a committee or jury, or working with her students to help them become the best people they can be, Laskowski has proved to be a young leader in innovation and technology in the legal information space.
After a chance conversation about Neil Gaiman’s *Ocean at the End of the Lane* with law librarian Jill Smith at the University of Maryland School of Law, Cas Laskowski asked a question most law librarians probably hear at some point in their careers: What exactly is your job? “After hearing her answer, I perked up because I wasn’t sure what I was going to do with my law degree and her job sounded so amazing,” notes Laskowski. That simple question put her on the path to becoming a law librarian. After completing her law degree in 2015, she entered the University of Arizona’s Law Library Fellows Program to earn her MLIS in 2016.

Since becoming a member of AALL, Laskowski has been involved in several special interest sections (SISs), including: Academic Law Libraries; Computing Services; Professional Engagement, Growth, and Advancement; Research Instruction & Patron Services; and Social Responsibilities. She is President of the Latino Caucus and Chair of the Diversity & Inclusion Committee.

Following her time at the University of Arizona, Laskowski began her current role as technology and research services librarian at Duke University School of Law, J. Michael Goodson Law Library.

Here, she discusses staying on top of legal technology and the importance of innovation, the essential role of law librarians, and how she applies the lessons she learned in the military.

*You are a military veteran, which makes you unique among AALL members. Do you apply any of the lessons and skills you learned to your leadership style and the way you approach teaching?*

Yes, 100 percent. One of the biggest things I learned from my time in the Army is how much more respect I had for leaders who were willing to get down in the mud with me and do the things that needed to get done, not just sit back, even though they could delegate and watch us. They would never ask us to do anything they themselves wouldn’t do.

There is so much going on in everyday life, so I try my best to respect people’s time, and that includes running a really strict meeting with set amounts of time that I abide by. I also try to make sure that I’m not just asking people to come to meetings for no reason.

I try to make teaching sessions interactive and interesting. In the military they use a lot of PowerPoint demonstrations, where they read off slides, which is terrible. So, I try to avoid that! My goal is to work with students to create structures to help them become their best selves. I had a colleague in the military who had several officers in the chain of command give up on him. He ended up on my shift and I had to train him. Once we actually sat down together, I realized he was failing because he had never been properly trained. No one had taken the time to realize he didn’t know how to use any of the things we were using because he wasn’t with us during training. So, the two of us worked...
together to make sure he succeeded, and on the next deployment he was so valued by his unit that they wouldn’t move without his intelligence.

So, I try to do the same thing with my students because I find that even when they’re falling behind, there’s usually a reason for it. When I teach, I really try not to just shove knowledge into their heads, but to also build good habits and structures that allow them to succeed.

In leadership roles I never ask people I’m working with to do anything I wouldn’t do. I don’t try to just pass off the hard work to other people because I don’t think you gain respect that way. But the best advice I can share from my time in the Army is keep a brag book, a collection of all of your major projects and accomplishments. It makes job applications easier, but its true value is in proving to yourself that you do more than you realize.

What subjects are you most passionate about exploring in your writing, whether it’s your blog or through any of your other projects?

Two subjects I am most interested in exploring are tech trends and inclusive innovation.

Innovation doesn’t always mean we’re developing something new; it also can mean we’re reinvigorating something that exists. It’s being more creative about how we think about innovation, both in including multiple stakeholders and in accepting the idea that not every innovation is a new app.

I really want people to demand their seats at the table as law librarians because so many things are changing in the legal profession. The Library Services Corporation released a “Library Initiative White Paper” in 2016 about how libraries are this untapped resource for providing access to justice services. I get flummoxed by things like that because law librarians and different communities have already been doing these things in libraries.

Lastly, engage with stakeholders. It’s so easy to forget people, to talk to the people in the room and forget there’s somebody else who will be impacted or affected by whatever we do. It’s easy to implement an idea you think will change your corner of the world, but it’s worthless if you developed it without including the people you think you’ll help.

How do you stay on top of developments in legal technology?

I try not to be hyper-focused on legal sources. I read general technology resources such as Wired and MIT Tech Review. I look for books that challenge the status quo such as Technically Wrong and Invisible Women. I also make an effort to follow a broad range of accounts on Twitter, from self-proclaimed queer storyteller Mermaid Queen Jude to Black in AI to Women Talk Design. We have to engage with different communities and look at things from their perspectives.

Also, I try to ask people I respect as thought leaders in this industry who I should be following. Those people usually come up with stories and ideas and thoughts that’ll pop up in the news within the next week or so, but they’re already on top of them because it’s their niche.

It’s impossible to be on top of everything, so I try to make sure I have a range of people to follow. I make sure their voices have some space in my periphery.

How do you stress the importance of being innovative to your students?

I highlight the different efforts going on around the nation, from the Bail Project to design thinking programs at law schools to Legal Zoom. I try to have them consider what assumptions they are making about our legal and societal systems, and then I ask them to find reasons to challenge them. If IBM admits that every product is a work in progress, then who are we to think that our systems and workflows were right the first time and never need to change?
You are Chair of AALL’s Diversity & Inclusion Committee. What is the committee working on that makes you particularly proud?

I was lucky to join the committee while it was asking itself what more could it do for the profession. The thing I’m most proud of is the Diversity Dialogues, which are webinar-supported conversations between the community and subject-matter experts on different diversity and inclusion topics. We get to have these very deep discussions, and I’ve had people reach out to me afterward, thankful for the opportunity to have a platform to ask questions they may not have ever been comfortable asking before or known who to ask.

To celebrate the 100th anniversary of the women’s voting rights amendment, we are having two powerhouse women speak at the AALL Annual Meeting Diversity & Inclusion Symposium: American Bar Association President Judy Perry Martinez and Louisiana Supreme Court Chief Justice Bernette Joshua Johnson. I’m super proud of the fact that they agreed to join us and that we can give them a platform on this really momentous occasion.

How do you incorporate design thinking into your classes and why is it important for students to learn and understand it?

I love design thinking because, when done right, it combines innovation and inclusion. A big part of it is empathetic engagement. That means giving room for people to explain their journey without judgement or assumptions, and then letting their voice carry through development of the solution.

You are currently editing an OER textbook titled Introduction to Law Librarianship. How did you become involved in this project?

I realized we didn’t have a textbook on this topic. The only textbook on our profession was from 2012, so, since I’m a big advocate of open educational resources, I sat down and wrote a table of contents. I then ranted to AALL member Zanada Joyner about how much this textbook was needed and that I wanted to have an awesomely diverse group of voices to contribute to the growth of our profession. I asked her if she would be my co-editor, and she enthusiastically agreed.

I’ve already worked with creating an open-access legal research textbook internally here at Duke, so I have the actual development of it under my belt. I’m hoping this book conveys different perspectives, and some of the proposals have touched on topics I’d never thought of, such as law librarians inside of corporate legal departments.

We want the textbook to provide a comprehensive starting point for newer members. There is great information in our field, but it’s scattered. We are committed to giving space to a diverse set of authors so that new librarians can find themselves in the book in addition to relevant knowledge. And we also want to address difficult topics early, so that newer law librarians are prepared for the different situations they might face.

What do you wish everyone knew about law librarians?

I wish they saw us as partners and not as gophers. A lot of the time it can be really easy to treat the library as an afterthought, like it’s just a resource center, it’s just a place to get things. But it’s filled with people and experts, with all sorts of skills and perspectives and, more importantly, passion. When you think of us as collaborators, we can help build stronger partnerships and stronger initiatives.

What do you enjoy most about your job?

The flexibility to engage in many different things. I have several faculty members who have always engaged with me as a partner and thought about me and my skills and how I could work with them on different projects. I’ve been fortunate enough to be involved in different legal efforts and have lent my voice to strategic planning initiatives and to the development of an IBM-Duke partnership. I have been able to secure seats at different tables to help contribute and be part of the development, which has allowed me to tinker with a lot of different things and build programs that help students engage with technology.

There is a culture at Duke that I love, one where the librarians are included in faculty workshops and other different activities. We hosted the American Bar Foundation (ABF) Southern Roundtable for the future of Latinos, and I requested to join the roundtable. Instead of being excluded as non-faculty, I was welcomed, which was beautiful. I’m now working on a web app with the ABF and others to try to figure out what we can develop as part of an information portal, based on that roundtable. I don’t know that I would have had that opportunity anywhere else.
Q**uestion:** In the wake of prominent vendor security breaches, including at LexisNexis and Wolters Kluwer, as well as law firm breaches, what security concerns keep you up at night and how do you stay abreast of best practices in information security?

W**hen the network goes down, work grinds to a halt. This has been true for at least a decade [probably two decades], and we joke at our offices that when the network goes down, it is the only time you’ll see some attorneys actually leave their office and talk with their work neighbors. For years, we worried about internal or physical issues such as a server crash or if a farmer cut a network cable in Nebraska. Such issues tend to be far less of a concern these days than a ransomware attack that can wipe out your entire electronic dataset and put you in the headlines due to state data breach notification laws. That definitely keeps me up at night.

The biggest issue that we face is the number of resources we access on a daily basis that require the use of a username and password. Many of these resources use single authorization access, and to no one’s surprise who is
reading this, passwords get reused, and sometimes shared. We currently encourage, but don’t require, that our employees use password managers to prevent overuse or easily cracked passwords. I use Dashlane to manage my accounts, both personal and professional. We also encourage vendors to use two-factor authentication techniques to access their products, as well as their personal accounts such as email, Facebook, and Twitter. While two-factor authentication can slow down access to resources, it is a fair trade-off for preventing a breach of our data or computer systems.

Our IT team now has dedicated security experts on staff to help us understand new threats, and to help save us from ourselves. There have been horror stories of other firms who found out, the hard way, that unvetted software from countries like Ukraine, Russia, and/or China have malware embedded in the code, which can be activated at a later date, or can just continually siphon off personal or client information for years. While we want to be nimble in our operations, it is extremely important to have software and online resources cleared by our security teams before granting staff access to our secure information.

Law firm clients are not just trusting us with their data anymore. Clients, especially those who are in regulated industries, make their external law firms go through security audits to make sure they are following best practices with their data. These are stringent processes and require that we constantly educate our attorneys and staff on potential threats and proper methods of handling client data.

Finally, it is up to everyone to understand current threats regarding information security. Read those alerts from your security team. Follow guidelines set by your organization. If you are interested, there are podcasts such as Hacking Humans and Security Now that discuss new threats and give good advice on handling information security. If you’re short on time, Internet Storm Center’s Stormcast is a quick five-minute podcast that keeps you up to speed on new threats. We are all under attack, so it is everyone’s job to identify potential security issues, and to not be the reason that the network goes down.

Another big concern related to any kind of security breach is the risk of service disruption. Any loss of use of a service, especially one that affects a large research platform, will have serious consequences for end users who rely heavily on that service. What we can do is work with our IT group by sharing information on risks and advising them on risk avoidance/mitigation. Having sound, credible information on those threats—and taking actions to protect against them—can play an enormous role in helping to ward off those who seek to profit from network intrusions. For me, the most effective way to do this is by networking with my peers.

Listening to, and sharing, what we are all doing is exponentially more informative than anything any one person can do to keep abreast. Nothing beats learning from someone else’s knowledge and experience, especially if that person is an expert who has already figured out what works best. Reading reputable industry press releases and curated news alerts from our research team are also excellent ways of staying informed.

Directors of research are well positioned to bridge the firm’s IT department with the vendor, so building a strong information-sharing relationship with the vendor can help with this information gathering.

I have learned the best I can do with regard to data breaches is to be vigilant and to help others to be vigilant as well.

Although our IT group has the primary responsibility of keeping the firm’s network safe and secure, security concerns are nevertheless an inescapable reality for directors of research services because of our extensive reliance on electronic subscription services.

One such concern, with serious implications, is that we would have to deal with the likelihood that compromised data can be used in ways that can cause reputational or financial harm to our clients, our firm, and our end users. Those concerns stem from the information (e.g., names, locations, etc.) we share with electronic subscription services and the information those services collect and store from our end users, such as search strings, search history, etc.
Learn how AALL’s Latino Caucus promotes diversity and inclusion and creates educational, networking, and visibility opportunities for Latino members and others.

BY VICTORIA DE LA TORRE & MARCELO RODRIGUEZ

The items written on the sticky notes in the above graphic were some of the questions and comments the American Association of Law Libraries (AALL) Latino Caucus members contributed as part of an activity called Reflections on Identity during the AALL Annual Meeting in Washington, DC, in July 2019. Their questions and comments, as well as their active membership in AALL, are indisputable proof that diversity and representation have made significant inroads within AALL, and within the law librarianship community in general since the Latino Caucus was created back in 2005. However, the following questions, among many others pertaining to sustainability, visibility, and inclusion, remain unanswered:

- Should we change our name from Latino Caucus to Latinx Caucus?
- How can we be part of truly inclusive environments?
- How can I project myself in my professional life taking into account all areas of my identity(ies)?
We strongly believe that the Latino Caucus is the place to be for those interested in seeking answers to these questions, and for providing minority law librarians with the tools, networks, and experiences necessary to become active contributors and visionary leaders in our professional organization as well as society at large.

**Diversity within the Latino Caucus**

Our members are Latinas, Latinos, Latinx, Hispanics, second- or third-generation Americans, Mexican-Americans, Central Americans, Caribbeans, and South Americans. We speak English, Spanish, Portuguese, French, Créole, Quechua, Hebrew, and Japanese. We come from different racial and religious backgrounds as well as different sexual orientations and gender expressions. In addition, we are also rich in diverse professional and personal backgrounds. Initially, we might come to the Caucus expecting to meet Latinos just like us, and we most definitely do. However, we also learn quickly that there is an incredible diversity represented by the members of the Caucus. This rich diversity does not conflict with the traits that ultimately unite us. Quite the contrary, our differences allow us to challenge our world visions, to learn from each other, and to accomplish great things together. We are convinced that the more our identities are redefined to include more and more people, the more we all grow as law librarians interacting with each other at work or in the other communities we belong to.

The diversity and connections of our members also allow us to be part of other groups within AALL, and to help create synergy or common ground. We do not see the Latino Caucus as an attempt to separate us from the rest of the law librarianship community, but instead as a fundamental piece closely linked to all other special interest groups, committees, and professional opportunities. By virtue of being together, we can amplify our voices and reach out to other groups, including the membership-at-large, with issues that might initially pertain to us, but that ultimately echo across a multitude of conversations that benefit everyone. Diversity, representation, visibility, and inclusion need to be part of everyone’s conversation. As a group and through the indefatigable work of all our members, from 2005 through today, we empower each other to ignite these conversations, to be part of these exchanges, and to be leaders in implementing the solutions anywhere they might take place, be it New Orleans in July 2020, online, at work, or in our society.

**Latino Caucus Throughout the Years**

Fifteen years ago, a group of visionary Latina and Latino law librarians met during the AALL Annual Meeting in San Antonio, Texas, and founded the Latino Caucus. Having a place to share our own experiences, to network, and to leverage the knowledge and expertise of its members was one of the lofty goals of the Caucus. Since its creation, the heart of the Caucus has always been to encourage and support the interests and contributions of Latino law librarians to the profession. And it has done just that.

Every year since the Latino Caucus’s inception, we have featured a guest speaker in our business meetings during the AALL Annual Meeting. Some of the guests have included Professor Joaquin Avila, executive director of the National Voting Rights Advocacy Initiative at Seattle Law’s Fred T. Korematsu Center for Law and Equality; local Texas journalist, James Barragan; Yolanda Vazquez, clinical law professor at the University of Pennsylvania School of Law; and Valeria Elliott, director of Latin American Initiatives at the University of Denver, Sturm College of Law. Last year in Washington, DC, we had the opportunity to hear from Mark Lopez, director of Hispanic research for the Pew Research Center. These casual but insightful and often deeply moving conversations have always been a space for members to engage in professional and intellectual dialogue with one another.

Such conversations are the essence of our group. The ideas we share in our impromptu brainstorming sessions and intellectual exchanges have ignited our curiosity and propelled our members to achieve even more within our profession. We are convinced that our numerous and notable panels, webinars, sessions, academic papers, and partnerships have been the result of these conversations, both during the AALL Annual Meetings and throughout the year. Our network is at its strongest and...
We cannot simply hope and ask for change within the hierarchies of our institutions and organizations: in addition to these endeavors, each of us, individually, must be the catalyst for change.

most productive when our members are able to thrive in different environments due to the optimism, ambition, and the intellectual stimulation of the Caucus.

This could not be an article about the Latino Caucus if we failed to mention the famous Baile. For many years, the Latino Caucus has also organized a Baile (a gathering for dancing) during each AALL Annual Meeting. All of our members, as well as the members of other minority groups, are invited to attend and socialize with each other in this more casual and relaxed environment. Whenever we network on behalf of the Caucus, it is not uncommon for many AALL members to recount endearing and special memories of the Bailes. We are hoping the revival and rebranding of the Latino Caucus will bring back this enthusiasm and energy from our members, as well as all AALL members.

From Latino to Latinx

Many of us, upon our reflection on our identities in 2019, struggled to find the words to express our self-love alongside our feelings of being marginalized or unheard. Some even felt like they were not “Latinx” enough to be part of the Latino Caucus because their Spanish-speaking abilities were less than proficient, or their skin pigmentation was too white. For some of us, the subject of diversity has never even been discussed in our professional worlds, outside of marketing initiatives or the hiring of a diversity role. As we continue through our careers, we must strive for excellence so that when we find ourselves in seats of power and influence, we can instigate and promote change from within. But how can we get there? Sometimes, the smallest steps have the biggest impact. For example, during the upcoming 2020 AALL Annual Meeting in New Orleans, we will be voting on whether to change our caucus name from Latino to Latinx to be more gender-inclusive and to operate in accordance with AALL’s anti-discrimination bylaws.

We Will All Be the Solution

The next time you are in a meeting, a conference, or a networking event, ask yourself the following: What simple action could I take today to build or strengthen a relationship with someone who is completely different from myself? How can I move our relationship from a transactionally professional one to one with a foundation of friendship and trust? These are the questions that we in the Latino Caucus ask ourselves every time we meet in order to empower each other and to create an environment that fosters growth and innovation. In this vein of thinking, and due to high demand, the Latino Caucus is establishing a regularly scheduled guest speaker webinar in addition to our speakers at our yearly gatherings so we can learn more about each other’s successes, our shortcomings, and how our identities contribute to our work.

Our path forward and much of our group’s success is dependent on the participation of our colleagues and their willingness to step out of their comfort zones to publish and present their thoughts, connect with new people, and build bridges across each of the diversity-focused groups of AALL. If you are looking for a sense of community or belonging within your profession, we in the Latino Caucus urge you to join us and our colleagues from diverse backgrounds in commemorating our history and building our future.

LEARN MORE

If you would like to learn more about the history of AALL’s Latino Caucus, visit bit.ly/AALLLatinocaucus. In order to maintain a strong narrative of the rich history of the group, their project Latinx Voices features members and their contributions.

READ

“La Solución Seremos Todos (We Will All Be the Solution): Why the AALL Latino Caucus Matters to You,” from the February 2006 issue of AALL Spectrum at bit.ly/F06Latino.
Section 106 of the United States Copyright Act (17 U.S.C. § 106) grants copyright owners the exclusive right to reproduce (copy) their works, distribute their works (by sale, transfer, or license), create derivative works based on their original works, and publicly perform or display their copyrighted works. One limitation on these rights is the first-sale doctrine (17 U.S.C. § 109a), which allows one who purchases a legal copy of a copyrighted work the right to lend, sell, or otherwise dispose of that particular copy, provided that the exclusive rights of the copyright owner are not infringed upon. This section of copyright law is significant because it supports the concept of ownership: once you purchase something, it belongs to you. However, digital access to books, music, movies, and software is changing what ownership means in a digital age, thus limiting the first-sale doctrine to traditional physical items.

Amazon and Digital Publishing

Upon purchasing a printed copy of George Orwell’s 1984, the buyer owns that particular copy of the text. The copyright owners, however, retain copyright of the work itself, and under Section 106 of the Copyright Act, they are entitled to the bundle of rights listed above. Regardless of what rights the copyright owners implement, anyone who purchases a legal copy of the printed
The emergence of new technology increases the ease with which people can access and share content, and thus it continues to drive the progression of copyright law in the United States.

text retains the right to sell, lend, or give away the specific copy that was purchased. The first-sale doctrine has cemented this concept of ownership in the U.S. economy, and consumers expect to own what they pay for.

This practice works well with physical items, but the model becomes problematic in a digital world where licensing access to content is fast replacing the practice of buying physical versions. In 2009, Amazon discretely removed digital copies of George Orwell’s 1984 from users’ Amazon Kindle devices after learning that they (Amazon) had not secured the right to “sell” the digital copies. Although some customers did not realize that the copies had been removed, others were quick to point out that the eBook was missing from their devices. In one incident, a student was using his Kindle version of Orwell’s 1984 for a school assignment. When Amazon deleted the copy from the student’s device, the notes he added regarding the text were preserved in a separate file but rendered useless without specific passages from the digital version of the book. The notes alone had no context or value to the student.

The 1984 incident was not the first time Amazon removed purchased books from users’ Kindles, but the swift public outcry over the Orwell removal (Animal Farm was also deleted) helped the public understand that electronic copies are licensed—not owned. Many users were unaware that Amazon had the ability to remove eBook titles from their devices, and that the 2009 Amazon Kindle licensing agreement for customers stated that users would have “the non-exclusive right to keep a permanent copy of” the applicable Digital Content and to view, use, and display such Digital Content an unlimited number of times, solely on the Device or as authorized by Amazon as part of the Service and solely for your personal, non-commercial use.” Customers purchased Amazon’s Kindle titles because they wanted to have permanent access to an electronic version of the book. Permanence suggests ownership, and many users developed Kindle eBook libraries with the confidence that their titles would always remain available to them.

Amazon’s ability to rescind the content gave consumers a new understanding of digital purchasing: licensing is not ownership, and access can be revoked at any time. New York Times technology writer David Pogue provided an analogy that illustrated why Amazon’s conduct was so egregious: “[I]t’s like Barnes & Noble sneaking into our homes in the middle of the night, taking some books that we’ve been reading off our nightstands, and leaving us a check on the coffee table.” (Read his article at bit.ly/MJ20NYT.) Amazon quickly settled a class action lawsuit for deleting the Orwell text and continued selling Kindle devices and licensed titles with no interruption. However, the current Kindle Store Terms of Use Agreement states that users may access material for an unlimited number of times and the content is licensed, not sold, to the user. Consumers are now on notice that their access is provisional, and that “ownership” is not a right bestowed upon digital content.

Ownership in the Digital Age
Licensed access to digital content is eroding traditional concepts of ownership. Twenty years ago, when a consumer purchased computer software the product was delivered via disc, thus giving the buyer a physical copy of the software. One would enter a code or digital key to download the licensed copy, but the physical disc belonged to the buyer. Today, many software companies provide much of their content via licensed subscription services, so instead of paying a one-time fee for a software package, many products are only available for a monthly rate. Some versions may still be available for a one-time purchase cost, but these types limit access to the enhanced features that are in demand and readily available with a monthly subscription.

The subscription digital access model has proven successful for film providers, and streaming media giant Netflix helped to revolutionize how people view movies in their homes. In 1997, the company launched itself as a DVD rental subscription service, providing DVDs to customers via mail, sans the late fees other video rental companies charged. Netflix and similar video rental services purchased DVDs in bulk and capitalized upon the right to rent them under the first-sale doctrine. By 2005, the ability to view media online had improved significantly, and in 2010, the company introduced its current streaming media platform.

Many consumers had already moved from purchasing DVDs to renting them because storing physical media had become a space challenge. Netflix customers who had previously rented DVDs by mail were ready to make the switch to a streaming platform because paying a monthly fee to view a catalog of movies was more attractive than renting physical copies, and internet service was more readily available at home. Digital music services also transformed traditional notions of “buying” music, and the steady decline in physical format (CD) music album sales is easily attributed to the rise of digital music subscription services such as Apple Music, Amazon Music, Pandora, and Spotify. Such services provide access to thousands of songs, more than one could ever hope to buy. The subscription model is a proven success for film, music, and software providers: monthly subscription services generate significantly more revenue than physical sales.
Technology and Streaming Services

Advanced technology for media services allows for increased and easy access to more content, which is appealing to consumers. Streaming media outlets and eBook services make thousands of titles available to customers on a range of devices. Android, iOS (Apple), and Windows users can access subscriptions across their chosen ecosystem of devices, and content can be viewed on any phone, tablet, or computer that has internet access. Some services allow users to download content for a limited amount of time, so films and music can remain accessible when Wi-Fi is not available.

Consumers will continue to forgo sales of physical copies of content, and new streaming media services will enter the marketplace. In 2019, Apple TV and Disney launched streaming services, with Disney securing 24 million customers in its first month. At least four additional media services are expected to launch in 2020, and consumers eagerly anticipate the new accessibility and enhancements that the evolving technology will inevitably provide, especially since many of their favorite shows and music are currently not always available via streaming services, and thus they are forced to wait until a digital version becomes available or pay what may be a healthy price for the physical version.

The emergence of new technology increases the ease with which people can access and share content, and thus it continues to drive the progression of copyright law in the United States. For example, the photocopy machine was central to the Copyright Act of 1976 because lawmakers were concerned about the ability to mass produce copies of copyrighted content. The Digital Millennium Copyright Act of 1998 attempted to restrict the proliferation of digital copying, but it threatened legitimate research and the fair use doctrine (17 U.S.C. § 107), which is another limitation of Section 106 that allows limited use of copyrighted content without permission from the rights holder. In this age of digital licensing, more people are licensing access to content they used to purchase outright, but licensing agreements are not permanent. They are embedded in the larger Terms of Use Agreement, and customers often consent to the terms automatically, without reviewing them when they sign up for subscription services.

A licensing agreement is a contract, and copyright law does not extend to these agreements. The current iteration of the first-sale doctrine is not applicable to digital content because it is too easy to make additional digital copies and sell them without restriction. However, licensed content, with advanced technology limiters that restrict use to a single subscription account, allows rights holders to control how, when, and by whom their content is accessed. The irony of Amazon’s 1984 snafu is how it served to put consumers on notice about what “buying” digital content really means. Orwell’s 1984 hypothesizes a society where government censors eliminate news articles that are critical of its practices. And because people do not own the digital content to which they subscribe, it can be snatched from them at any time, or a service may be cancelled. Updated service agreements include a clause for arbitration, so lawsuits are unlikely when content disappears.

George Orwell’s 1984 is available in eBook format. Thanks to the first-sale doctrine, it is also available in print, new or used at a bookseller near you, and under the law, the bookseller has no right to seize it from you later.
“Master Your Mind: Learn Anything and Become Limitless”

Sunday, July 12
9:00 a.m.–10:15 a.m.

bit.ly/AM20keynote

JIM KWIK

Opening General Session & Keynote

MEET JIM KWIK

2020 AALL ANNUAL MEETING & CONFERENCE KEYNOTE SPEAKER

Jim Kwik has helped countless students, CEOs, and celebrities improve their memories, increase their decision-making skills, and unleash their superbrains. During his keynote, Kwik will discuss his revolutionary strategies and shortcuts for supercharging your brain with simple, actionable tools to sharpen your mind, enhance your focus, and reach your fullest potential. Following a childhood brain injury that left him learning...
challenged, Jim Kwik created strategies to dramatically enhance his mental performance. He has since dedicated his life to helping others unleash their true genius and brainpower to learn anything faster and live a life of greater power, prosperity, productivity, and peace of mind. He is the founder of Kwik Learning and a widely recognized world expert in speed-reading, memory improvement, brain performance, and accelerated learning. Kwik is regularly featured in media, including Forbes, HuffPost, Fast Company, Inc., and CNBC, as well as online videos totaling in excess of 100 million views. He is the host of the acclaimed “Kwik Brain” podcast, which is consistently top-ranked among self-improvement shows on iTunes. KwikLearning.com’s online courses are used by students in over 180 countries. Kwik and his team have a passion for education and funding schools for children in places from Guatemala to Kenya, providing healthcare, clean water, and learning for kids in need.

After your childhood accident, what inspired you to work as hard as you did?

My parents immigrated here—my dad came when he was 13, and we lived in the back of a laundromat where my mom worked. They had lots of different jobs because they worked really hard.

My grandmother helped raise me, so she was my primary caregiver. I had my accident when I was five. It was tough, though, because it was around then that she started showing signs of early dementia.

I think it’s very important to find your purpose and know who is counting on you. A lot of my drive, as the oldest of three children, was to make my family proud because of the amount of sacrifice that they made for us. I worked hard for the people I loved and to be a good role model for my younger brother and sister.

Purchase a signed copy of Jim Kwik’s book “Limitless: Upgrade Your Brain, Learn Anything Faster, and Unlock Your Exceptional Life,” at the AALL Member Services Pavilion in the exhibit hall following his keynote presentation.

Can’t wait until July? His book is also available on Amazon at bit.ly/MJ20Limitless.

You have mentioned in other interviews that learning and public speaking were your biggest challenges growing up. How did you overcome these challenges, and when did you realize you were onto something that could help others?

I didn’t learn how to develop my “superpowers” until I was 18. My kryptonite was learning and public speaking, because I was labeled “the boy with a broken brain” when I was in elementary school by a teacher who was very frustrated that I didn’t understand the lessons. She pointed at me in front of the whole class and that label became my inner self-talk.

My superpower growing up was being invisible. I didn’t want the spotlight. I didn’t want to be called on in class. I didn’t want to be heard. I remember I was failing high school English. The school called my parents in and gave me one chance to save myself by doing an extra credit book report on Albert Einstein and Da Vinci, comparing the two. I spent weeks and weeks in a library working on the project. I had my report professionally bound. I was so proud of this thing, I felt like this was going to turn everything around. The day it was due, the teacher said she had a surprise for the class. She wanted me to read my report aloud in front of them. I immediately froze. My heart was beating out of my chest and I couldn’t breathe.

When I got my voice back, I looked at her and I lied, saying that I hadn’t done the report. You could see the disappointment in her eyes. After the class cleared out and I was the only one there, I remember taking the book report out of my backpack and throwing it in the trash.

I think I got over these obstacles through the power of motivation. I think reasons reap results in our lives. I don’t think you have to enjoy the thing that you need to be motivated to do, such as working out. I think you have to have a reason, a big enough reason to work out. So, I wanted to get over my challenges. The heroes in my life, my family, were my motivation.

That gave me enough reason, but the second thing I needed was energy. If you don’t sleep the night before, you’re not very motivated to do things. I found small steps that I could take; I found my superpowers by turning my struggles into strengths and adversity into advantage.

How do you think our current education system could better help children with learning disabilities?

My mother became a schoolteacher because she didn’t know how to help me with my learning challenges. You
know, we live in an age of self-driving electric cars and spaceships that are going to Mars, but our vehicle of choice when it comes to education is still the horse and buggy. The issue is that the school system is poorly designed.

Our school system hasn’t changed as much as the world has changed, and our schools don’t prepare us for the world that exists today. That being said, I think one of the things that needs to be taught in our education system is meta learning. Meta learning is learning how to learn. There’s so much information out there. They say that somebody graduating school now is going to have anywhere from eight to 14 different careers—not jobs, but just completely different careers because we don’t know where the work world’s going to be when industries disappear overnight.

Our ability to learn faster and adapt is our most important skill. I think this is something we should have been taught because it’s the ultimate superpower. If you can learn how to learn, you can apply that toward marketing, management, martial arts, music, speaking Mandarin—everything gets easier after that. School teaches us what to learn, what to think, and what to remember. But I would rather school teach us how to learn, how to think, and how to remember. And I think those are skills that anybody can learn.

How is learning and the way we perceive information changing?

Right now, we’re drowning in information, but we’re also starving for practical wisdom and ways to use that information. In today’s world, ignorance is a choice, given that we’re so connected all of the time. Years ago, when we used to be on AOL and used the IM (instant message) thing, we would say “BRB” (“be right back”). We never say that anymore because we’re always online, 24/7.

Learning is changing because of digital technologies. We’re living in a time of digital deluge, where there is too much information and too little time. We’re also dealing with digital distraction, which is a big challenge because information is everywhere—you get app notifications, social media alerts, emails—all of which distract us from the task at hand.

We are all so dependent on our smart devices giving us all of this information that our brains aren’t getting the exercise they need to be able to stay fit, so we’re subject to digital dementia, which is an actual medical term. It refers to our high reliance on technology and not getting the brain activity we need. For example, we used to have to memorize people’s phone numbers back before cell phones existed. Now, we can call and text someone every single day at the touch of an icon or button. But what if our phone battery died, would we even know that person’s number?

Not that I want to memorize 300 phone numbers—nobody wants to do that—but we’ve lost the ability to remember them, a conversation we’ve just had, or something important we need to do. Those kinds of memory lapses, where our smart devices are making us stupid—they’re a symptom of this digital dementia. There’s just too much to learn, too little time.

The ultimate technology is our brain, right? We’re born with the ultimate technology; it is the most incredible superpower on the planet. The challenge is it doesn’t come with an owner’s manual and nobody shows us how to use it. That’s really become my mission, to show people how to use their No. 1 wealth-building asset, their mind. People upgrade their phone more often than they upgrade their brain. That’s really what I’m going to focus on during my keynote: how to upgrade your brain and learn anything faster to achieve more in less time.

Can you share any hacks for better learning?

First of all, it’s not how smart you are, it’s how you smart. When people find their preferred way of learning, all of a sudden things become a lot easier because we all have different modes of learning and learning is a process.

For example, I think reading is to our mind what exercise is to our body, and it’s something you should be doing every day. For many people reading is a chore and it makes them tired, so they read a page in a book and they forget what they just read and then they go back and reread it and they still don’t know what they just read.

One of the hacks to overcome this is to use a visual pacer. A visual pacer could be a pen, a pencil, highlighter, mouse on a computer, or your finger, to just underline the words as you’re reading, and it will boost your reading speed and focus 25 to 50 percent. That’s a remarkable boost for just using what you have, literally at your fingertips. Don’t take my word for it, pick up a book and read for 60 seconds, count the number of lines you read normally in 60 seconds. Then, pick up where you left off using your finger as a visual pacer for 60 seconds. Put a little mark in the margin, count the number of lines you did the second time, and you’ll see about a 25 to 50 perfect increase.

That is a simple hack to help people improve their reading speed and their focus, and if their focus is better, their comprehension will be better.

Before there was Kwik Learning, what kind of career did you envision for yourself?

I’ve never done anything different than what I’m doing. When I was a kid, my uncle gave me my first comic book. I wanted to be a comic book artist because imagination and storytelling is so important, especially nowadays when so many jobs are being outsourced and automated and going to artificial intelligence. I feel the areas that won’t be overtaken are the creative areas where we can do strategy, creativity, solve problems, organize things in different ways, and use our imagination for new possibilities.

Many law librarians teach legal research to law students and attorneys—people who are often in high-stress settings. Any tips or strategies for facilitating better learning within these groups?

I think that the best teachers are the best students and vice versa. When we teach something, we get to learn it twice, and that’s remarkable. Stress is
information multiplied by emotion becomes unforgettable. There is probably a song you could hear today that would take you back to a special moment. When you tie information to some emotion, it becomes unforgettable because we’re not logical, we’re biological—a kind of complex chemical-emotional soup. So, when it comes to remembering things, that’s the key to long-term memory: information times emotion becomes a long-term memory.

Finally, the “T” in FAST stands for teach. I put the responsibility on my students to teach what they learned to someone else. If your students have to pay it forward and they have to teach something to a learning buddy or to their firm or in their class, they will learn it differently. They will take better notes, ask better questions, and own the information, as opposed to just feeling like it’s outside of them.

Whenever I want to learn something better, I learn with the intention of teaching somebody else.

Any advice for law librarians navigating the “digital deluge”?

One thing law librarians can do is to practice self-care. I believe that practicing self-love and self-care are not the same as being selfish. And that in order to be able to tackle this digital deluge of distractions, and even digital dementia, you must make time each day to take care of yourself and schedule that in.

Because if you’re not taking care of yourself—getting enough sleep and eating good foods and being around people that nourish you and encourage you—then you can’t possibly, in today’s hyper-competitive world, be able to catch up and keep up, much less get ahead. Take care of yourself and schedule it because if you don’t schedule it, it’s not going to happen.

You often ask people about their own superpowers. What’s yours?

A lot of people think my superpower is learning. I think that’s my passion. That is, when I think about superpowers, I think about passion and purpose. And passion for me is that I enjoy seeing what lights a person up.

Learning and reading, all of that lights me up. How I’m using my passion to light other people up is my purpose. So, my passion is learning, and my purpose is teaching people how to learn. I would say that my superpower is teaching people how to discover and develop their ultimate superpower, which is learning.

What impact are you hoping to make on the world?

For me, again, it’s not one billion dollars, it’s one billion brains. I believe that if we change our brains, we can change our lives. If we change our brains, we can change the world. We have a podcast that has tens of millions of downloads; it’s the number one education training podcast on iTunes. If a kid is listening to my podcast in a third-world country and they are able to learn how to be creative or focused or use their mind in a different way and they become the next Malala or the next Elon Musk, or they come up with the cure for cancer—that really excites me.

My goal is to ensure that no brain is left behind. That’s the impact I want. And I want to make sure that anyone I come into contact with is better off because of it.
Academic law librarians drive change that reduces costs and benefits law students.

In an opinion piece for the *New York Times*, Columbia Law School Professor Tim Wu lamented “the outlandish prices of the books we assign.” He questioned whether the rising costs of college textbooks is worth the cost to students. (Read the article at bit.ly/MJ20NYTwu.) Professor Wu noted that there are high-quality options for assigning reading—options without the cost (over $200) of the typical law school casebook with supplement. OpenStax, a major force in open educational undergraduate college textbooks, estimates that in 2019, 3 million students were using its texts, for a
There is an answer: integration of open educational resources and affordable course materials in the law school course curriculum. Academic law librarians can help drive this change by boosting outreach efforts, challenging the reliance on expensive materials, and partnering with innovative faculty to adopt affordable course materials.

**Institutional Incentives**
Law librarians are supported in this effort by increased institutional and government programs that reward migration to affordable materials. Institutional grant programs such as the Boston College Affordable Course Materials Grant reward faculty adoption of affordable course materials. Offered university-wide, this grant program supports full-time staff members who revise their curriculum to include high-quality, affordable course materials, publicly accessible materials, subscribed resources from Boston College Libraries, use of the Canvas course management system or library course reserves to replace a course pack, or any combination of these four options. Public institutions can leverage government initiatives, such as Florida’s Affordability Counts Initiative. Under Florida Statute section 1004.085, all Florida colleges and universities are called to utilize “innovative pricing techniques” to fulfill the promise of lowering the cost of education through affordable instructional materials. The goal of Affordability Counts is to encourage and reward faculty who assign less than $60 worth of materials. Other states offer similar initiatives, such as the Affordable Learning Ohio Initiative and Kansas State University’s Open/Alternative Textbook Initiative. Additionally, there is pending legislation in Congress (H. R. 2107) to promote affordable college textbooks.

**Licensed Content**
Law libraries’ licensed content provides a wealth of materials for supplementing or replacing traditional course materials with affordable options. Titles from Cheetah, Lexis Digital Library, Thomson Reuters ProView, West Academic Study Aids, and

**Open Education Resources (OER)**

The true value of these resources is the law library’s outreach efforts and synthesis of these materials into course materials. Faculty can easily provide affordability benefits by collaborating with law librarians to identify and leverage affordable course materials.
Curated Content & Affordability Resources

Open Course Content
- Manuel A. Gomez, FIU Introduction to International and Comparative Law H2O Classroom and Course Materials bit.ly/MJ20gomez

Affordability Resources and Links
- Affordability Counts Presentation by FIU Online, bit.ly/MJ20FIUonline
- Boston College: Affordable Course Materials Grant Program bit.ly/MJ20grant

Wolters Kluwer Study Aids are being leveraged at Florida International University (FIU) Law and Boston College (BC) Law in myriad ways to increase portability and affordability. The method utilized to supplant expensive casebooks will vary by institution. When possible, print-title-to-ebook-equivalent is the simplest method to start with: provide students with the opportunity to access their assigned course materials through the libraries’ resources. The easiest way to determine these opportunities is by comparing your title lists to assigned booklists. Boston College (BC) law Library staff embed these links into Canvas course websites for easy access. Once faculty and students get an appetite for “free” materials, additional titles through these and other databases begin to present themselves.

Booklist integration is the foundation of FIU Law Library’s encouraging success story. In the 2018-2019 academic year, 484 FIU Law students benefited from FIU Law Library e-books as their assigned course book in 11 courses, saving them $24,941 by not purchasing equivalent print course materials. In Fall 2019, all legal writing 1Ls can use the e-book for the Interactive Citation Workbook through Lexis Digital Library, acquired for the purpose of supporting affordability. The current manufacturer’s suggested retail price (MSRP) for the 2019 edition is $44, resulting in an overall savings of $6,600 for incoming law students. Combined with other library licensed materials provided as alternatives to print, FIU Law students saved $13,610 in out-of-pocket costs in Fall 2019. Successful strategies begin with outreach to booklist creators at each institution, as well as Academic Affairs, Student Affairs, and the Student Bar Association.

Experiential Programs
Affordable course materials are a productivity boost for clinical faculty and students. Clinical faculty are receptive to e-resources for the obvious convenience in accessing these materials in court or any off-site location. Essential
tools such as state court rules pamphlets or practice guides can be instantly available in e-format. State-specific continuing legal education content, such as BC’s MCLE Online Pass subscription, promote clinic students’ use and awareness of practitioner tools. FIU Law’s clinical and externship program migrated to a fully electronic library in Fall 2019, focusing on Florida Bar practitioner materials and Florida court rules. Supplanting chunky print with portable ebooks in experiential programs has the added benefits of preparing students for real-world practice and serving as a success story to educate reluctant faculty on the value of using library resources as affordable course materials.

Academic law librarians can promote clinics’ use of the library’s licensed content through the creation of specialized research guides focused on the clinics’ activities. Following are sample BC and FIU research guides:


Academic Success Programs

Academic success programs rely on success-driven indicators that make collaboration easy to justify (e.g., utilization of library-provided or subsidized materials can directly correlate to law student success stories). Law librarians can engage directly with faculty and students by offering training in library resources and licensing success-focused content. Boston College Law Library presents training sessions for student tutors and all 1L students in the use of Wolters Kluwer and West Academic Study Aids tools. FIU Law Library collaborates with its Academic Excellence Program to provide internet-based resources previously purchased out-of-pocket by students, resulting in both financial benefit and improved skills for students. In Fall 2019, FIU students replaced their academic success-recommended and/or required materials with law libraryicensed content for an out-of-pocket savings of $67,568. Through outreach, subject-specific targeting, and collaboration with academic success faculty, affordability success stories are easy to tell and share.

Specialized Content

Affordable course materials can also be incorporated into specialized programs, multidisciplinary focus courses, and upper-level courses. The flexibility of selecting multiple sources for course readings without impacting student budgets will appeal to faculty faced with a fixed casebook alternative. Specialized content such as the e-books available on the IBFD tax platform will fill a niche in international law and international tax classes. The practice-oriented treatises, transcripts, and answer book content on the PLI Plus platform can boost student awareness of transactional tools. Classes requiring access to public policy materials can benefit from university-wide licensing of content such as the Oxford Handbooks or Edward Elgar content.

Curated Content

Faculty-curated content, while present on individual course websites, can also reside on shared platforms to promote wider cross-institution collaboration. One such open-source casebook platform is the Harvard H2O project.

Law content traditionally found in law casebooks, namely court opinions, can be gathered from open sources. Similarly, statutory and regulatory supplements that are typically sold at high cost can be easily generated with web links to open government sites. Posting government publications of court rules to law school course sites in lieu of requiring students to purchase commercially printed rules texts is a ready solution. CALI also offers court rules in its e-Langdell series. Statutory supplements can be substituted with links to the GovInfo website (or the Legal Information Institute) for access to the U.S. Code. Similarly, faculty can mine the federal and state case law available through Google Scholar and the Caselaw Access Project. The process requires curation on the part of faculty, with assistance from law librarians as needed.

Keeping Cost in Focus

Professor Wu noted his transition to an open textbook solution as worthwhile to his students. Increased focus on the cost of legal education and methods to reduce those costs amplify the call for such change, and law librarians are central to answering this call. Affordability initiatives make it easy to demonstrate the law library’s value, since costs and student savings are readily calculated. Law librarians already know their collections’ ability to supplant/supplement course materials, easing the ability to build affordability bridges.

READ


LISA DAVIS
INTERIM DIRECTOR
Florida International University College of Law Library
Miami, FL
lidavis@fiu.edu

MARY ANN NEARY
ASSOCIATE LAW LIBRARIAN FOR EDUCATION AND REFERENCE
Boston College Law Library Newton, MA
maryann.neary.1@bc.edu
many in our community have been alarmed by recent developments regarding vendor consolidation and its impact on the dissemination of legal scholarly publications. We have watched as a handful of powerful vendors have consolidated control over much of the “life cycle” of legal publishing. Further, these vendors have often been less than enthusiastic about making content available via open access, frequently leaving institutions deprived of the scholarship they funded. Notably, the University of California recently decided to walk away from negotiations with Elsevier due to its history of opposition to open-access publishing. Elsevier’s acquisition of scholarly communications platforms such as SSRN, Expresso, and Open-source alternatives to vendor solutions.

Open-source alternatives to vendor solutions.

BY DAVID BRIAN HOLT & ERIK BECK

Digital Commons has raised concerns whether a single vendor has too much control over legal academic publishing. (Learn more at bit.ly/MJ20Digital.)

Academic Publishers and Open Access

There is a plethora of literature on the “serials crisis” in academic libraries. Faced with increasingly higher subscription costs, research libraries routinely struggle to provide access to serials to their patrons. The Association of Research Libraries reports that their member libraries have had to contend with a 521 percent increase in the cost of serials since 1986, far outpacing the consumer price index, which rose only 118 percent during this period. (Read the article in Vox at bit.ly/MJ20Facts.) Many assumed that the transition from print to electronic publishing would
lower, not increase, the cost associated with academic journal publishing. Instead, libraries face increasingly higher costs while publishers such as Elsevier enjoy ever higher profit margins [in 2018, Elsevier saw a profit margin of 31.3%]. (Learn more at bit.ly/MJ20Elsevier.)

In response to this seemingly unsustainable publishing model, the University of California chose to discontinue its $11M per year contract with Elsevier beginning in 2019. The University of California system is the largest academic system in the world and its 27,000 researchers contribute over 10 percent of Elsevier’s corpus. A few academic libraries followed the University of California’s lead; however, it remains to be seen what impact, if any, this negotiating tactic will have on both Elsevier and academic publishing in general.

To counter publishers’ control over the dissemination of academic research, many scholars have begun adopting open-access publishing practices. Open Access (OA) comprises a range of methods for exchanging academic works in a free and open manner. It can mean making pre-prints of one’s articles available online ahead of their publication, or depositing finished works in a university’s institutional repository (IR). Its purpose is largely to circumvent the academic publishing business—which would have research institutions buy back the scholarship that they funded—and to make these materials available to the widest possible audience. There is even evidence that making materials available via open access can improve overall citation rates. Yet, even these attempts at independent exchange of information are falling under the influence of publishers as vendors have begun acquiring the very mechanisms that make open-access publishing possible.

**The Life Cycle of Legal Publishing**

There is a typical workflow that legal academics adhere to when publishing a scholarly article. Most articles begin as a working draft, or conference paper, that may be shared with a small group of colleagues for feedback and constructive criticism. Frequently, these working drafts are then uploaded to a hosting service such as SSRN to enable easier distribution of the article to other academics. An open-access alternative to SSRN is the LawArXiv project hosted by Cornell University. LawArXiv is based on the open-source arXiv platform by the Open Science Foundation. Despite the efforts of projects like LawArXiv, SSRN remains such a dominant player in this market that its download metrics are used to evaluate professor performance and make decisions about tenure. Elsevier acquired SSRN in May 2016, and there is already evidence that they are exerting influence over this platform that may run counter to the goals of open access. For example, it was discovered that SSRN has been manipulating search results to push materials it considers “scholarly” versus “popular.” (Read the article at bit.ly/MJ20Scholar.) The fact that a vendor is making decisions about what materials are scholarly has understandably raised concerns within the legal academic community.

After uploading a working draft, scholars typically further refine their work for eventual submission to law reviews and journals. There are two major systems for article submissions—Expresso and Scholastica. For many years, Expresso had a dominating market share, but Scholastica has made a noticeable impact over the last few years. With Elsevier’s acquisition of Bepress, it now owns Expresso. Consequently, both working draft hosting and article submissions are now controlled by the same vendor.

The Bepress acquisition also gave Elsevier control of Digital Commons, the most widely used IR platform among American Bar Association-accredited law schools. Institutional repositories are platforms used by academic institutions to collate, archive, and preserve scholarship produced by their faculty and students. If an author has retained copyright to their work, or the right to self-archive, they will often deposit the final version of the publication in their school’s institutional repository to make it permanently accessible. Schools are heavily dependent on the vendors that host their institutional repositories to provide ongoing access. As these vendors gain more control over the academic legal publishing life cycle, their leverage over law schools and libraries grows and their ability to extract even greater subscription fees for the use of their tools also increases.

**Open-Source Alternatives**

To avoid becoming overly dependent on vendor-provided solutions, some libraries have opted to host their own publishing platforms. These homegrown digital repositories make use of open-source digital asset management software that both preserves digital files and makes them discoverable with built-in search engines. But to qualify as institutional repositories—and to serve as a comparable replacement to Digital Commons—indepenent developers have had to augment this software with additional functionalities that fulfill open-access goals, some of which include:

- Exposure of metadata on the open web in a format that can be indexed by Google Scholar
- Automatically generated citations in a variety of different styles
- Authority control with commonly accepted author identifier systems such as ORCID
- Persistent identifiers for files using reliable systems such as DOI or handle.net
- Self-deposit workflows so that researchers can deposit their own works into the repository
- Embargoing and access control for works whose copyright agreements
stipulate that they cannot be made available elsewhere for a period after initial publication.

DSpace is one of the oldest and most widely used open-source institutional repository platforms. It began as a project between Hewlett Packard and MIT back in 2002 with a focus on long-term storage, access, and preservation. Now on its sixth version, with a seventh on the way, many IR features have been added over the years, to the point where DSpace can function as a “turn-key” institutional repository solution with just its core feature set. If you need additional customizations, there is a large community of contract developers who can help build your repository and tailor it to your needs. Duraspace, the nonprofit organization that moderates DSpace’s development, even offers a hosted plan for libraries that lack access to server infrastructure.

EPrints is another well-established open-source IR platform. Though not as widely adopted as DSpace, it has been around just as long and has grown up alongside and in response to the open-access movement. Eprints was one of the few digital asset management systems that was built specifically for publishing scholarly works. It lacks the big third-party developer community that other platforms on this list enjoy, but it is still actively maintained by its original developer, the University of Southampton, which can be contracted to build and host EPrints repositories.

Islandora is an open-source digital asset management system that is quickly growing in popularity thanks to its integration with Drupal, a web development framework that has a broad following. From humble beginnings as a pet project at the University of Prince Edward Island, Islandora now has a big developer community that stretches around the world. The suite of features that transforms the out-of-the-box install into an institutional repository is called Islandora Scholar. The Islandora development cycle is somewhat chaotic and can leave some projects behind with successive versions. Though valid today, there is some risk that Islandora Scholar could become incompatible with future versions of Islandora.

Invenio is a digital library platform that was developed at CERN (the same European research organization responsible for the Large Hadron Collider). It is used by a number of other major labs for large-scale data storage. An IR variant was developed by a CERN spin-off company in Norway called TIND. They offer a more mediated experience for library customers, not dissimilar to Bepress’s service model with Digital Commons. TIND has made some inroads into law libraries lately with Berkeley Law, notably choosing TIND for their integrated library system and their new institutional repository (replacing their existing Digital Commons installation).

While open-source software may be free to use, the costs associated with developing and maintaining one’s own repository can be significant. It requires investments in server infrastructure or cloud-based web services to host the repository. A systems administrator is needed to properly install the repository, and a web developer to code and design the website that surrounds it. Few law libraries possess the resources to deploy their own open-source repository. They opt instead to pay specialized contractors to develop their repositories for them, or they license hosted services such as TIND. These open-source alternatives can be just as costly as for-profit, vendor-supported solutions. The decision to choose open-source software over a proprietary service should be motivated by more than just cost savings. The real value is the independence and flexibility that having your own system offers. Like any investment, libraries must weigh the risks with the rewards.

**Moving Forward**

We can hope that vendors will deal fairly with libraries and act in good faith. But we must also be careful not to become so dependent on publishers that we cannot do without them. It is incumbent upon us to explore more self-sufficient publishing models. Though the expense of creating our own open-access platforms is admittedly very great, doing nothing could be even more costly.

---

**OPEN SOURCE ALTERNATIVES**

- **DSpace**
  bit.ly/MJ20DSpace
- **EPrints**
- **Invenio**
  bit.ly/MJ20Invenio
- **Islandora**
  bit.ly/MJ20Islandora
- **TIND**
  bit.ly/MJ20TIND
In 2016, after years of using legal technology to stay ahead of their large law firm competition, three boutique Los Angeles law firm leaders began looking for a product that would automate parts of the litigation process using artificial intelligence (AI).

They couldn’t find one, so they decided to create it on their own, and thus, LegalMation was born.

LegalMation’s CEO James Lee, COO Thomas Suh, and former CSO Enoch Liang initially approached Walmart, one of their former law firm’s clients, about the idea. Walmart, which had been paying outside counsel to draft answers and responses to discovery requests, was interested in the potential benefits—and agreed to help LegalMation build out its proof of concept.

LegalMation’s Complaint Analysis module was released in March 2018. In under two minutes, the tool can read, analyze, and understand a complaint and produce a complete set of initial responsive documents tailored to the jurisdiction where the action was filed.

Discovery Analysis, which allows users to upload a written discovery request and receive a set of draft objections and a fully formatted shell (template) for the response in just minutes, debuted in late summer 2018.

Today, in addition to Walmart, LegalMation counts labor and employment law firm Ogletree Deakins, several major insurance companies, and a number of other law firms and corporations among its clients—and it is working on new tech offerings designed to help law firms and in-house counsel streamline operations.

We recently spoke with LegalMation’s Senior Director, Client Experience, Stephanie E. Fox about AI’s ability to allow attorneys to focus on high-level work, the company’s current products, and the technology its platform uses to trim hours off complaint and discovery request fulfillment.
LegalMation’s Complaint Analysis and Discovery Analysis modules were released in spring and summer 2018.

Walmart was LegalMation’s first client. What about Complaint Analysis initially intrigued the company?

They could easily see how they could save significant amounts of time and money. In fact, it changed the way Walmart handles litigation. Previously, the company assigned all incoming complaints directly to outside counsel, who’d charge both for the creation and editing of the responsive documents. By using LegalMation, Walmart can keep the creation part in-house, and outside counsel is responsible only for editing and finalizing answers and discovery responses.

We reduce work that can take up to six to 10 hours, depending on the nature of the complaint, down to a matter of minutes—usually under two. We’ve done a number of studies with customers that reflect anywhere from 60 to 80 percent in time savings and upwards of 50 percent or more in cost savings.

How does the technology behind LegalMation’s platform work?

For the Complaint Analysis module, you upload a complaint. Then the system outputs an answer to the complaint and an initial set of discovery requests. While the set changes slightly from jurisdiction to jurisdiction, it is primarily made up of a draft set of interrogatories and a request for production.

We also offer our clients customization/optimization services that allow them to add documents that are part of their organization’s initial set of discovery documents, such as a notice of deposition. We use our client’s own examples to train the AI to output organization-specific documents.

On the Discovery Analysis side, when you receive a request for production, admissions, or interrogatories, you upload that document, and we provide a shell (template) for the response, as well as draft objections. Our output is the same quality as a senior paralegal/junior associate and is intended to be reviewed by the attorney who signs his or her name to the document.

We use a combination of machine learning and a supervised learning process to train the system. The AI is analyzing and understanding the document by extracting data from specific sections, (e.g., the caption, the allegations, etc.). Attorneys at LegalMation go through the output, mark it up, and re-run it through the system to help the AI understand certain things, such as in personal injury cases, medical records are an essential request, while in employment cases, you would ask for employment records.

What makes the platform different than other products on the market?

While there are many contract lifecycle products out there, there are virtually no products focusing on litigation. I’m not aware of any that automate the early stages of discovery, such as answering a complaint and responding to discovery requests. And e-discovery products come into play after the stage of discovery we’re addressing.

Sometimes we get asked how we compare with document automation products. With other products, you, the user, have to code templates, usually based on past examples, which may or may not be current or directly applicable to the cases they’ll be used for going forward. Plus, the templates are static, so they need to be updated manually by someone within the organization. Those products are basically sophisticated mail merge offerings.

Our system is very different in that it does all the work. You don’t have to tell it what part of a document represents the caption or what fields to fill in—the AI understands what it’s actually reading and makes decisions about what should be included or excluded, in terms of objections and defenses.

You don’t have to worry about someone going into a document management system and using an unrelated answer as a template or using a document that someone created five years ago that is now out of date because the law has changed, or because new objections or defenses are available.

Who uses LegalMation’s products?

The tool itself, more often than not, is being used by lawyers and paralegals in corporate legal departments and insurance companies or professionals in the knowledge management department of a law firm. In many instances, paralegals run a complaint or discovery request through LegalMation first, and then, depending on their seniority and experience, may make some edits to the output before it gets to an attorney. Ultimately, lawyers are the ones who are making the strategic decisions that need to be made—for example, should we leave this defense in or take it out?

Law librarians and knowledge management professionals who lead the information center at firms and corporations are often the ones who bring us in.
to present the product; they recognize it could be valuable to their attorneys. We really appreciate them, as they’re frequently advocates and evangelists for us within those organizations.

**How have your products helped customers deliver legal services more effectively?**

Law firms are understandably trying to generate revenue and keep ahead of the competition. Being able to say, “I can cut your cost in this particular area by at least 50 percent, and my competition can’t do that” is something they are uniquely positioned to do if they’re using our service.

It can actually help law firms with branding and establishing a reputation of being able to reduce the cost of high-volume repetitive tasks so they can focus on work that is of greater value to their clients. Corporations use our services to help reduce overhead—such as paying overtime for paralegals to do this work—and minimize outside counsel spend.

**Does LegalMation have any new solutions in development?**

We’re currently working on a service that will analyze internal firm data to provide very granular insights regarding where money and time are being spent on cases, which opposing counsel poses the greatest risk for specific types of claims, and which teams are best equipped to handle certain claims, among other things.

A law firm may know how many employment cases it has and approximately how much revenue they bring in, but it may not be able to tell you whether certain partners or attorneys are better at handling mental disability claims, as opposed to physical disability claims. This type of unprecedented insight into a firm’s litigation data has been called the holy grail of data analytics by every one of our clients and those who have seen a preview. Our analytics offering will fundamentally transform how cases are handled, assigned, settled, valued, and resolved.

**Do you plan to change any of your current products?**

We have a whole bunch of things in the pipeline. We’re currently working on developing case summaries. Basically, when you upload a complaint, you’ll be able to get an outline of the case—a summary of the parties, allegations, and timeline—before even reading the complaint.

With Discovery Analysis, because we don’t know what documents a firm or corporation may have to actually respond to a request for proposal, for example, we currently provide a shell (template) for the response, as well as suggested objections. Speaking to customers, we’ve learned that responses for certain types of requests are repetitive enough that there are patterns the tool could learn from. Using those types of examples, we’re working on being able to actually respond to discovery requests for certain types of cases—and we’re always looking to expand our jurisdictions and practice areas, as well.

The much larger transformational platform we will be releasing in the near future is our Matter Analysis Profiling Platform (MAPP). A user will upload a copy of a lawsuit and the system will automatically, and nearly instantly, generate sets of documents that are currently produced separately—and manually—by law firm and corporate legal staff, such as a case summary, litigation hold notice, conflict check, or data analytics. We will be reducing what currently takes up to 20-plus hours of work to two minutes or less.

**How do you think AI might factor into the future of legal work?**

One thing we hear often from attorneys is, “You’re trying to take my job away from me.” That is not how we see AI playing out in the legal industry. AI is going to help the industry focus on things only human beings can do—things that require strategic and higher-level thinking.

For example, only a human can say, “My client comes across really well in front of a jury, so I want to try the case.” A computer can’t see that. What it can do is [handle] repetitive work that is basically taking attorneys away from higher-value strategizing—and the work that makes them money—and allow them to focus their energy on what people go to law school to do: to try cases, take depositions, or participate in tough negotiations.

Across the board, lawyers don’t always trust technology, especially when it comes to it doing the work a lawyer does. They don’t necessarily trust a computer can do it as well or better. The evidence, however, is in the output. We simply ask the attorneys to look at what LegalMation produces. When they see that it’s not only right, but that it’s more inclusive, consistent, and accurate than what some of their own staff is producing, their reaction is “Wow, that took under two minutes and would have taken us six hours.” While there are some AI products out there that many people are comfortable with, we found that even those people who are very skeptical of AI at first become believers after we’re done showing our products to them.
Continuing the conversation from my previous columns on creating insightful CI reports, I strongly recommend that, where appropriate, you use graphics to quickly enhance the message of your competitive intelligence (CI) reports. By using a combination of charts, graphs, and tables to display key information in different parts of your report, you will clearly and succinctly convey the critical points you are trying to make and the story you are trying to tell.

**Obtaining Graphics from Legal Analytics Products**

Many of the legal analytics software products and platforms (e.g., Docket Navigator, Lex Machina, and Relecura) now provide useful graphics and statistics in the reports they generate. Use these in your CI reports, or build your own charts, graphs, and tables using Microsoft Excel.

On the next page, several examples of charts, graphs, and tables created using legal information vendors’ products are presented.
Charts, Graphs, and Tables Created Using Legal Analytics Software

Docket Navigator chart displaying successful Patent Trial and Appeal Board (PTAB) motions by year.

Lex Machina graphic displaying instituted and denied institution PTAB decisions.

Relecura chart showing top autonomous vehicle patent assignees by percentage.

Bloomberg table illustrating state data breach notification requirements.
Creating Practical Graphics for CI Reports Using Excel Spreadsheets

Creating graphics does not require a large budget. If you have access to Microsoft Excel, the steps to import data into a spreadsheet for graphical representation are straightforward.

Below (left) is a financial table issued by Kellogg Co., available from SEC.gov. The data can be downloaded from SEC.gov directly into a Microsoft Excel table. To download the data in Excel format, click on “View Excel Document” underneath the title of the financial table on the SEC.gov website. You will then be asked where you want to save the downloaded Excel file. Once you have downloaded and saved the Excel file, click in a table cell, then click on “Insert” from the ribbon tab near the top of the Excel worksheet. Then move to the “Recommended Charts” tab (see screen capture below, right). Several chart formats will appear for you to choose from. Once you select a chart, you can use Excel’s chart-editing tools to modify the table title, hide categories, and much more.

<table>
<thead>
<tr>
<th>Consolidated Statement of Income Statement - USD ($)</th>
<th>12 Months Ended</th>
</tr>
</thead>
<tbody>
<tr>
<td>Income Statement [Abstract]</td>
<td></td>
</tr>
<tr>
<td>Net sales</td>
<td>$13,525</td>
</tr>
<tr>
<td>Cost of goods sold</td>
<td>8,844</td>
</tr>
<tr>
<td>Selling, general and administrative expense</td>
<td>3,590</td>
</tr>
<tr>
<td>Operating profit</td>
<td>1,091</td>
</tr>
<tr>
<td>Interest expense</td>
<td>227</td>
</tr>
<tr>
<td>Other income (expense), net</td>
<td>(91)</td>
</tr>
<tr>
<td>Income before income taxes</td>
<td>773</td>
</tr>
<tr>
<td>Income taxes</td>
<td>159</td>
</tr>
<tr>
<td>Earnings (loss) from unconsolidated entities</td>
<td>0</td>
</tr>
<tr>
<td>Net income</td>
<td>614</td>
</tr>
<tr>
<td>Net income (loss) attributable to noncontrolling interests</td>
<td>0</td>
</tr>
<tr>
<td>Net income attributable to Kellogg Company</td>
<td>$614</td>
</tr>
<tr>
<td>Basic</td>
<td>$1.74</td>
</tr>
<tr>
<td>Diluted</td>
<td>1.72</td>
</tr>
<tr>
<td>Dividends per share</td>
<td>$1.98</td>
</tr>
</tbody>
</table>


In Excel, click on the “Recommended Charts” tab, and you will see several examples of charts that can be created using the information in your spreadsheet.
Displaying the Same Data in a Table or Graph

Example: Childhood Obesity

| Table H10a. Percentage of children who were obese, by age group, 1976-2016 |
|---------------------------------|--------------|------------|----------|----------|----------|----------|----------|----------|----------|----------|
| 2-5 years  | 4.7        | 6.1        | 7.1       | 10.1      | 11.1      | 13.0      | 15.0      | 16.1      | 17.0      | 18.0      |
| 6-10 years | 6.1        | 8.0        | 10.1      | 13.0      | 14.1      | 15.1      | 16.0      | 16.0      | 17.0      | 18.0      |
| 11-15 years| 5.5        | 5.1        | 9.1       | 13.2      | 15.0      | 16.0      | 17.0      | 17.0      | 18.0      | 19.0      |
| ≥18 years  | 3.0        | 4.0        | 5.0       | 6.0       | 6.1       | 6.0       | 6.0       | 6.0       | 6.0       | 6.0       |

Table and chart illustrating percentage of children who are obese by age group.

Common Sources of Data for Use in Excel Graphics and Charts

Many open resources include credible and authoritative data. Examples are epa.gov, SEC.gov, data.gov, cdc.gov, and worldbank.org.

Below is a graphic issued by the World Bank displaying CO2 emissions. Notice that it is interactive from the website, with a downloadable spreadsheet that allows for customized graphics.

Interactive World Bank chart displaying CO2 emissions.

Your Turn

Practical and useful graphics help you illustrate the story and reinforce what is important. Pie charts and bar graphs convey the message faster than paragraphs. There are many open source resources for building graphs. Microsoft Excel is a fairly easy and free way to create graphs. So, what are you waiting for?

READ


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

© 2020 BY KEVIN MILES

Research • Analytics
Information Management
Surviving an Open Office Environment

BY DOLLY M. KNIGHT, MARIBEL NASH & SCOTT VANDERLIN

Our office will be undertaking a huge renovation project this summer, and, as collateral damage, some of my colleagues and I will be displaced from offices to more open workspaces. I am not excited about this. How can I prepare (both physically and, maybe more importantly, mentally) for this move?

Maribel: Every time I hear about an upcoming new renovation in our office, I dread the thought of having to move to a cubicle or open workspace. It may help to look a bit on the bright side, if only to keep from becoming a complete grump by the time you move to your new desk. Reframe potential annoyances as potential benefits. Increased personal interaction may mean that you get the office gossip faster, or can more easily find someone to go to lunch with. Being in an open space and hearing and seeing what others are working on may spark opportunities for creativity and collaboration. Since it seems like you have some time before the move, you can take this time to tidy up your work stuff, Marie Kondo-style, so that your uncluttered new cubicle sparks some joy. At the very least, not having to move a bunch of unnecessary junk to your open space should be nice. I say all this never having worked in an open space myself, and Scott and Dolly may not be as Pollyannaish as I am.

Assuming you are not convinced that this is a good thing, and assuming that you have no control over whether you move to an open space, there are a few things that you can do to prepare for this change. First, treat yourself to a nice pair of headphones. Being able to block out unwanted extra noise can be enormously helpful. Keep hand sanitizer at your desk. Studies show that people who share offices or
work in open-plan spaces do tend to take significantly more sick days than people who work alone in an office. In addition to decluttering your office, find out ahead of time how and where you can have meetings and confidential calls. Think of ways to configure your new space to give yourself some semblance of privacy.

I mainly encourage you to be patient and open-minded. Your new space will definitely require you to make some adjustments, but I hope that you are able to figure out how to make it work for you quickly. Good luck!

Dolly: Open-plan offices have been scientifically proven to be the worst, so no wonder you feel great dread. Administrators love open-plan offices. At a former employer of mine, where productivity already suffered due to an exceptionally cramped open-plan office, administrators were contemplating moving to “hot desking”—a model where either multiple people are assigned one desk on a staggered basis, or open desks that are not permanently assigned. Open-plan offices are blamed for everything from more frequent illnesses to (ironically) lack of face-to-face communication, but they save money and space while allowing administrators to feel as though they are “disrupting” those old boring paradigms, which is why they are still being widely implemented.

So, you’re justified in not looking forward to this transition, even though you probably have no say in it. Maribel offers solid advice in saying this does give you the opportunity to de-clutter your workspace. Additionally, give some real thought to what you will need from your new workspace. Are you frequently on phone calls or webinars? Check in with your leadership about reservable meeting rooms and other areas where you can work undisturbed.

Open offices started as a way to increase collaboration, so consider the ways in which this might actually work for you and your team. Stand-up meetings and planned huddles can give structure to this collaboration; you can build toward an easy access to the flow of ideas. If you are extremely siloed, consider the ways you might still be able to work with other staff to create awareness of each other's projects.

As someone wiser than me once said, “Always look on the bright side of life.” As you transition to your new open-plan office, you’ll discover what works for you and what doesn’t. And you won’t be alone in disliking the new format. Colleagues can often find innovative solutions for office design flaws, so as things settle down, look to each other for the best solutions to make a livable workplace.

Scott: I think it’s fair to say that Maribel and Dolly have effectively laid out the case that open-office plans have a fair number of drawbacks. The evidence, both anecdotal and empirical, is pretty damning for the open offices. We all react differently to stimuli in our working environment. Many people who work from home (a very “closed” office environment) actively need to go to a coffee shop (the most open of “office” plans) or other public place to be productive. In a perfect world, we would all be able to choose our own ideal working arrangements, but since that’s usually not an option, try to embrace the opportunities that an open office can provide. Refuse to be the sickly, unhappy, unproductive librarian that science and circumstance have doomed you to be.

One of the most obvious drawbacks of an open-office plan is the noise generated by colleagues. I would suggest that if one of your co-workers is engaged in an especially loud phone call or conversation, instead of getting frustrated, look at it as an opportunity to get up from your desk and walk around for a bit. Get some fresh air, get a drink of water, walk up and down a flight of stairs. You keep telling yourself that you’re going to make more of an effort to move around during the day, right? Think of your co-workers as built-in pomodoro timers, and mentally thank them for reminding you to get some much-needed exercise.

Since you obviously can’t spend all of your time away from your desk, I agree with Maribel that it might be time to invest in a good pair of noise-cancelling headphones. Don’t be afraid to test the waters of a periodic remote working arrangement, whether that means working from home or working from another location in your building when necessary. You may find that your supervisor is more open to discussing alternative work arrangements given your new office layout.

To the extent that it’s possible, focus on the good aspects of your office layout. In the end, that’s all we can do with most situations out of our control. You might just find yourself pleasantly surprised by the shakeup to your current routines. Good luck! ■

---

Professionalism + Leadership at Every Level

DOLLY M. KNIGHT
REGIONAL LIBRARIAN
Ventura Country Library
Ventura, CA
dollymknight@gmail.com

MARIBEL NASH
SENIOR RESEARCH SERVICES ANALYST
Cooley LLP
San Francisco, CA
mnash@cooley.com

SCOTT VANDERLIN
STUDENT SERVICES LIBRARIAN
University of Chicago D’Angelo Law Library
Chicago, IL
svanderlin@uchicago.edu

---

© 2020 BY SCOTT VANDERLIN
© 2020 BY MARIBEL NASH
© 2020 BY DOLLY M. KNIGHT
COVID-19
UPDATES & RESOURCES

As the world responds to the unprecedented and quickly evolving COVID-19 crisis, we are all challenged to adapt to the disruptions occurring within our organizations, our communities, and our personal lives. Please know that you are not alone—your AALL community is always just a click away. We are stronger together, and we will see each other through this.

Coronavirus Preparedness & Response Resources

- “7 Science-Based Strategies to Cope With Coronavirus Anxiety,” The Conversation. Suggestions from psychologist and professor Dr. Jelena Kecmanovic. Article is from March 10, 2020 [bit.ly/MJ20Conversation].
- Greg Lambert’s In Seclusion podcast series speaks with a wide range of legal professionals who share their stories on the new remote work model. [bit.ly/MJ20Inseclusion].
- Visit the CDC website for the latest information and recommendations on the coronavirus and seasonal flu. [bit.ly/MJ20CDC].

Find specific updates on AALL’s in-person events relating to COVID-19, as well as resources for the legal information community at bit.ly/AALLCOVID19.
Join over 110 law schools that provide their students with easy access to trusted study materials for all their courses with a school-wide subscription.

Offer your students a comprehensive digital collection of study aids – including audio, video and Exam Pro® Practice Questions – to help them succeed in law school.

With a school-wide subscription to the West Academic Study Aids Collection, students will have 24/7 digital access to expertly authored content from a dozen different series and with the West Academic Library App they can study anywhere.

Learn more at store.westacademic.com/schoolsub.
Your Digital Library Experience Gets Personal

A new app for simpler access to read offline.
A new workspace home page.
An enhanced reading experience.

LexisNexis® Digital Library offers convenient access to the largest collection of legal eBooks, with the ability to link to the Lexis Advance® service.*

Tap into a new eBook reading experience. Now your digital library is available with or without an internet connection. Download, then tap the app on your phone or tablet for an easy reading-on-the-go option. (Available for iOS and Android™)

Find what you need—in one place. Your home page populates based on recently read eBooks, annotations and personal tags, so you can easily return to your recent session.

Don't skip a beat. An enhanced interface lets you research and work efficiently to highlight, annotate and organize your notes. Work inside the eBook or in your personal workspace.

FIND OUT MORE TODAY!
GO TO lexisnexis.com/DLenhancements to have a LexisNexis® sales representative contact you.
Current Digital Library users, contact your LexisNexis digital media consultant for details.

*Lexis Advance linking may not be available in all titles. Access to the Lexis Advance service requires an active Lexis Advance subscription.

LexisNexis, Lexis Advance and the Knowledge Burst logo are registered trademarks of RELX Inc. Other products or services may be trademarks or registered trademarks of their respective companies. © 2020 LexisNexis. OFF04529-0 0120